



Aberdeenshire Local Development Plan 2021
Consultation on Proposed Local Development Plan 2020
Comments from BENNACHIE COMMUNITY COUNCIL

Comments submitted on behalf of Bennachie Community Council (BCC) by:

██████████ (Planning Spokesperson)

Approved by:

██████████ (Chair)

1. INTRODUCTION AND GENERAL COMMENTS

1.1 Length of representation

Bennachie Community Council (BCC) is aware of the suggested limit of 2,000 words for Proposed LDP 2020 representations. While this representation substantially exceeds 2,000 words, there are valid reasons for this:

- a) Part 2 of the representation deals with a substantial amount of information that was not known at the time the BCC MIR submission was submitted.
- b) Part 3 involves highly technical issues that require some explanation for the benefit of readers not familiar with the subject matter.

In any event BCC queried the word limit and was granted dispensation to exceed it.

1.2 Settlement statements and maps

1.2.1 General

Unless otherwise stated elsewhere in this representation (in particular see Section 2) BCC welcomes and supports the settlement statements and maps for settlements lying within the area it represents.

1.2.2 Access and safe travel routes

A recurring theme in comments made to Community Councillors by members of the public is the absence of safe cycling and walking routes between BCC area settlements. Development in the BCC area and in Aberdeenshire in general over the past few decades has resulted in a significant increase in road traffic. Much of this travels on roads that came into being long before commuter traffic existed, and people tended to work in or close to the communities in which they lived, often in jobs directly or indirectly linked to agriculture.

The result has been a massive increase in road traffic, much of it frequenting roads more suited to fewer, slower vehicles, which greatly increases the risks to pedestrians and cyclists using the local road network.

Much has been achieved by the Council's outdoor access staff and strategy, e.g. the path improvements in and around Inch several years ago and creation of the Core Path Network, including waymarking, production of route maps, etc. However, welcome though this is, the main focus of the Outdoor Access Strategy appears to be the provision of access from settlements into the surrounding countryside for purposes of health and recreation, rather than developing routes for travel from A to B by safe, off-road routes.

BCC therefore requests that the need for a network of safe cycling and walking routes linking together communities in the BCC area should be added to Proposed LDP 2020 as an aspirational or vision statement.

2. BCC REQUESTS THE REMOVAL OF ALLOCATED SITE OP1, INSCH (west of Rothney Court, off Commercial Road)

2.0 SITE HISTORY

- a) Allocated (designation H1) for 48 houses in LDP2012.
- b) Planning application APP/2014/3675 for 56 dwellings. Validated 03-NOV-2014. Withdrawn 16-FEB-2015.
- c) APP/2015/0634 for 48 dwellings (25% affordable - 8 flats, 4 houses). Validated 19-MARCH-2015. Approved 24-MARCH-2016.
- d) Allocated (designation OP1) in LDP 2017.
- e) APP/2017/0007 (validated 10-FEB-2017) reduction in affordable housing obligation associated with APP/2015/0634 from 8 flats and 4 houses down to 3 houses only, compensated for by making the entire flatted development off Martin Road (same developer) affordable. Approved 07-APRIL-2017.
- f) APP/2018/0336 (validated 16-FEB-2018, withdrawn 28-AUG-2018) sought to relocate the remaining three affordable units to site OP2 on South Road.
- g) ENQ/2019/0854 (29-MAY-2019) - POAN. Whereas Drumrossie Land Development Company (DLDC) was named as site owner in the above planning applications, the POAN was submitted *"on behalf of Scotia Homes"*, who were apparently seeking major modification of the permission granted to DLDC under permission APP/2015/0634.
- h) The POAN was also sent to BCC, who contacted the agent to arrange a meeting. On 16-JULY-2019, the agent contacted BCC, saying *"Unfortunately we are unable to meet on that date and time. I have also been informed by our client that they wish to postpone the public consultation event for various technical and logistical reasons"*.
- i) Members of BCC attended a public drop-in event on the Insch Flood Study on 07-OCT-2019, and were informed by Lee Watson (Principal Engineer, Flood Risk & Coast Protection, Aberdeenshire Council) that:
 - i. Site OP1 is at greater risk of flooding than had been realised when planning permission was granted, and
 - ii. Scotia Homes had asked if it would be possible to raise the proposed dwellings on OP1 above the predicted flood level by constructing them on platforms. Scotia had been advised this was not feasible due to the risk of exacerbating flooding elsewhere in the catchment.
- j) The SEPA MIR response (representation 805) highlighted:
 - i. the original applicant's Flood Risk Analysis (FRA) had underestimated the risk
 - ii. the site is at *"much greater flood risk than was concluded"* by the FRA
 - iii. flood risk on the site is fluvial floodplain in nature, for which mitigation *"would not be an acceptable approach in principle and it could increase risk to nearby areas"*.

- iv. SEPA concluded: *“We will object to the allocation of this site in the proposed plan unless the Plan highlights that if the extant permission lapses it is unlikely any further development could be supported on this site due to new flood risk information being provided by the Council Flood Study for Insch.”*
- k) On flood risk, the Proposed LDP states: *“Insch lies within an area potentially vulnerable to flood risk as identified by the National Flood Risk Assessment. Flood Risk Assessments may be required.”* and *“SEPA has indicated that site OP1 is at significant risk of flooding from the Shevock.”*
- l) The Site is allocated in the Proposed LDP, with the following comments: *“Allocation 48 homes. This was previously allocated as OP1 in the LDP 2017. Full Planning Permission for 48 homes was approved in March 2016. Construction is programmed to start in 2020 with 28 homes remaining in 2022.”*

NOTE: To date the POAN has not been progressed, presumably due to the findings of the flood study. Information on the construction schedule is clearly out of date since it describes the situation as it was prior to the change of site ownership and flood study.

2.1 ROAD CONSTRUCTION CONSENT

Figure 1 shows part of the approved road layout, which has road construction consent. Note the build-outs and subsequent 1.9 metre (26%) reduction in the width of Commercial Road from 7.4m to 5.5m.

