

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW
PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Planning Application No: 22/00032/FUL
Local Review Body No: 22/00047/RREF
Applicant: Marchmont Farms Ltd

Agent: Smith & Garratt
Proposal: Erection of Class 4 joinery workshop with associated access and parking
Location: Land North and East of Clay Dub Duns Road Greenlaw Duns

Comments of the Planning Officer in Respect of New Information and National Planning Framework 4

The Local Review Body determined to proceed with the review of the above application with further procedure. In this instance, the Local Review Body requires comments from the Council's Planning Officer on the information within the Review Statement which includes an extract of a land capability for agriculture map and which claims the site is not prime agricultural Land.

In addition, comments on the impact of National Planning Framework 4 (NPF4) on the above planning application are also sought.

Prime Agricultural Land

Policy ED10 states that development, except for proposals for renewable energy development, which results in the permanent loss of prime quality agricultural land or carbon rich soils will not be permitted unless:

- a) The site is otherwise allocated in the Local Development Plan 2016;
- b) The development meets an established need and no other site is available;
- c) The development is small scale and directly related to a rural business.

Prime quality agricultural land is defined as Classes 1, 2 and 3.1 of the Macaulay Institute Land Classification for Agriculture system and is a valuable and finite resource, which needs to be retained for farming and food production. This policy seeks to prevent the permanent loss of such land.

Figure 10a of the Local Development Plan 2016 identifies the core resources of agricultural land and the appeal site is situated within land classified as prime agricultural land within the map contained within Figure 10a.

The applicant's review statement states that field in which the site is located is classified as 3.2 and so not prime agricultural land. This statement is backed up by an insert map.

The Scottish Government has published the National scale land capability for agriculture map, providing information of the types of crops that may be grown in different parts of Scotland depending on environment and soil characteristics. This contains information on the class of soils based on the Macaulay Institute for Soil Research data.

Applying this map, the review site falls within Class 3.1: Land capable of producing consistently high yields of a narrow range of crops and/ or moderate yields of a wider range (pale green on the map). This map confirms the accuracy of Figure 10a within the Local Development Plan 2016.

Therefore, it is contended that the field in which the review site is situated is classified as falling within Class 3.1 of the Macaulay Institute Land Classification for Agriculture system and therefore is prime agricultural land. The proposal would result in the permanent loss of prime quality agricultural, removing the land from agricultural production. The proposal does not meet the exception criteria within policy ED10 and so the proposal is contrary to policy ED10.

National Planning Framework 4

The Scottish Government adopted, with effect from 13 February 2023, the National Planning Framework 4 (NPF4). As this supersedes previous guidance to form part of the statutory development plan, in terms of Section 25 of the Planning Act 1997, planning decisions and reviews must now take account of this new Framework.

In respect of this review, the following policies are relevant to this proposal:

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 5: Soils

Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 14: Design, Quality and Place

Policy 26: Business and Industry

There are no policies within NPF4 that fundamentally alter the planning policy context in terms of the decision to refuse this planning application. However, there are policies within the NPF4 that require further consideration:

Policy 5: Soils

The principle of policy 5 is to minimise disturbance to soils from development. The policy states that proposals on prime agricultural land, as identified by the Local Development Plan, will only be supported where it is for essential infrastructure and there is a specific locational need and no other suitable site is available; where it is for small scale development directly linked to a rural business, farm or for essential workers for the rural business to live on-site; where it is for the development of production and processing facilities associated with the land and where no other local site is suitable; and for the generation of renewable energy.

As set out above, the site is within a field that is classified as prime agricultural land. None of the exceptions outlined in policy 5 apply to this development. The proposal would result in significant disturbance to valued soils, contrary to the aims within policy 5. The proposal cannot be supported in this respect.

Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

The site is within an undeveloped field currently used for agricultural production. Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings to help to reduce the need for greenfield development. The policy states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the Local Development Plan (LDP).

In this case, the site is a greenfield site outwith the development boundary for Greenlaw and the land is not allocated for development in the Local Development Plan 2016. In addition, the proposal is not supported by any LDP policies (the report of handling sets out comprehensively how the proposal is considered to be contrary to policy PMD4: Development Outwith Development Boundaries, and policy ED7: Business, Tourism and Leisure Development in the Countryside.

The proposal would not reuse brownfield or vacant land but would result in the loss of greenfield land. It would be contrary to the Policy Outcomes listed under policy 9, which seeks to direct development to the right locations, minimising additional land take. Land has been allocated (MGREE001) within the Greenlaw development boundary for mixed uses and this is being taken forward as a business and industrial allocation (BGREE005) within the Proposed Local Development Plan. This allocation directs development to appropriate sites that have been considered through the LDP process and away from inappropriate greenfield sites outwith development boundaries.

The proposal therefore fails to comply with policy 9.

Policy 26: Business and Industry

Policy 26 seeks to encourage, promote and facilitate business and industry uses and states Local Development Plans should allocate sufficient land for business and industry ensuring that there is a suitable range of sites that meet current market demand. The policy supports development proposals for business and industry on sites allocated for those uses in the LDP. Development proposals outwith areas identified in the LDP will only be supported where it is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land unit, or the nature and scale of the activity will be compatible with the surrounding area.

As explained above, land has been allocated in Greenlaw in the current LDP (MGREE001) and in the proposed LDP (BGREE005). This is a 1.2 hectare site, which is a specific response to the demand for employment sites in the locality. With this allocated site available, there is no justification for locating this proposal on a greenfield site outwith the development boundary.

Whilst the Council is supportive of local businesses, there is no operational justification for the proposed development on this particular site that would warrant a departure from this policy and no detailed assessment of the allocated site has been undertaken that would discount this site as unsuitable.

The allocation within the LDP ensures that development of this nature is directed to the right locations and to avoid less appropriate greenfield sites being developed. This site is within an agricultural field that is rural in nature and the proposal would not be compatible with the character the surrounding area. Approving this application would set an undesirable precedent for similar approvals outwith the development boundary, undermining the aims of policy 26 and harming the character and visual amenities of the edge of Greenlaw.

Conclusion

For the reasons outlined above, the proposal does not comply with NPF4 policies 5, 9 and 26 and it is respectfully requested that the review is dismissed and the application refused.