



Ref: DNS/3245065

Nina Kinsey
Case Officer
The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
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Via Email: dns.wales@planninginspectorate.gov.uk

30th March 2021.

Dear Nina Kinsey,

Re: The Developments of National Significance (Procedure) (Wales) Order 2016 - Proposed Solar development at Lower Nash Farm, Blackberry Lane, Pembroke Dock, Pembrokeshire, SA72 4SJ – Ref: DNS/3245065

I refer to your email of 24th February consulting the Department for Environment, Energy & Rural Affairs on the above DNS Application as a Specialist Consultee. This response is made in accordance with:

- Article 4 of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016; Part 1A Paragraph S of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- Annex B of Technical Advice Note 6 – 2010.
- Planning Policy Wales – Edition 11 – 2021.

Agricultural Land Classification (ALC) Survey - Technical Assessment:

An ALC report has been prepared by Reading Agricultural Consultants (RAC) (Ref: 8665, '*Land West of Blackberry Lane, Cosheston, Pembrokeshire*', dated February 2020) and is included in the Environmental Statement Volume 2 Appendices A5.1. The report found the survey area to be 23.50ha ALC grade 2, 7.00ha subgrade 3a, and 6.50ha subgrade 3b (Total 37.00ha - surveyed).

Departmental surveyors have technically reviewed the RAC report and can confirm it has been undertaken in accordance with the '*Revised Guidelines and Criteria for Grading the Quality of Agricultural Land*' (MAFF 1988).

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Agricultural Land Classification (ALC) Survey – Advice:

The ALC Survey Report (*Ref: 8665 by Reading Agricultural Consultants – February 2020*) can be accepted as an accurate reflection of the land quality on the site.

This confirms that the proposed application site, if approved, would **involve the loss of 27.75ha of Best and Most Versatile (BMV) agricultural land** (23.50ha ALC grade 2, 7.00ha subgrade 3a).

Expression of View:

Having considered this proposal in light of the Welsh Government's Planning Policy Wales (PPW) provision for the protection of BMV agricultural land (paragraphs 3.58 & 3.59); Schedule 4 of the 2012 Order; and, TAN 6 (Chapter 6 & Annex B), the Department for Environment, Energy & Rural Affairs **objects to the proposal** in the long term national agricultural interest for the following reasons:

1. The potential loss of 27.75ha of confirmed BMV agricultural land is a matter of national significance.

A key message from the recently published National Development Framework (NDF) (*Future Wales: the National Plan 2040*) in respect of high quality agricultural land is: -

Our productive land is a vital resource. Agriculture has shaped our landscapes and supported our rural and market towns for generations. We must continue to value and protect our agricultural land and ensure it can feed and support us.

The distribution and grades of BMV agricultural land in Wales is clearly illustrated on page 27. of Future Wales (see Annex 1). Over 30% of Pembrokeshire is considered BMV agricultural land from the Predictive ALC Map [data](#), demonstrating the area is a nationally important resource for agriculture.

PPW (paragraph 3.58) notes: *Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future.*

The Department considers the loss of 27.75ha of BMV agricultural land would be an unacceptable adverse impact on this vital resource.

2. It is considered that the proposal has failed to give considerable weight to protecting BMV agricultural land because of its special importance.

The initial evaluation by the applicants of land quality for the site was undertaken over 8 years ago (2013) using the 'Provisional ALC Map for England and Wales'; focusing on areas of ALC grade 3, 4 and 5. TAN6, Chapter 6.2.4 states: -

"The [Provisional] Agricultural Land Classification (ALC) map for Wales is published at a scale of 1:250,000. This map is produced for use in strategic planning and provides only a generalised indication of the distribution of land quality. The map is not suitable for use

in evaluating individual sites. In such cases a resurvey at a larger scale is necessary to obtain a definitive grade”.

This has not been taken into account in the site selection process. The indication of Provisional ALC grade 3 should indicate the possibility of BMV land being present through the sub-grading of 3a and 3b.

The ‘Provisional’ ALC Map was withdrawn from use in Wales on the 27th November 2017 when the Predictive ALC Map (Version1) for Wales was launched and [guidance](#) provided. Version 1 of the Predictive Map noted the site as mainly Grade 2, with areas of Subgrade 3a and Subgrade 3b. Version 2 (2019) of the Predictive map for the site confirms the same predicted grades. The Department considers that the applicants have failed to review the application of BMV policy (PPW 11, para 3.58 and 3.59) based on best available information.

The Practice Guidance [‘Planning for Renewable and Low Carbon Energy – a Toolkit for Planners](#) (2015) supports the view against the use of BMV agricultural land for solar developments and giving significant weight to its protection. Under ‘Sheet K, Step 6’ (p.197 – 200), it notes:

‘Large-scale solar PV farms must be appropriately sited; this means utilising lower grade agricultural land (preferably of Agricultural Land Classification 3b, 4 or 5), or promoting the effective use of contaminated land, brownfield land, and previously developed/industrial land under national planning policy recommendations (see section 4.9 and 4.10 of Planning Policy Wales). The aim of this proposal is to protect the best and most versatile agricultural land’.

