

TAYplan Strategic Development Plan Authority

Summary of Unresolved Issues (Schedule 4)

Issue Number 9: Managing TAYplan's Assets – Finite Resources

Contents

1. Summary of Unresolved Issues

2. Copy of actual representations pertinent to this issue (*Personal details have been redacted. Full details have been provided to the DPEA separately.*)

- All representations include any attachments submitted by the respondent.
- Where representations were submitted in hard copy or by email these were entered into TAYplan's online system and all material originally submitted has been attached and appears here with the representation.

3. Library of documents

- All documents and extracts referred to in the representation and/or the Schedule 4 are either contained in the library attached to this Schedule or where over 50 pages within the Core Library (separate folders).

1. Summary of Unresolved Issues

Issue		
Issue Number 9: Managing TAYplan's Assets – Finite Resources		
Development plan reference:	Provide the references for where the issue arises in the development plan. Page 12: Managing TAYplan's Assets Supporting Text Page 13: Policy 3 Finite Resources	Reporter: [Note: For DPEA use only.]
Body or person(s) submitting a representation raising the issue and representation references		
Seeking a change		
ID Number	Person / Organisation	Representation Reference
169659	Coal Authority	PLAN164
169659	Coal Authority	PLAN166
450613	Councillor Michael A Barnacle	PLAN814
548286	Emac Planning for Skene Group Limited	PLAN506
547768	G.M. Gall	PLAN563
547768	G.M. Gall	PLAN303
263542	Kingsbarns Community Council	PLAN389
546838	Kinross-shire Civic Trust	PLAN494
450207	Largo Area Community Council	PLAN436
330871	Mineral Products Association (Scotland)	PLAN583
548055	Mr Ian Fowler	PLAN391
548413	Mr John Hendrie	PLAN575
548408	Mrs Marion Lang	PLAN570
453889	Royal Burgh of St. Andrews Community Council	PLAN921
Provision of the development plan to which the issue relates:	Natural and Historic Assets – this Schedule 4 relates to the two bullet points under the Finite Resources section of Policy 3.	
Planning Authority's summary of the representation(s):		
SUMMARY OF REPRESENTATIONS SEEKING A CHANGE		
<u>MINERALS</u>		
<p>Coal Authority (169659 - PLAN164) although supporting the commitment to safeguarding minerals of economic importance, the respondent considers that more clarity is required within the Proposed Strategic Development Plan on what minerals are of economic importance. In particular, coal resources should be included within the parameters of minerals of economic importance given the levels of current, historic and future extraction within Fife. The Coal Authority (169659 - PLAN166) have also commented that Areas of Search for future coal extraction should have been considered within the Strategic Development Plan process. The</p>		

respondent has highlighted the East Dunbartonshire Local Development Plan Examination where the Reporter concluded that areas of search are a matter for the new Strategic Development Plans to consider.

Emac Planning for Skene Group Limited (548286) supports the commitment to safeguarding mineral deposits, however in addition to the **Mineral Products Association (Scotland) (330871)** the respondent considers that the Policy text is amended to directly reflect national policy as contained in Scottish Planning Policy (SPP), paragraph 227. The current policy does not acknowledge that 10 years extraction should be available 'at all times in all market areas' which is also supported by SPP.

Emac Planning for Skene Group Limited (548286) also considers that their proposed second sentence would provide certainty that within this city region planning context there is a commitment to working and liaising across local authority boundaries.

PRIME AGRICULTURAL LAND

Councillor Michael A Barnacle (450613), Mrs Marion Lang (548408), G.M. Gall (547768 – PLAN303 & PLAN563); Kingsbarns Community Council (263542); and Largo Area Community Council (450207) have all commented that TAYplan should protect agricultural land from further development in order to produce more food. In addition, **Mr John Hendrie (548413)** has commented that the Proposed Strategic Development Plan makes no specific reference to preventing building outside village boundaries and protecting prime agricultural land which bound them.

Mr Ian Fowler (548055) and **Royal Burgh of St. Andrews Community Council (453889)** consider that there is an emphasis on the advantages of development on prime agricultural land if it is seen as being advantageous. As a result, the respondents have both requested a modification to the wording of Policy 3 – Finite Resources.

Kinross-shire Civic Trust (546838) indicates that TAYplan must identify the need to retain prime agricultural land in terms of self sufficiency and an ability to provide food. The respondent has also indicated that a map which displays all the areas of prime agricultural land should accompany the Proposed Strategic Development Plan.

Modifications sought by those submitting representations:

NOTE TO REPORTER: The text in italics in this section has been lifted directly from each individual/organisation's representation with minor typographical errors corrected.

