

7 Land Use

7.1 Introduction

The purpose of this chapter is to identify potential impacts arising from the Scheme on land use, and to assess the significance of these impacts. The Scheme may give rise to impacts through the loss of land for a particular use, known as landtake. This can be of a temporary or permanent in nature.

7.2 Methodology

The methodology was undertaken with reference to the DMRB (Vol. 11) Part 6 (Land Use). A Stage 3 level of assessment is required for inclusion within an Environmental Statement. The methodology used to assess the effects of the Scheme on land-use is described in Table 7.1.

Table 7.1: Land-use Assessment Methodology

Methodology Stage	Process
Collection of baseline data	A desktop study was the initial method of data collection. Documents referred to include the applicable Development Plans for assessing current and future land use designations, with a site visit undertaken in September 2006 to evaluate the present land-use throughout the Scheme. Land Capability for Agriculture produced by the Macauley Land Use Research Institute has been investigated and the Moray and Nairn Landscape Character Assessment produced by SNH has also been reviewed. Information was extracted from the Moray Structure Plan (Adopted April 2007) and the Moray Local Plan (Adopted April 2000).
Identification of potential landtake	Comparison of the Scheme design with land-use maps outlined the extent of potential landtake.
Consultation	Consultation was required to assess the planning authority's view on any potential effects of the Scheme on current and future land-use designations.

Using the guidance from DMRB Vol.11, the magnitude and importance of the impact can be described as shown below in Tables 7.2 and 7.3 respectively.

Table 7.2: Magnitude of impact

Magnitude	Criteria
Severe	The Scheme will result in the permanent land-take of existing beneficial land-uses, the severance of beneficial uses or prevent the development of designated Local Plan sites/proposals.
Moderate	The Scheme will result in the permanent land-take of existing land-uses of a less beneficial nature and will impact upon future development of designated Local Plan sites/proposals.

Magnitude	Criteria
Slight	The Scheme will require temporary land-take, or cause temporary severance issues.
Negligible	Barely perceptible changes.

Table 7.3: Importance of impact

Importance	Criteria
High	Existing beneficial land-uses.
Medium	Designated Local Plan sites/proposals with developer interest.
Low	Existing land-uses of a less beneficial nature.
Negligible	Designated Local Plan sites/proposals with no developer interest.

The DMRB (Vol. 11) does not describe how the significance of impact should be scaled with regard to land-use. Therefore, Table 7.4 outlines a suggested means of assessing the significance of impact for land-use by combining the scales of magnitude and importance.

Table 7.4: Significance of Impact Effects. (Effects falling within shaded boxes are considered to be significant)

Importance of Receptor	Magnitude of Impact Upon Receptor			
	Severe	Moderate	Slight	Negligible
High	Substantial	Moderate	Minor	Negligible
Medium	Moderate	Moderate	Minor	Negligible
Low	Minor	Minor	Negligible	Negligible
Negligible	Minor	Negligible	Negligible	Negligible

7.3 Consultation

Two rounds of consultation have been undertaken as part of the assessment process, with the first requesting information from statutory consultation bodies regarding comments for the Stage 2 Scheme Assessment, and the second round asking for any comments on the Scoping Report relating to the Scheme. Moray Council were included as part of this consultation exercise, and as a result information relating to approved planning permissions within the study area has been provided.

During the Stage 2 Scheme Assessment, the Scottish Government (formerly Scottish Executive) was consulted but no specific land use related comments were received.

The second round of consultation, on the Scoping Report, included both statutory and non-statutory bodies. No specific information was provided in response to the second round of consultation relating to the Scheme's effect on land use.

A more detailed description of the consultation process, and the responses received can be found in Chapter 1 - Introduction.

7.4 Baseline

The assessment of baseline conditions has been undertaken with respect to specific assessment years. These are:

- Existing Situation – No Proposal (07NP)
- Planning Year – No Proposal (09NP)
- Future Baseline – With Proposal (24WP)
- Future Baseline – No Proposal (24NP)

7.4.1 Existing Situation – No Proposal (07NP)

The Scheme will impact on a number of land uses. The baseline assessment indicates the type and location of these land-uses, and the extent to which they exist. Through consultation, scoping studies and site visits, it was established that the prominent land uses in the study area were agricultural, forestry/woodland, residential, and commercial as noted below. These various land uses are shown in Figure 7.1.

Residential

There are a number of residential properties that are in close proximity to the Scheme. These include the properties of Pomona, Tilhill, Dumella, Birchbank, Evanton, Larchfield, and Woodlands. The village of Lhanbryde is located close to the west of the study area corridor. There is no conservation area within this settlement.