This view is further supported by the adopted Pembrokeshire County Council LDP (2013-2021) [Supplementary Planning Guidance on Renewable Energy \(2016\)](#) . Appendix 1 Solar Energy (p. 22) notes: -

Land areas hosting solar PV arrays have a reduced capacity for growing crops. The range of farm animals that can graze such areas is also restricted. It is preferable to avoid placing solar farms on the best and most versatile agricultural land (grades 1, 2 and 3A).

The validated detailed ALC survey of the site (dated February 2020) demonstrates that **over 80%** of the application area is BMV agricultural land, with over 60% of the site as ALC Grade 2 (very good) agricultural land. The Department considers the sequential test (PPW 3.59) has not been applied in this application and lower grade agricultural land is available. The proposed site is located in a wider area of Predicted ALC Grade 2 land, with lower quality land to the north, south and east.

3. The Department views the search area as insufficient and, therefore, arguments of overriding need and possible alternative sites are not credible.

The search area is confined to the county of Pembrokeshire, despite evidence in the ES (Vol 1, BL001, Insert 2 – p41, WPD Network Capacity Map) of inadequate grid connection capacity in the region.

The Department considers the argument over a 2km search area distance from grid connection as insufficient. The Department would also question evidence of overriding need for use of BMV agricultural land in light of insufficient grid capacity in the county of

Pembrokeshire. The Department is aware of DNS solar applications, not involving BMV agricultural land, currently being considered in a wider search area.

The Department does not dispute the benefits of solar energy but consider that there is no need to locate solar energy on best and most versatile agricultural land. Therefore, the ability to locate solar energy on a wide range of sites should not conflict with BMV policy.

4. No evidence has been presented to demonstrate that once developed, its return to agriculture as best and most versatile agricultural land is practicable.

The Department does not accept the argument that the development is temporary (40yrs). It is acknowledged in [TAN 6](#) (6.2.2) that ‘...*once agricultural land is developed, even for ‘soft’ uses such as golf courses, its return to agriculture as best and most versatile agricultural land is seldom practicable*’.

It is noted that the applicants propose a decommissioning plan. However, decommissioning a 34.25ha solar development would be a specialist operation and not something an average farmer, with average farm equipment, could undertake practically. There can be no guaranteed commitment enforced for restoration of the site in the future. The level of accompanying infrastructure presents a long term risk to the land use from disturbance and uncertainty over decommissioning.

The change of use to energy generation means the land could not be farmed to its BMV potential (mainly Grade 2 ‘very good’ agricultural land), due to the infrastructure installed for solar generation. The land would be limited to extensive, low level grazing (equivalent to Grade 5 land) for site maintenance at best. The Basic Payment Scheme (BPS) does not allow solar sites to claim agricultural financial support because the land use is primarily for energy generation and not agriculture.

5. Land Quality Implications Assessment (ES Vol2 – BL014).

The Agricultural Land Classification (ALC) system is the only approved method for assessing the quality of land in England and Wales under the planning system. The grading methodology is described in [The Agricultural Land Classification of England and Wales - Revised Guidelines and Criteria for Grading the Quality of Agricultural Land \(MAFF 1988\)](#). Land is graded according to long term physical limitations using climate, site and soil characteristics and interactions between these factors. A valid ALC assessment must consider the grading criteria in full to be considered an accurate reflection of land quality for a site.

The Land Quality Implications Assessment and the conclusions provided in the ES (Vol 2 – BL014) are rejected by the Department as they do not consider the ALC grading criteria in full. Only potential theoretical impacts on soil are considered by the applicant, not the interaction of soil, site and climate limitations or relationship between them as detailed in the ALC Criteria (MAFF 1988).

The Department does not agree with the statements related to threats posed by “*modern farming techniques*”, remaining “*in agricultural use*” and “*regenerative farming practices*”; these are erroneous. No evidence is provided of significant issues affecting soils or the ALC grade of the land currently. The Department does not consider the Land Quality Implications Assessment relevant in terms of application of BMV policy for this site.

6. Appeals Review – Appendix A.

The applicant provides a review of 5 appeal cases involving solar developments on BMV agricultural land (ES Volume 2, Appendix A).

Of the 5 cases reviewed, 3 are in England. Although the ALC system is applicable to England and Wales, the policy on BMV agricultural land differs significantly as planning policy is a devolved matter. Therefore appeal cases in England are not relevant to be considered for cases in Wales.

Another one of the five cases considers the loss of under 20ha (14ha) BMV agricultural land.

The Department considers that the outcome of Appeals Ref: [APP/A6835/A/16/3151110](#) & [APP/A6835/A/16/3151112](#) are relevant to this case (copy attached). These joint cases consider the impact of solar developments on BMV agricultural land.

Our **OBJECTION** to this application is consistent with the view expressed in our Pre-application consultation response to the applicant (dated 23rd October 2020 along with further correspondence dated 27th October 2020 and 9th December 2020).

This **OBJECTION** response is made solely on the basis of impact upon the national agricultural interest, and is made independently of other parts of Welsh Government that may wish to exercise a remit to comment upon this planning application.

I trust the above expression of view and associated remarks are clear and unambiguous. Please do not hesitate to contact if necessary.

Yours sincerely



Arwel Williams.
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Enc. Planning Inspectorate Appeal Decisions APP/A6835/A/16/3151110 & 3151112.

Agriculture

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