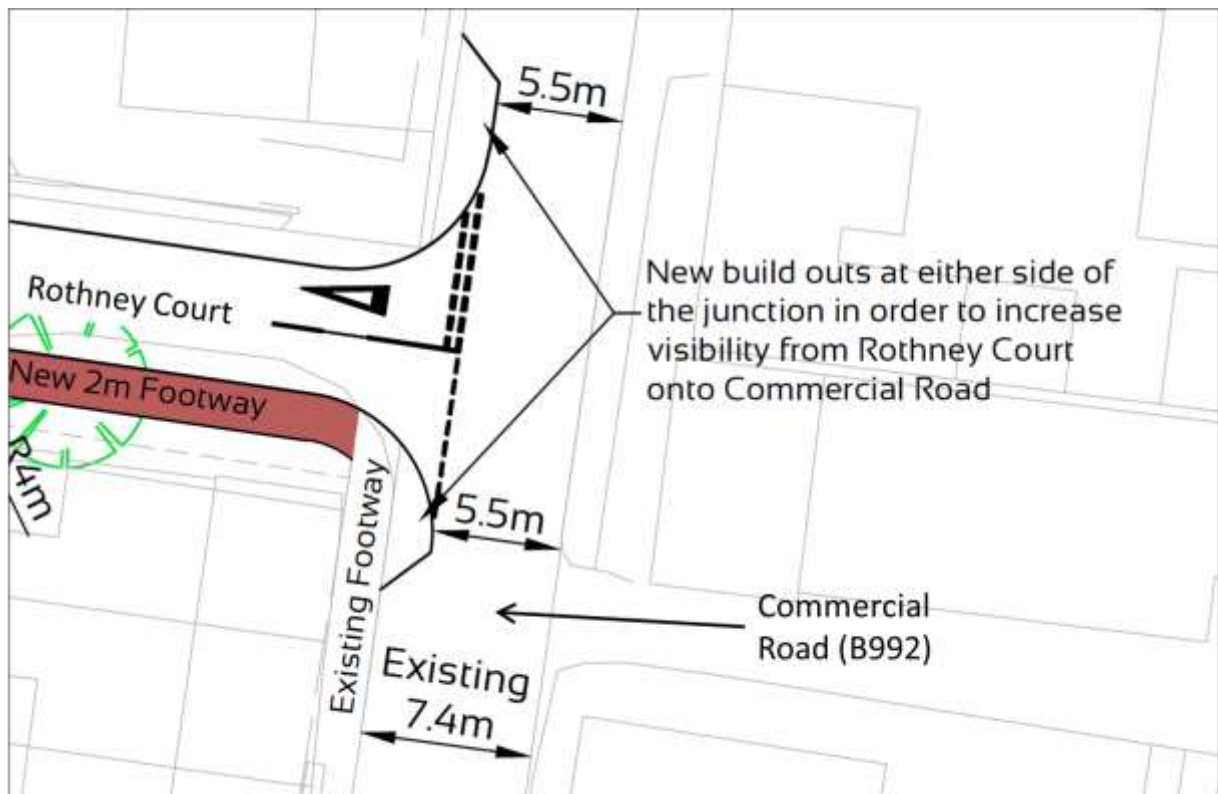


Figure 1 – Consented changes to road layout on Commercial Road Insch (B992) as required by planning application APP/2015/0634

2.2 THROUGH TRAFFIC ON COMMERCIAL ROAD

The map in Figure 2 shows an area measuring 30 km x 40 km, roughly centred on Insch, on which all classified roads are shown. Note how the main north-south route through the area is the B992, which runs from its junction with the A947 (mid-way between Fyvie and Turriff) to Whitehouse on the A944 (close to Alford) via Commercial Road Insch. Anyone travelling N-S or S-N through this area on personal or commercial business would be directed onto this road by SatNav rather than onto any of the many unclassified roads in the area.

This means that Commercial Road carries high volumes of N-S through traffic, much of it large, commercial delivery vehicles. Moreover, in such a rural area much traffic is generated by the movement and/or delivery of agricultural equipment, livestock, fertiliser, etc., and local movements of large vehicles connected with day-to-day farming and forestry activities, all of which is essential to the local economy.



Figure 2 – Classified roads in the area around Insch. Note how the B992 is the main north-south through route in the area.

2.3 EXISTING TRAFFIC PROBLEMS: B992 - B9002 JUNCTION AND LEVEL CROSSING

The road layout in the vicinity of development site OP1, the B992-B9002 junction and the level crossing is shown schematically in Figure 3. When the level crossing barriers are closed and there is a southbound vehicle on the B992 at Junction A, wishing to turn right (westwards) onto the B9002, a long queue of traffic can rapidly build up on Commercial Road (Figure 4). Such queues regularly stretch back along Commercial Road beyond the junction with Rothney Court (where the build outs are due to be constructed) and often reach Bridge of Rothney. They may take a considerable time to dissipate when the barriers are opened.

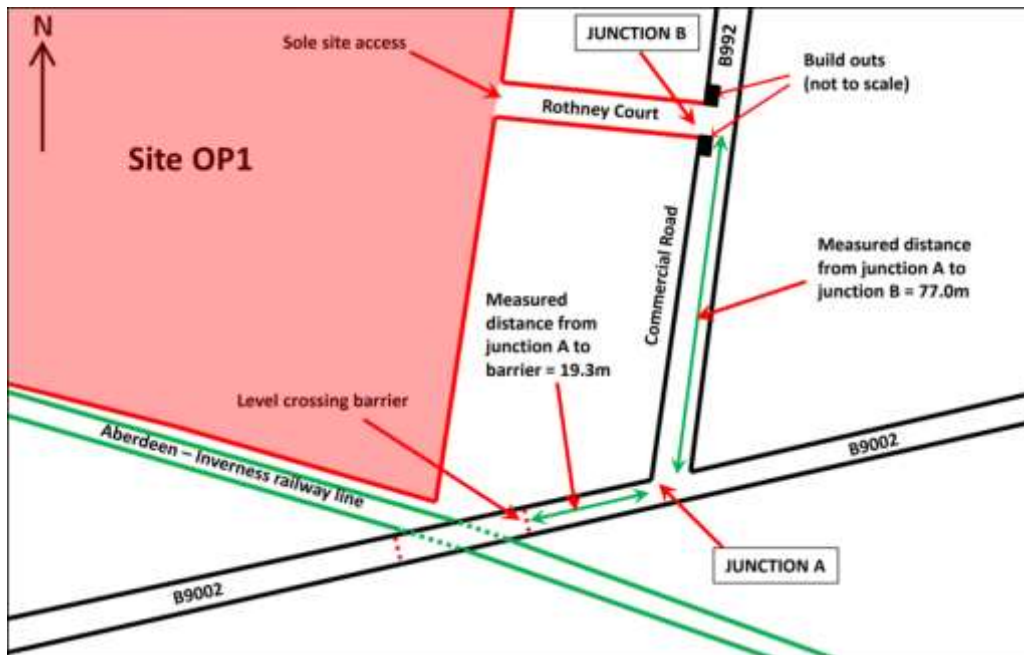


Figure 3 – Schematic representation of the road layout in the area around the level crossing and the junctions of the B992 with Rothney Court and the B9002. Note the distances between key elements and the position of the build-outs.