MINERALS

Coal Authority (169659 – PLAN164):-

- *Policy 3, Managing TAYplan's Assets*

Clarity is required in the Strategic Development Plan on what minerals are of economic importance, The Coal Authority would wish to see coal resources included within the parameters of a mineral of economic importance given the levels of historical, current and likely future extraction within Fife.

Coal Authority (169659 – PLAN166):-

- *Policy 3, Managing Tayplan's Assets (Omission) - The Coal Authority objects to the omission of the consideration of Areas of Search for future coal extraction within the Strategic Development Plan process.*

Emac Planning for Skene Group Limited (548286):-

- Under finite resources the commitment to safeguarding mineral deposits is supported.

Emac Planning for Skene Group Limited (548286); Mineral Products Association (Scotland) (330871):-

- However, it is suggested that the Policy is amended from Local Development Plans requiring to "safeguard minerals deposits of economic importance and land for a minimum of 10 years supply of aggregates" to: "ensure a landbank of permitted reserves for construction aggregates of a minimum 10 years extraction is available at all times in all market areas. The Local Development Plan Authorities will work together to ensure an adequate supply of minerals can be provided".

PRIME AGRICULTURAL LAND

Royal Burgh of St. Andrews Community Council (453889):-

- Page 13, Policy 3, Finite Resources. Change "protect prime agricultural land, new and existing forestry areas, and carbon rich soils (where identified) where the advantages of development do not outweigh the loss of productive land." to "protect prime agricultural land, new and existing forestry areas, and carbon rich soils (where identified).".

G.M. Gall (547768 – PLAN 303); Councillor Michael A Barnacle (450613); Mr Ian Fowler (548055); Mrs Marion Lang (548408) and Largo Area Community Council (450207):-

- No specific change identified, although consider that that TAYplan should protect agricultural land from further development in order to produce more food.

G.M. Gall (547768 – PLAN563):-

- No specific change identified, although concerned about *the increasing urbanisation of our country. No doubt this is to some extent forced by population pressure; without doubt Scotland, like the rest of the world is overpopulated by humans.*

Mr John Hendrie (548413):-

- No specific change identified, although Proposed Strategic Development Plan makes no specific reference to preventing building outside village boundaries and protecting prime agricultural land which bound them.

Kinross-shire Civic Trust (546838):-

- No specific change identified, although comments are provided in terms of
 - *Agricultural Land*
 - *Area of Great Landscape Value*

Summary of responses (including reasons) by Planning Authority:

RESPONSES TO REPRESENTATIONS SEEKING A CHANGE

MINERALS

Coal Authority (169659 - PLAN164); Coal Authority (169659 - PLAN166); EMAC Planning for Skene Group Limited (548286); and, Mineral Products Association (Scotland) (330871):- It is considered that there is no requirement to include areas of search or to define specific important mineral reserves within the Proposed Plan. Scottish Planning Policy (Page 47, Paragraph 226) (CL/Doc2) states that during development plan preparation (not specifically Strategic Development Plans) 'Planning Authorities should liaise with operators and neighbouring planning authorities and use verifiable sources of information to identify

appropriate search areas. These search areas, or where appropriate specific sites, should be identified and safeguarded in development plans and the criteria to be satisfied by development proposals set out. The same safeguarding principles should apply to land allocated for development which is underlain by minerals and where prior extraction of the mineral would be beneficial. TAYplan consider that across the area, Local Plans already set out areas of search with detailed policies. It is considered that Local Development Plan's are more appropriate for the TAYplan area in setting out areas of search and providing a policy framework to assess individual planning applications. Local Plans and emerging Local Development Plans are also best placed to determine which specific areas ought to be protected, based on their minerals potential and afford an appropriate safeguard. The Proposed Plan does not require to repeat this. Indeed, the non-inclusion of minerals search areas was also raised within the Main Issues Report (April 2010) (Page 29, Paragraph 6.5) (CL/Doc38) and considered that it was not a cross-boundary or strategic issue. If it did so, and be repetitive in other policy areas, a short, concise and visionary Strategic Development Plan would not be possible (Planning Circular 1/2009: Development Planning, Page 4, Paragraph 14) (CL/Doc29).

In terms of ensuring that a landbank of permitted reserves for construction aggregates of a minimum 10 years extraction is available at all times in all market areas, TAYplan again considers that Local Plans across the area already set out detailed policies on the extraction of minerals and are again more appropriate for establishing and maintaining an appropriate landbank as set out in Scottish Planning Policy. Policy 3 is compliant with Scottish Planning Policy (Page 47, Paragraph 227) (CL/Doc2).