Forestry/Woodland

There are areas of mature coniferous forest and woodland on either side of the A96, and the minor roads within the Scheme area. Part of the Sleepieshill Wood is designated as long-established woodland on the Scottish Natural Heritage (SNH) Ancient Woodland Inventory. There are no known areas of commercial forestry in the immediate vicinity of the Scheme.

Agricultural

The majority of land use adjacent to, and to be occupied by, the Scheme is agricultural land used predominately for grazing purposes. Land quality here is generally classified as category 3.2 although there are some areas of land within the study corridor graded as 3.1, which is regarded as prime agricultural land (Macaulay Institute for Soil Research, 1986). Agricultural land designated as Class 3.2 is defined as 'Land Capable of average production', and Class 3.1 is described as 'Land capable of producing consistently high yields of a narrow range of crops and/or moderate yields of a wider range'.

Commercial

There is only one commercial property within close proximity to the Scheme, which is Threapland Garden Centre.

Transportation Land

Apart from the A96 and minor roads and local access roads the Inverness to Aberdeen railway runs to the south of the A96 at Threapland near to the western section of the Scheme.

Infrastructure

Two overhead lines cross each other at the location of the proposed new Threapland junction.

Leisure/Recreational

There is a designated Right of Way that runs northwards at the western end of the proposed scheme.

Hydrological features

There are two waterbodies located to the south of the Scheme area – Loch Oire (a designated Site of Special Scientific Interest (SSSI)) and Threapland Reservoir. There is a small, unnamed watercourse that flows to the north from Loch Oire and runs beneath the A96.

7.4.2 Planning Year – No Proposal (09NP)

It is not anticipated that there will be any significant changes to the land use framework within this timescale. Slight changes may also occur in the agricultural land use through crop rotation or farm operations. There may also be felling operations within parts of the forest during this time.

7.4.3 Future Baseline – No Proposal (24NP)

In this scenario, it is likely that any planning applications granted during and prior to 2009 will have been developed, and the potential exists for some additional development resulting from future planning applications and future Development Plan Land Allocations. Without the Scheme there would be no requirement for agricultural landtake or tree felling.

7.5 Assessment of Environmental Effects

Environmental effects on land use will be experienced during both the construction and operational phase of the development, with impacts being both permanent and temporary. Likely impacts are:

- Temporary landtake for construction works e.g. site construction compound;
- Permanent landtake for the realigned road junction;
- Impacts on future land use designations.

Construction and operational effects on land use are highlighted below, with the subsequent section describing the significance of these environmental effects.

7.5.1 Effects of Construction

Temporary landtake will be required for the construction process, as a site(s) will be required for the contractor's compound. This will ideally be adjacent or in close proximity to the proposed improvements and have good access from the existing road network. The precise location of the contractor's compound has still to be determined.

The temporary offline diversion for the A96 carriageway during the removal of the sag at the Loch Oire junction is proposed in the agricultural land to the north of the existing carriageway. Exact temporary landtake for this is still to be confirmed, though is currently estimated at 0.51ha. This diversion will be required to allow the existing carriageway to be temporarily closed, as the height of the carriageway embankment will be raised to increase visibility.

Other than this effect, there will be very little scope for temporary landtake as it is assumed that construction work at specific locations will be undertaken within the boundary of permanent landtake.

7.5.2 Effects of Operation

The operational effects on land use within the study area relate to the permanent landtake that will be required for the development of the Scheme, or when there are instances of permanent severance as a result of access closures. Comparing the boundary of the development with the land use characteristics allows a calculation of the potential permanent landtake to be approximated. The extent of permanent landtake can be seen in Table 7.5.

There would be impacts to agricultural land as the proposed route alignment of the A96–Loch Oire connector road would cross part of an existing agricultural grazing field, resulting in permanent landtake. The location and construction of the proposed retention pond would also result in the permanent loss of arable agricultural land. The implementation of the Scheme is predicted to have a negligible impact on the future viability of the farm units affected by the Scheme through land take, and in total results in a permanent landtake of 2.17ha from agricultural land. A number of trees and some areas of scrub would also require felling on either side of the A96 in order to improve the sightlines from the upgraded junctions. A limited number of trees would be removed from the Loch Oire connector road to accommodate the new Scheme. The total permanent landtake from the forestry and woodland areas is approximately 1.33ha.

Existing sections of the minor roads that connect the Loch Oire area to the A96 will be made redundant due to the new junctions proposed under the Scheme, which would mean that the obsolete sections of the existing road would revert back to local landowners, once the road is removed from the list of highways. The obsolete sections of the existing roads would be retained, as maintenance access is still required for public utilities, and for access to agricultural fields and residential properties. Loch Oire road will remain surfaced to maintain and allow pedestrian and cyclist access.