Figure 4 – View looking south towards the railway station along Commercial Road, showing a queue of traffic caused by the circumstances described in Section 2.3. The barriers had been lifted shortly before this image was taken. Tailbacks of this length and longer are a common occurrence at this location. The small blue car travelling towards the camera is just passing the entrance to Rothney Court/Site OP1, where the build-outs would be located. It is not difficult to imagine the impact on traffic flow if the build-outs were in place and the blue car was an HGV or combined harvester. The traffic survey submitted in support of APP/2015/0634 was no more accurate than the FRA, since it stated a maximum queue length of 6 vehicles on Commercial Road which “was observed to quickly dissipate” when the crossing re-opened. This is totally at odds with local observation and experience.

Given the above information and the fact that Commercial Road is on a bus route, it appears that the following scenario would be not only possible but highly likely, with serious implications for safety at the level crossing and emergency vehicle movements:

- i. The level crossing barriers are closed for several minutes (as happens when northbound and southbound trains ‘cross’ in Inch) at peak traffic times, causing tailbacks on Commercial Road and in both directions on the B9002.
- ii. The barriers are lifted, permitting traffic movement on the B9002, but with traffic still tailed back on Commercial Road while a vehicle at the junction awaits an opportunity to turn right (west) on the B9002.
- iii. A large vehicle travelling east on the B9002 and turning into Commercial Road is unable to proceed into Inch due to a combination of build outs and the queue of vehicles waiting on the southbound side of the road, resulting in a tailback onto the level crossing and gridlocked traffic around the junction.

2.4 REMOVAL OF SITE OP1 FROM PROPOSED LDP 2020

Clearly build-outs would contribute significantly to the problems outlined above and their implications for rail safety, road safety, risk to pedestrians, traffic disruption, and the movement of emergency vehicles. Given that build-outs are an essential pre-requisite to development of Proposed LDP Site OP1, it follows that the only way to avoid the need for build-outs is to remove OP1 from the plan.

Given that OP1 is an effective site in the Housing Land Audit, its removal could only be justified by a material change in circumstances from those pertaining at the time planning permission was granted under APP/2015/0634. BCC believes there are two such changes, either of which alone would provide justification, as follows:

- 2.4.1 The discovery in 2019, during the Aberdeenshire Council Inch Flood Risk Study, that the FRA submitted in support of APP/2015/0634 had significantly underestimated the flood risk on the site. Whereas the FRA had indicated the risk to be mainly pluvial and minor, the Council study had been a “...*more comprehensive study than the application FRA*” (from the SEPA MIR representation), which led SEPA to state “*this site is at much greater flood risk than was concluded from the site specific FRA done to support the current planning consent*”. Unless flood defences are constructed, development of site OP1, even with mitigation, would not remove the risk of flooding. Residents of a flooded site OP1 would be put at even greater risk by the inability of rescue vehicles to access the site because of traffic disruption caused directly by the proposed build-outs on Commercial Road.

2.4.2 The severity of traffic disruption caused by the scenario outlined in section 2.3 would clearly be dependent on the volume of through traffic attempting to pass through the area. It was announced by Transport Scotland in May 2019 that the number of possible route options for a dualled A96 in the Inch-Old Rayne area had been reduced to two, the Brown and Blue routes. In August 2019 Transport Scotland published a series of reports on the engineering appraisals, environmental impact assessments and other information that had been used in the route selection or 'sifting' process.

One of the scheme objectives had been SO4 - 'To facilitate active travel in the corridor', the metric for which required modelling of the daily traffic flow through Inch that would have resulted from adoption of each of the various route options. The reports show that both remaining route options would cause an increase of several hundred vehicles per day travelling through Inch, which could not fail to exacerbate the congestion and increased risk of harm to rail and road users, pedestrians and the residents of any development on site OP1.

2.5 COMMUNITY IMPACT

Community impact – BCC is strongly of the opinion that, in view of information that has come to light since planning permission was granted (as outlined above) development on site OP1 without associated flood defences would have a serious and adverse impact on the local community. This could potentially take two forms:

1.5.1 SEPA has been quite clear about the severity of the flood risk to the site, and believes the flooding would be "*fluvial floodplain*" in nature. They have stated that mitigation would cause flooding elsewhere in the catchment. This potentially means elsewhere in Inch, potentially impacting the Aberdeen-Inverness railway line, or elsewhere in the BCC area. The costs of such flooding would ultimately be borne by the individuals affected. BCC therefore believes that Aberdeenshire Council has a moral obligation to remove site OP1 from Proposed LDP 2020.

1.5.2 On 25-Nov-2017 a Place Standard exercise was hosted in Inch by BCC and attended by Aberdeenshire Council, members of the public and representatives of various organisations associated with Inch (e.g. Inch Medical Practice, Friends of Inch Hospital, Inch Golf Club, Inch Scouts, Inch Parish Church, etc.). The aim was for attendees to discuss and grade various aspects of Inch life from 1 (the worst it could possibly be) to 7 (the best). Traffic and parking received the lowest (worst) score of the day - 2. This was not surprising given the problems with traffic and parking in Inch, which have increased so much in recent years that they have become a blight on some parts of the village, notably Commercial Road, Commerce Street and Drumrossie Street, all of which lie on the B992; and the level crossing on North Road. These problems are worse now than when the Place Standard exercise was carried

out, with incidents at the B9002-B992 junction and level crossing being among the worst and most frequently reported areas. These problems could only be exacerbated by the combined impact of build-outs and additional A96 traffic that would result from development of Site OP1.