Topic Paper 3: Resources and Climate Change (Pages 10 and 11, Paragraph 5.12) (CL/Doc32) indicates that the Proposed Plan could determine that minerals extraction is not a strategic issue, as suggested by the Main Issues Report (April 2010) (Page 29, Paragraph 6.5) (CL/Doc38). However, it was considered that this was unlikely to properly reflect the importance of responsible asset management including the impact that development could have on economically important minerals and helping to ensure there is a supply of minerals, particularly aggregates, for the construction industry. Therefore, the Proposed Strategic Development Plan could have required Local Development Plans to safeguard economically important minerals in contributing to the requirement to have a 10 year supply of aggregates in Scottish Planning Policy. The Proposed Plan could also have gone further by setting out policies for taking decisions on individual applications for minerals extraction. However, in the case of the latter, no such approach has been considered at Main Issues Report stage, given that as stated above Local Plans across the TAYplan area already set out areas of search with detailed policies; and, Scottish Planning Policy is already very clear on strategic level requirements for minerals. Such a change to the Proposed Strategic Development Plan would be very significant. No change has been proposed from any of the key agencies, specifically Scottish Government, Scottish Natural Heritage or Scottish Environmental Protection Agency.

Responding specifically to **The Coal Authority (169659 - PLAN166)** reference to the East Dunbartonshire Local Development Plan Reporters Findings, it is considered that the two development plans are not comparable. Whilst The Coal Authority refer to Fife coal deposits, these are located outwith the TAYplan area in mid and west Fife predominantly. East Dunbartonshire and other parts of the Glasgow and Clyde Valley Strategic Development Plan Area have significantly more coal reserves than that located within the TAYplan area.

PRIME AGRICULTURAL LAND

Kinross-shire Civic Trust (546838); Councillor Michael A Barnacle (450613); Largo Area Community Council (450207) Mr Ian Fowler (548055); Mrs Marion Lang (548408); G.M. Gall (547768 – PLAN 303); G.M. Gall (547768 – PLAN563); Mr John Hendrie (548413); and, Royal Burgh of St. Andrews Community Council (453889):- Policy 3 (Finite Resources)

accords with Scottish Planning Policy (Page 20, Paragraph 97) (CL/Doc2). Topic Paper 3: Resources and Climate Change (Pages 10, Paragraph 5.11) (CL/Doc32) acknowledges that the TAYplan region contains a lot of prime agricultural land (93,872 ha or 12% of the TAYplan area) (Environmental Report (2009), Appendix D, Agricultural Land and Development Pressure 2009 Map) (CL/Doc41) and as a result in order for development to take place, particularly where settlements have limited brownfield sites, then some greenfield land of prime agricultural quality will need to be considered on the edge of settlements. Policy 3 considers supporting food and resource security as one consideration in the prioritisation of land release.

Policy 3 as it relates to prime agricultural land should therefore also be read in conjunction with Policy 1, Part B which prioritises land release for development within principal settlements. Therefore the loss of suitable prime agricultural land will only be permitted in circumstances where there are no available sites within a principal settlement and where the proposed development is of sufficient benefit to outweigh the loss of prime agricultural land.

In terms of the comments relating to Scottish Planning Policy, the Proposed Plan conforms to Scottish Planning Policy. Policy 1: Location Priorities, Part B provides the sequential approach to Local Development Plan's in allocating sites. The Proposed Strategic Development does not identify the specific boundaries for the Strategic Development Areas (Policy 4). The boundaries will be set by future Local Development Plans or have already been established through previous development plans or through the planning application process. In addition, Local Development Plans can also consider the capacity of principal settlements to accommodate additional growth beyond the identified Strategic Development Areas, therefore TAYplan considers it in-appropriate to identify areas of prime agricultural land which may be lost as a result of the settlement strategy when defined boundaries have previously or will be established by constituent Local Development Plans in due course.

The above also applies to development on the edge of rural settlements, not defined as principle settlements. Policy 1: Location Priorities, Part A (Page 13) provides opportunity for Local Development Plans to provide for some development outwith principal settlements where this can be accommodated and supported by the settlement and where it contributes to the objectives of the Strategic Development Plan whilst also meeting local needs or supporting the regeneration of the local economy.

In summary, no change has been proposed by Scottish Government or any of its key agencies.

CONCLUSION

This Policy is consistent with Scottish Planning Policy. The policy framework provided is considered appropriate for this Strategic Plan given the nature of the TAYplan area. The four Constituent Councils have detailed policies in place on minerals. TAYplan considers that the issues raised in relation to minerals and prime agricultural land does not warrant any change to the Proposed Strategic Development Plan (June, 2011) and propose that the elements dealt with in this Schedule 4 Summary of Unresolved Issues remain as written and unchanged.

Reporter's conclusions:
[Note: For DPEA use only.]
Reporter's recommendations:
[Note: For DPEA use only.]

2. Copy of representations pertinent to this issue

3. Library of documents and extracts (less than 50 pages) referred to within representations and/or this Schedule