Some parts (gardens) of residential properties will be in close proximity to areas of permanent landtake as a result of the Scheme. Residential receptors include properties at Tilhill, Dumella,

Pomona, Evanton and Birchbank. However, only the very south-west corner of the Tilhill garden will be directly affected, with approximately 79m² of landtake to allow the increased size of the road embankment. There will also be 105m² of landtake from the car parking or hardstanding area at the front of the Garden Centre, to allow the construction of the pathway for cyclists and pedestrians.

Table 7.5 below reports the likely permanent landtake by land use type.

Table 7.5: Permanent Landtake

<i>Land Use</i>	<i>Area (approx)</i>	<i>Purpose</i>
Residential	79m ² (Tilhill, south west corner of garden)	Junction improvement / road realignment
Agricultural	2.17ha (with 0.51ha for temporary servitude)	Junction improvement / road realignment
Forestry/Woodland	1.33ha	Junction improvement / road realignment
Commercial	194m ² (Garden Centre car parking / hardstanding)	Road realignment / cycle or pedestrian access

7.5.3 Significance of Environment Effect

The significance of the environmental effects on land use is reported below in Table 7.6.

Table 7.6: Significance of Effects

<i>Feature</i>	<i>Potential Impact/ effect</i>	<i>Magnitude of Impact</i>	<i>Sensitivity/ Importance of Receptor</i>	<i>Significance of impact</i>
Construction				
Agricultural land required for works compound(s)	Temporary landtake (land area not yet known)	Slight	Low	Negligible adverse

<i>Feature</i>	<i>Potential Impact/ effect</i>	<i>Magnitude of Impact</i>	<i>Sensitivity/ Importance of Receptor</i>	<i>Significance of impact</i>
Operation				
Agricultural landtake	Permanent landtake of low-grade agricultural land.	Moderate	Low	Minor adverse
Agricultural land	Permanent landtake from grazing land	Moderate	Low	Minor adverse
Private Residential Gardens	Permanent landtake from residential garden	Slight	High	Minor adverse
Forest/ Woodland	Permanent landtake at edge of woodland/forest areas	Slight	Medium	Minor adverse
Commercial	Permanent landtake from Garden Centre	Slight	High	Minor adverse

7.6 Mitigation

There will be a loss of some trees in the woodland and forest areas, although the planting of new trees as part of the landscaping programme can partially mitigate this adverse impact.

No adverse impacts are anticipated to affect Loch Oire and Threapland Reservoir if best practice measures are implemented during the construction phase. Where possible excavated rocks and soils will be reused and recycled within the construction of the proposed junction improvements.

The amount of land required for the Scheme will be kept to a minimum.

No severance issues should occur during construction, and appropriate measures will be taken to ensure that access to residential properties and farm holdings is maintained whenever possible, otherwise alternative access arrangements will be provided.

Where landtake will occur, during both construction and operation, compensation will be required for the landowner, dependant on the type and scale of land use lost.

New accesses to fields will be created to offset severance for local landowners and farmers.

7.7 Residual Impacts

There will be some residual impacts in terms of the effects of the Scheme on land use, although compensation will have been provided as mitigation where appropriate. There will be no significant issues as a result of permanent diversions or severance as alternative access provision will be provided. More details regarding impacts on access are reported in Chapter 4 – Disruption due to Construction.

Once detailed design has been undertaken it is expected that there will only be limited landtake from the garden of the Tilhill residential property, and the hardstanding area at the front of the Garden Centre. Similarly, limited areas of permanent landtake will be required within low grade agricultural land, and within the coniferous plantation woodland to the northeast of the Urquhart junction.

7.8 Summary

The effects of the Scheme on land uses are predominantly related to landtake issues, both of a temporary and permanent nature. Where adverse effects are highlighted, suitable mitigation measures are prescribed, which are likely to include the provision of compensation measures.

Temporary landtake will be required for a period of about eight months for the purpose of a construction compound, and for the temporary road diversion, immediately north of the existing A96 carriageway. Further details can be found in Chapter 4 – Disruption Due to Construction.

Permanent land-take is required which will affect both agricultural and forestry / woodland land uses. Compensation measures will be required for permanent land loss. No demolitions of any properties would be required. Existing sections and junctions of minor roads that connect to the A96 at Threapland and Loch Oire Road will be made redundant due to the new junctions proposed under the scheme. Where junctions are to be closed, a road stopping-up order will be promoted. The obsolete sections of the existing roads will be grubbed up but access will be retained to allow the public utilities the right of entry for maintenance purposes. Finally, with the closure of the Loch Oire Junction to vehicles, local access for the north west section of Loch Oire Road will be taken from the southern leg of the Threapland Junction. An appropriate turning head for vehicles will be provided at the western end of Loch Oire Road with a pedestrian and cycle link provided to the A96.