2.6 ADDITIONAL INFORMATION

- 2.6.1 BCC has been informed by planners that an 'Existing Site Audit' was undertaken by Planning Officers in 2018. This took the form of a review of existing sites *"...to determine whether they should be retained or removed from the LDP. The Audit identified those sites that have been completed since 2017; those expected to be completed prior to adoption of the next LDP; those that are effective in the Housing Land Audit; and those that are identified as being constrained in the Housing Land Audit. This exercise led to several sites being earmarked for removal from the next LDP in the Main Issues Report area appendices."*

Clearly this audit took place before the information outlined under 2.4.1 and 2.4.2 came to light. BCC believes that, had the information been available at the time of the audit, site OP1 would have been removed from the LDP on grounds of being severely constrained. Given what is now known it should immediately be removed.

- 2.6.2 BCC is aware that flood prevention works identified as being required by the Insch Flood Study were submitted to the Scottish Government early in 2020 to be considered under the national prioritisation programme for government funding. BCC enquired about the likely timescale for commencement of works if funding were to be awarded and was told *"...Flood Protection Scheme promotions realistically take around 8-10 years from funding approval."* (17-OCT-2019. Email from [REDACTED], Consultant Civil Engineer, Aberdeenshire Council). The latest information (telephone call with [REDACTED], Service Manager, Aberdeenshire Council, 06-AUG-2020) is that an announcement on the projects selected for funding is not expected until *"into next year"*.

3. BCC REQUESTS CHANGES TO POLICY PR1 (Prime Agricultural Land)

3.1 Land Capability Classification for Agriculture (commonly LCA)

3.1.1 Classification

The LCA classification comprises seven classes, some of which are subdivided into two or three divisions (Class 3.1 actually means Class 3, Division 1). Simplified descriptions are given in Table 1.

Table 1 – Land Capability Classification for Agriculture (Bibby et al, 1991)

Agricultural use	LCA Class	Crop types and limitations
Prime agricultural land	1, 2 and 3.1	Land capable of producing consistently high yields of a very wide range of arable crops
Land capable of supporting mixed agriculture	3.2, 4.1 and 4.2	The range of crops is narrower, including cereals (mainly barley) forage crops and grass, the latter being dominant in the rotation in Class 4.2 land
Land capable of supporting improved grassland	5.1, 5.2 and 5.3	The range of limitations includes climate, slope and soil wetness, but not so severe as to prohibit improvement of the sward by mechanical means
Land capable of supporting only rough grazing	6.1, 6.2, 6.3 and 7	Land with the severest limitations imposed by climate, slope, shallow and/or acid soil profile, often in combination

3.1.2 BCC area PAL

All land graded as PAL in the BCC area is Class 3.1.

3.2 SOIL CHARACTERISTICS

3.2.1 Composition and structure

What has been termed the 'ideal soil' in terms of its suitability as a growing medium has the composition shown in Figure 5A.

Compaction is one of the worst types of soil damage in terms of its impact on crop yields, and is commonly caused by the passage over the soil surface of tractors and other agricultural machinery (Batey, 2009) (Figure 5B).

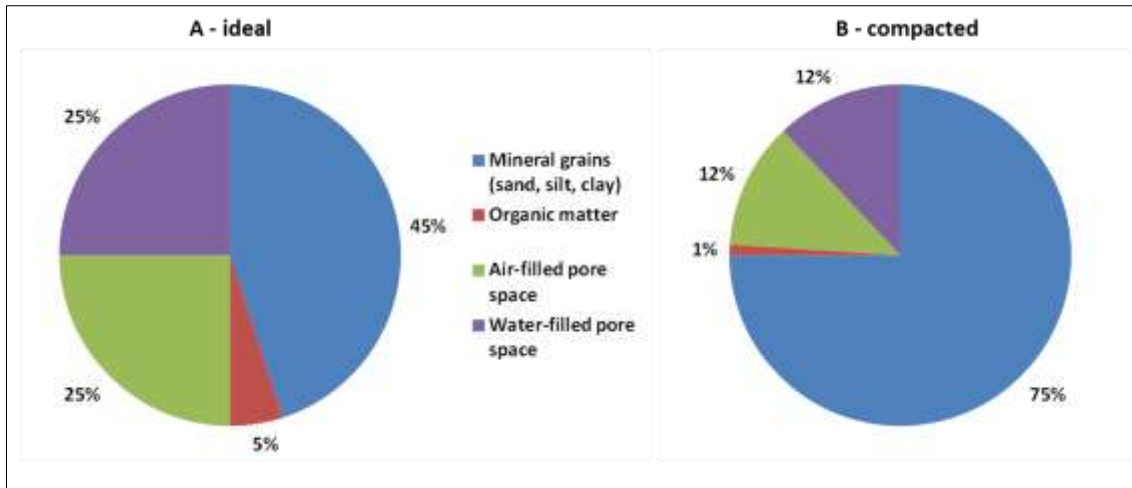


Figure 5 – Typical composition of 'ideal' and heavily compacted soil. (from Paterson & Mader, 1982)

Most of the damage is done by the first few passes of the equipment and the extent of compaction is much greater on moist soil than dry. Diagram 5B shows how the process of compaction may be thought of as destruction of soil pore space by the application of mechanical force. Given that the proportion of mineral grains per unit volume increases, it follows that soil bulk density rises as the degree of compaction increases. Increasing compaction makes it increasingly difficult for plant roots to penetrate the soil, which also becomes increasingly impermeable to air and water, often in discreet horizons.

Farmers adopt various working methods to minimise compaction, and treatments such as subsoiling to loosen compacted soil, but no working method will completely prevent compaction from happening, nor will any alleviation method truly return the soil to its pristine state (Singh et al, 2015). The most compacted areas of arable fields are the headlands (Batey, 2009; Emmet-Booth et al, 2019) because these are the areas where equipment turns, manoeuvres and is sometimes parked during agricultural operations. Headlands were formerly in the order of 5 metres wide but have widened to 8 – 10 metres over the past few decades as the size of tractors and other equipment has increased.

The key impact of compaction is reduction in crop yields caused primarily by the increase in soil bulk density and formation of impermeable horizons in the soil profile, which inhibit the growth of crop roots (Antille et al, 2019).

3.3 PAL IN SCOTTISH PLANNING POLICY (SPP2014)

3.3.1 LDP 2017 – Policy PR1 Protecting important resources

“Development on prime agricultural land, or land of lesser quality that is locally important should not be permitted except where it is essential:

- *as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or*
- *for small-scale development directly linked to a rural business; or*

- *for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.”*

3.4 PROBLEMS WITH POLICY INTERPRETATION AND APPLICATION

Though protected by SPP and LDP policies, there has been an increasing trend in recent years of applicants for planning permission seeking to downgrade LCA class based on the evidence supplied in a few (typically five) test pits dug and interpreted by a soil specialist.

3.4.1 House plots in PAL fields

Headlands are turning areas also used for parking and/or temporary storage, which lie along two opposite edges of arable fields at right angles to the direction of ploughing, tramlines, etc. A proposed building plot located in a corner of a square or rectangular field will, therefore, always contain some of the headland. The situation depicted in Figure 6 is commonly seen when development plots are proposed for a field mapped as PAL. LDP2017 defines a “single large house plot” as being 350m² (Glossary, under ‘small-scale’). If square, the plot would measure approx. 19m x 19m. For a ten metre headland width, this means that more than half of the plot would be on the original field headland.

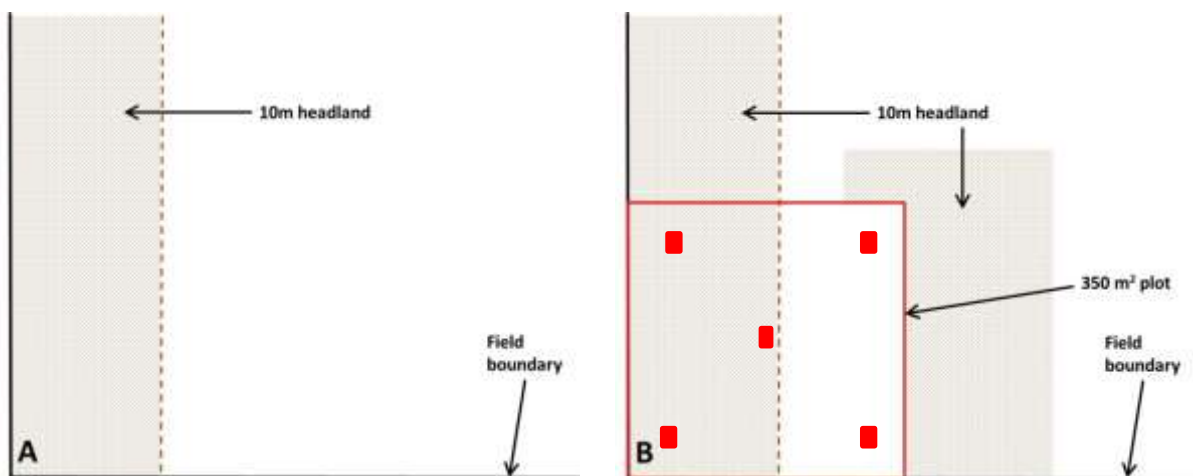


Figure 6 – Impact of adding a building plot to a field located on prime agricultural land (test pits in red)

Figure 6A shows the original field with its 10m headland. Note also that it has one internal corner. Figure 6B show the impact of granting permission for the building plot, i.e.:

- the headland is moved to a new location (as shown by shading) further into the field
- there are now three corners, two internal and one external, which makes the field more awkward to work, and would require additional manoeuvring thereby creating additional soil compaction in the area of the external corner

The test pit distribution shown in Figure 6B is typical.

3.4.2 Headland test pits

The procedure for field testing of LCA class must be performed in accordance with methods laid out in Bibby et al, 1991. This monograph is the definitive document that defines the LCA classes and divisions, and only the procedures contained therein may be used to determine LCA class - no alternatives are acceptable.

Various characteristics of the soil (referred to as 'limitations') need to be assessed in order to assign an LCA grade to soil exposed in the test pit. These include trafficability and droughtiness, both of which are affected by the presence of impermeable horizons within the soil profile. These are precisely the types of features formed by compaction and are invariably present on field headlands. Therefore, assessment of soil profiles from pits dug on headlands will not be representative of the field as a whole.

3.4.3 Case history

The scenario outlined above is very similar to BCC's experience with actual planning applications. In one recent application in a field mapped as PAL, the pit layout was very similar to that depicted in Figure 6B, the main difference being that the headland was wider due to the presence of the field access gate. Not surprisingly the headland area of the field was found to be Class 3.2 and observations from pits in non-headland areas of the proposed plot indicated Class 3.1. The soil survey report concluded:

*"The land in the site would require to be managed according to the majority Land Capability Class for Agriculture on the site which is 3.2 and is therefore **not Prime Land** which only includes Classes 1, 2 and 3.1."*

Such conclusions and the consequent granting of permission are common, but the approach is seriously flawed because it results not in protection of PAL, as was intended by policy, but in its destruction.

3.4.4 Flaws in the current approach

- i. By fencing off the plot in a field mapped as PAL a new headland is created further into the field on land that would almost certainly be graded as PAL. Within a relative short time period the new headland will have been degraded by compaction, will produce reduced crop yields and will no longer qualify as PAL.
- ii. It is utter nonsense to talk of a single building plot as requiring to be managed according to its LCA class. A plot of this size would obviously not be viable as a stand-alone field.

- iii. Further to point 'ii', and to continue with the example in Figure 6, the building plot is a completely artificial construct which takes out of production an area of PAL identical in size to the plot area (see Figure 7).

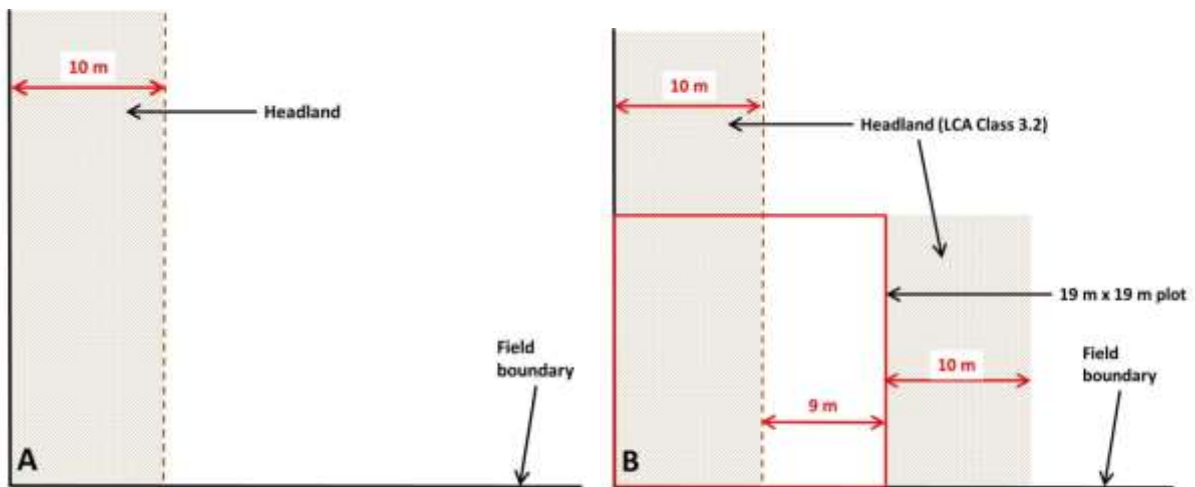


Figure 7 – Prime land taken out of production by 19 m square building plot

- Figure 7A shows the original LCA Class 3.1 field with its 10m, compacted headland.
- On the basis of a soil survey (see test pit locations in Figure 6) the area of the proposed plot has been found to be mostly LCA Class 3.2, i.e. non-prime.
- The area of prime land taken out of production is the sum of the strip of LCA Class 3.1 land within the plot (9m x 19m), and the displaced 10m wide headland located on land that was formerly Class 3.1 but will be degraded by compaction (10m x 19m). Hence the area of PAL lost is identical to the size of the building plot.

3.5 PATTERN (Bibby et al 1991)

3.5.1 Definitions

Pattern is the name given to “short range variation” in one or more of the limitation types governing LCA class, especially where these result in pockets of lower class land in an area of higher LCA class, also referred to as “impurities”. As Bibby states on page 9 of the monograph *“Obvious examples are in stoniness or soil texture, affecting both crop growth or **management...**”*. The key word is in bold font.

Chapter 3, ‘The Guidelines’ contains the following statements on Pattern (pages 48 and 49):

“Levels of variation which would be critical in Class 1 due to their effect on management or yield could easily be acceptable in Class 5. If an impurity of 15% occurs as one patch it affects management less than if it is distributed as small areas throughout the unit.”

“The guideline to be adopted is that variation within the class should not substantially interfere with the levels of either crop growth or management normally expected in that unit. Table 18 provides a general guide to acceptable levels of impurity.”

Table 18 Pattern and LCA class	
Per cent of area with land of lower quality than the class	Class
<2	1
<5	2
<10	3
<25	4
<50	5
<60	6

(From Bibby et al, 1991)

3.5.2 Practical implications

Implications of pattern variation to application of policies on PAL protection are as follows:

- i. Downgrading – a field mapped as a particular LCA class can be *managed* as recommended for that class even though it contains ‘impurities’ of land of a lower class. For example, a field mapped as Class 3 could not be downgraded to Class 4 unless it could be shown that the field contained 10% or more of land of the lower class.
- ii. The monograph does not specify the proportion of impurity acceptable in the two key Divisions, i.e. 3.1 and 3.2, which straddle the prime / non-prime boundary. BCC sought guidance on this from [REDACTED], Principal Soil Scientist, James Hutton Institute, who said (email dated 28-JULY-2020):

“The difficulty here is that the extent of poorer quality land with regard to the divisions isn’t specified, but we can assume it lies somewhere between 5 and 10% (the limitation for class 2 and 3) so perhaps the number of pits dug needs to reflect the potential to be able to accurately assess the proportion of poorer quality to better quality land and just because a proportion of pits dug fall into the lower class, does not mean the whole parcel of land is downgraded.”

3.6 SUMMARY

3.6.1 Key points

- a) An arable field of LCA Class 3.1 cannot be managed without creating headlands which, with modern farming equipment, are in the order of 10m wide.
- b) Degradation, particularly by compaction, results in headland soils being identified as non-prime in LCA field surveys.

- c) The fencing off of a building plot at the edge or in a corner of a 'prime' field takes out of production an area of prime land that may be equal to the size of the plot. To grant permission for such a plot is therefore contrary to PAL protection policies, regardless of the findings of headland soil tests.
- d) Taken to its logical conclusion, if headland soil tests are to be permissible as supporting evidence for planning applications, it would be possible to build on an entire headland, but an area of PAL of equal area would be taken out of production by the inevitable creation of a new headland.
- e) The only evidence acceptable in support of development on land mapped as PAL is for the applicant to be able to prove that the land parcel as a whole (the field is the standard parcel size for LCA-based agricultural land valuation) contains "impurities" of lower LCA class which exceed the limits set out in Bibby et al, 1991, page 49. Where the impurity is land of class 3.2 in a field mapped as class 3.1, the total area of impurities should be between 5% and 10% (3.5.2 ii). It is suggested that <7.5% would be a logical limit.

3.7 PROPOSED LDP 2020

3.7.1 The Issues & Actions Paper (IAP) on policies states:

"We acknowledge the support given to the continued protection of prime agricultural land through this policy for land defined as classes 1, 2 and 3.1 of the Soil Survey for Scotland, Land Capability for Agriculture (LCA) series, and the importance of this land in terms of sustainability in the face of climate change."

And...

"We maintain that the nationally recognised LCA Survey remains the key decision making tool for protecting this resource from irreversible development..."

This acknowledgement of the importance of prime agricultural land is welcomed by BCC, as is support for the "nationally recognised LCA Survey". However, see 3.7.2.

3.7.2 IAP and Proposed LDP 2020 Policy PR1

The IAP states:

"We note the concern raised by the respondent that independent assessment of land can highlight variation across one site from different test pit samples, and that as such this can contradict the LCA classification. However, the policy does not specify the requirement for test pit samples."

The IAP statement demonstrates a fundamental lack of understanding of key elements of the “nationally recognised LCA survey”. The only acceptable method for performing an LCA soil survey is for soil properties described in the LCA monograph to be compared with those exhibited in a soil profile exposed by excavation.

Proposed Policy PR1 states:

“Prime agricultural land is defined as classes 1, 2 and 3.1 of the Soil Survey for Scotland, Land Capability for Agriculture series. Land falling within this classification should not be developed unless it is allocated in the Local Development Plan or an independent assessment of the site confirms a lesser quality of land.”

Given the information presented in sections 2.4 to 2.6, a lack of understanding of the LCA survey and agricultural operations is demonstrated in the proposed policy.

3.8 CONCLUSION

Around half of all food consumed in Scotland is imported and a significant proportion of those imports are sourced outside Europe. It is not yet known what the full impact of global climate change and population growth will be. It seems reasonable to assume (and many experts are predicting) that large-scale famine and displacement of populations are likely to contribute to increasing geopolitical instability, which will threaten both the security of supply and price stability of food imports. Add COVID-19 and Brexit to the mix and the future begins to look very bleak, which makes our prime land increasingly important. It is a precious and strategically important resource that will become increasingly important for Scotland’s future food security in the face of the above global threats. PAL is far too important to allow it to be destroyed, development site by development site, generally for individual financial gain.

BCC believes it to be in the best interests of the communities it represents for PAL to be afforded the strongest possible protection by the planning system. BCC is firmly opposed to Proposed LDP 2020 Policy PR1 (as it relates to PAL), and requests that this policy is revisited by Policy Planners in the light of information provided in this representation.

References for Section 3

Antille, D.L., Peets, S., Galambošová, J., Botta, G.F., Rataj, V., Macak, M., Tullberg, J.N., Chamen, W.C.T., White, D.R., Misiewicz, P.A., Hargreaves, P.R., Bienvenido, J.F., and Godwin, R.J. (2019) *Review: Soil compaction and controlled traffic farming in arable and grass cropping systems*. *Agronomy Research*, 17 (3), 653 - 682

Batey, T. (2009) *Soil compaction and soil management – a review*. *Soil Use and Management*, 25, 335–345

Bibby J.S., Douglas H.A., Thomasson A.J., Robertson J.S. (1991) *Land capability classification for agriculture*. Macaulay Land Use Research Institute, Aberdeen.

Emmet-Booth, J.P., Forristal, P.D., Fenton, O., Bondi, G. and Holden, N.M. (2019) *Visual soil evaluation – Spade vs. profile methods and the information conveyed for soil management*. *Soil & Tillage Research*, 187, 135–143

Patterson, J.C, and Mader, D.L. (1982) *Soil compaction*. In Craul, P.J. ed. *Urban Forest Soils: A Reference Workbook*. USDA Forest Service Consortium for Environmental Forestry Studies.

Singh, J., Salaria, A., and Kaul, A. (2015) *Impact of soil compaction on soil physical properties and root growth: A review*. *International Journal of Food, Agriculture and Veterinary Science*, 5 (1), 23-32

4. SECTION 7 – SHAPING DEVELOPMENT IN THE COUNTRYSIDE

4.1 Introduction (page 31, Proposed LDP 2020, Introduction and Policies)

BCC supports replacement of the terms ‘pressured’ and ‘intermediate’ by the terms ‘accessible’ and ‘remote’ as used in the Scottish government’s 6-fold Urban/Rural Classification.

4.2 Proposed policy R1.2 (page 31)

Developments permitted in the green belt includes (fourth bullet point):

“intensification of an established use subject to the new development being of a suitable scale and form²”

Footnote 2 reads:

“This will generally be the extension of an existing non-domestic building or ancillary use rather than its replacement.”

BCC believes the non-domestic nature of such development needs to be stated in policy rather than as a footnote, and that the phrase “suitable scale” needs to be clearly defined. It is suggested that the fourth bullet point be amended to read:

‘intensification of an established *non-domestic* use subject to the new development being of a suitable form and *of a scale that may be contained entirely within the existing curtilage*’

4.3 POLICY R2 DEVELOPMENT PROPOSALS ELSEWHERE IN THE COUNTRYSIDE

4.3.1 Paragraph R2.4 (page 32)

- a) A brownfield site may well have upstanding wall remnants. These could themselves provide valuable habitat for invertebrates, a substrate suitable for colonisation by lichens, etc. as part of a site that would still merit the description ‘naturalised’. This should be recognised in the proposed policy.
- b) The policy states that land that has become naturalised will not be considered for brownfield development. Footnote 4 adds: *“Naturalised land is that which has been previously developed but is not no longer “vacant”, as it has a significant use in nature conservation.”* The term ‘significant’ is not defined. The glossary expands on the definition of naturalised, stating: *“Land that has been vacant or derelict for at least 15 years is likely to demonstrate signs of returning to a naturalised state, usually through the presence of trees and shrubs.”*
- c) BCC feels the terminology quoted above (point ‘b’) is too subjective and vulnerable to challenge. There are various stages of naturalisation, and not all such sites would be of significant nature conservation value. In order to be protected from development, sites generally need some form of designation for their conservation

or biodiversity value, e.g. SSSI; or specially protected species to be present with no satisfactory method of mitigation. Except in these special cases this appears to be a policy wide open to challenge or appeal.

- d) Given that the vast majority of naturalised brownfield sites do not have the protection of some form of statutory conservation designation, a site owner would be entitled to remove all vegetation from the site before submitting a planning application.
- e) While BCC agrees with the protection of long-term naturalised brownfield sites from development, the proposed policy needs significant changes to make it workable.

4.3.2 Paragraph R2.6 (page 32)

The definition of 'small-scale' in the glossary states:

*“**Small-scale:** Development on a site of less than 0.5 hectare. In the countryside, development of housing is limited to up to 3 homes (unless otherwise specified in policy).”*

Given that many brownfield sites are significantly smaller than 0.5 Ha (1.24 acres), there will be a temptation for would-be developers of such sites to attempt to extend the area proposed for development onto adjacent land, thereby gaining access to the full 0.5 Ha area. This, in turn, could bring this proposed policy into conflict with others, e.g. PR1. BCC suggests the following change to wording under R2.6:

‘We will permit small-scale development that involves the conversion or replacement of redundant or derelict non-domestic building(s), or the redevelopment of vacant brownfield land. Development permitted under this policy should not extend beyond any part of the original curtilage boundary.’

4.3.3 Paragraphs R2.8 and R2.9 (Page 33)

“R2.8 Proposals for more than three new homes on larger rural brownfield sites will only be permitted in exceptional circumstances where the Planning Authority is satisfied that a larger development can be accommodated on the site and it can be demonstrated beyond reasonable doubt that the scale of development proposed will not cause adverse social or environmental impacts, including sub-urbanisation of the countryside⁵. The quality of the design will be paramount in such occasions. Mixed use proposals may also be permitted subject to the location being appropriate for the uses proposed and subject to consideration of other relevant policies⁶.”

“R2.9 Development of large brownfield sites will be capped at 7 homes. Sites capable of accommodating 8 or more homes should be promoted through allocation of an opportunity site in the Local Development Plan. Development approved under this policy in the remote rural area will be exempt from further development through the housing clusters and groups policy during the Plan period.”

BCC has significant concerns about paragraphs R2.8 and R2.9, as follows:

- a) Experience shows that, regardless of any provisions in paragraph R2.8, capping development of large brownfield sites at 7 homes virtually guarantees that residential applications for such sites will be for the maximum number of houses the site can accommodate up to the cap. If the Council tries to impose a smaller number of dwellings on the applicant this would become grounds for appeal. Defence of the Council's position then comes down to a) interpretation of phrases and concepts such as "beyond reasonable doubt", and b) the willingness of development management planners to incur the extra time and ultimately the costs associated with opposing an appeal.
- b) Much of Aberdeenshire's remote rural area is served by single track roads with passing places.
- c) By definition 'remote' means distant from jobs, shops, schools (especially secondary schools), health care and other services.
- d) Public transport is sporadic to non-existent in remote areas.
- e) Infrastructure (water supply and waste water processing, power supply, etc.) is generally either absent or not of a suitable scale to service the number of houses that potentially could be built under this policy.
- f) The above points are equally applicable to parts of the 'accessible' rural area, e.g. the more remote parts of the BCC area.
- g) By virtue of their location, housing developments on rural brownfield sites generate additional car journeys and therefore have a significantly higher carbon footprint per resident than developments within or adjacent to existing settlements. In addition, generation of greenhouse gases from construction per unit area of floor space increases with remoteness.
- h) Electrically powered cars are not a solution to problems outlined under point 'g' because currently available designs are not well suited to use in rural areas, and under current legislation the sale of new, wholly petrol cars will not cease until 2035.
- i) The greater number of car journeys required by development in remote locations exposes children to greater risk of harm from road accidents, especially on single track roads and in winter, when most rural roads remain untreated.
- j) In permitting up to seven houses to be built on rural brownfield sites, this policy would be contrary to the six qualities of successful places concept, and policies on sustainability and climate change mitigation as stated in the Aberdeen City and Shire Strategic Development Plan, Scottish Planning Policy 2014 and (elsewhere in) Proposed LDP 2020. Indeed, by permitting (some would argue encouraging) such development, it may be argued that the proposed policy is contrary to the central purpose of the Scottish Government as stated in NPF3 2014 and SPP 2014.
- k) BCC contends that the cap on the maximum number of houses permitted on brown field sites should remain at three in all rural locations.

4.3.4 Extensions to clusters/ housing groups (page 34)

Paragraph R2.16: *“In remote rural areas only we will also allow the extension of existing clusters or housing groups consisting of between 5-14 separate habitable or occupied homes on the date the Plan is adopted. Clusters and groups should be well related to each other, usually achieved through aspects such as design or layout i.e. through the sharing of curtilage boundaries, and there should be a clear relationship between the cluster or group.”*

Paragraph R2.17: *“Development of a maximum of 3 homes will be permitted during the Plan period. The size of a cluster must not to exceed [sic] 15 homes⁹. Larger housing groups of greater than 15 homes must not be sub-divided. Proposals will in most cases provide an infill opportunity. All proposals must respect the character, layout and building pattern of the cluster or group.”*

- a) The term ‘cluster’ needs to be more firmly defined in terms of cohesiveness of the layout. This could possibly be achieved through the use of supplementary guidance.
- b) There have been problems in the past with housing in the countryside policies leading to ribbon development, e.g. between Oyne and Daies on the B9002, as has been recognised in the Oyne settlement statement. It is conceivable that three houses could be added to an existing cluster during the plan period, and that each of these shares only a single curtilage boundary with a house in the cluster (Figure 8). All houses in the original cluster are accessed from a track, with only one fronting onto the road. The three additional houses could be built in consecutive years, thereby extending the total road frontage from one house to four houses during the plan period (based on an actual cluster in the BCC area).

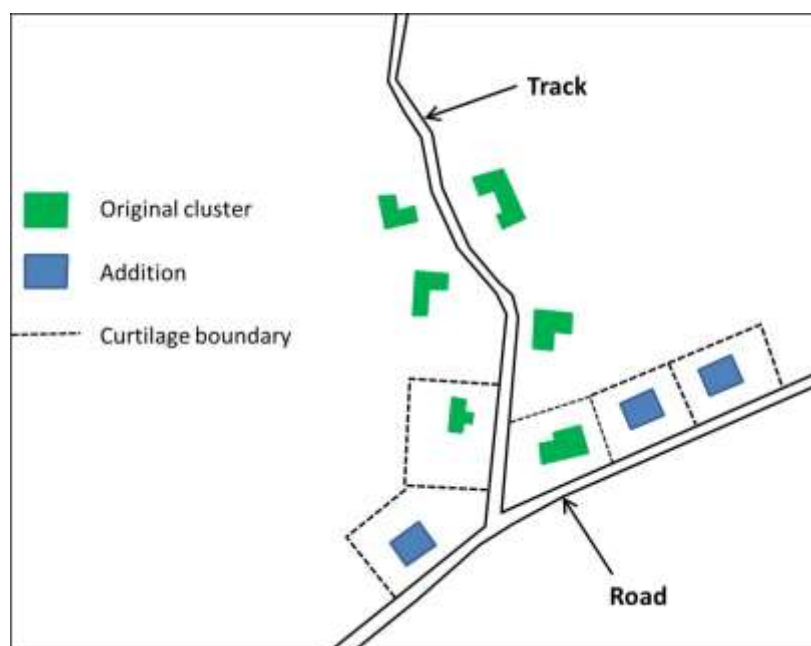


Figure 8 – Creation of ribbon development by progressive cluster additions

- c) BCC believes that the proposed policy needs to be revisited to prevent ribbon development, perhaps by specifying a maximum of one addition to an existing road frontage during the plan period, with other cluster/group additions permitted only on infill plots.

4.4 PRIME AGRICULTURAL LAND

BCC feels the LDP should specify that development permitted under policies R1 and R2 should specify that such development should not take place on PAL. BCC accepts that Policy PR1 (please see Section 3) states the circumstances under which development on PAL *is* permitted, but feels protection for PAL would be strengthened by including in countryside development policies, some specific circumstances under which development on PAL *is not* permitted. The main reason for this is that, in the experience of BCC, Policy PR1 in LDP2017 is often either omitted from, or misinterpreted in deliberations on planning applications. An example of the former is APP/2017/1005, and of the latter APP/2018/1393.