

Soil, Peatland & Agricultural Land Use Planning Unit.
Uned Pridd, Mawndiroedd a Chynllunio Defnydd Tir
Amaethyddol.
Yr Adran dros Newid Hinsawdd a Materion Gwledig /
Department for Climate Change and Rural Affairs.



Llywodraeth Cymru
Welsh Government

Ref: EN010156

Declan Keiley
Head of Business Development, UK and Ireland
Lightsource bp

By Email: maenhir@lightsourcebp.com

15th November 2024

Dear Declan Keiley,

Re: Response to Statutory Consultation under S.42 of the Planning Act 2008 and Regulation 3 of the Infrastructure Planning Regulations – Proposed Maen Hir Solar Development and Energy Storage Project, Anglesey (NSIP).

Thank you for consulting the Department, as a specialist consultee, regarding agricultural land quality, the application of BMV agricultural land policy and peatlands. This substantive response is made in accordance with:

- National Development Framework (NDF) Future Wales: The National Plan 2040¹
- Planning Policy Wales (PPW), Edition 12 – 2024²
- Schedule 4, Paragraph (s) of The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016³
- DCPO letter – ‘BMV agricultural land and solar PV arrays’ – 2022⁴
- Annex B of Technical Advice Note (TAN) 6 – 2010⁵

¹ <https://www.gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf>

² <https://www.gov.wales/planning-policy-wales>

³ <https://www.legislation.gov.uk/wsi/2016/59/made>

⁴ <https://www.gov.wales/best-and-most-versatile-agricultural-land-and-solar-pv-arrays>

⁵ <https://www.gov.wales/technical-advice-note-tan-6-planning-sustainable-rural-communities>

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.

1. Agricultural Land Classification (ALC) Survey - Technical Assessment and Advice:

The Department has had regular engagement with the surveyor regarding the ALC survey of the proposed sites. This includes:

- i. August 2023 - commenting on the initial reconnaissance level survey report undertaken;
- ii. September 2023 - joint site visit with the Department. Including soil pit examination and soil texture sampling;
- iii. January 2024 - agreeing survey methodology - areas identified as BMV on the Predictive ALC Map for Wales would be surveyed in full detail (1 observation per hectare), supplemented by a high density of topsoil texture analysis.

An ALC report has been undertaken by Amet Property and is included in the Preliminary Environmental Impact Report (PEIR) – Appendix 12-1 (Part 1, 2 and 3).

The draft report notes the survey area to consist of **322ha (796acres) of Best and Most Versatile agricultural land (BMVAL)** (26.00ha Grade 2 and 296ha Subgrade 3a within a total site survey area of 1,306ha / 3,227acres).

The Department has received a copy of the draft ALC report directly from the surveyor and is in the process of validating the report to confirm and agree the findings. The Department aims to respond to the surveyor with our findings and comments on the survey report by the end of November.

2. Peatland

Paragraph 12.2.15, Chapter 12 of the PEIR notes, *'No evidence of peat was found in any of the surveyed areas, and none is reported in NRW mapping as falling within the PEIR Boundary.'*

The Department notes, peat mapped at evidence score 2 on the Peatlands of Wales Evidence Map⁶ appears to be present within the PEIR boundary (e.g. at approx. X:241,232 / Y:387,003 – Cors-y-Bol/Afon Alaw). Other areas of peat mapped at evidence score 1 also appear to overlap with the PEIR boundary.

The Department would welcome further clarification and detail of field survey work undertaken and the definitions of peat soils and peatland habitats considered.

3. Substantive Response

Having considered this proposal in light of the Plan, Policy, Technical Advice and DCPO letter (2022) listed above, the Department advises the applicant that, as a specialist consultee, it has concerns. The Department reserves the opportunity to object should the proposal not demonstrate compliance with planning policy and standing advice.

⁶ https://datamap.gov.wales/layers/geonode:peatlands_of_wales_evidence_2nss

The Department's concerns relate to:

- The potential development of 322.00ha of BMVAL:

The Department's view will in part be subject to its final position on the validity of the Agricultural Land Classification survey and resulting area and distribution.

- The potential development of peat soils and peatland habitat:

The Peatlands of Wales Evidence Map identifies peat within the PEIR boundary and the ALC survey has identified organic soil profiles.

4. Planning Policy & Standing Advice:

4.1 Best and Most Versatile Agricultural Land (BMVAL):

- **Overarching National Policy Statements for Energy^{7 8}**

EN-1 and EN-3 set out the Overarching National Policy Statements for Energy concerning BMVAL, soil management and peatlands.

- **National Development Framework (NDF) Future Wales: The National Plan 2040⁹**

Future Wales states Wales' productive land is a vital resource and acknowledges that we must continue to value and protect our agricultural land and ensure it can feed and support us. Rural areas have an important function as providers of food, energy and mineral resources.

Policy 5 of Future Wales places a duty to support the rural economy.

Policy 9 categorises BMVAL as a 'national natural resource', as recently reinforced by the Cabinet Secretary for Economy, Energy and Planning in the Senedd¹⁰.

Policy 17 sets out the approach to Renewable and Low Carbon Energy and Associated Infrastructure with Policy 18 setting out the criteria.

⁷ <https://www.gov.uk/government/publications/overarching-national-policy-statement-for-energy-en-1>

⁸ <https://www.gov.uk/government/publications/national-policy-statement-for-renewable-energy-infrastructure-en-3>

⁹ <https://www.gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf>

¹⁰ <http://www.senedd.tv/Meeting/Clip/4a98e93e-84ee-46f0-94d9-e72c7e1befb4?inPoint=00:31:18&outPoint=00:39:25>

- **Planning Policy Wales (PPW), Edition 12 – 2024¹¹**

Paragraphs 3.58 and 3.59 set out the specific provisions for BMVAL.

- **DCPO letter – ‘BMV agricultural land and solar PV arrays’ – 2022¹²**

The DCPO directly addresses the use of BMVAL for solar proposals.

- **Annex B of Technical Advice Note (TAN) 6 – 2010¹³**

Chapter 6 sets out further considerations for the rural economy and use of BMVAL.

4.2 Peat Soils and Peatland Habitats:

- **National Development Framework (NDF) Future Wales: The National Plan 2040¹⁴**

Policy 9 of Future Wales highlights soil carbon, biodiversity hotspots / networks, natural flood management as ‘national natural resources’. These national natural resources exist as a direct result of the presence of peat soils.

- **Planning Policy Wales (PPW), Edition 12 – 2024:**

PPW para 6.4.15.1b. notes any peatland habitat occurring on peat soil should be safeguarded in line with the ‘stepwise approach’ to protect irreplaceable habitats (including the natural resources which underpin them). It will be wholly exceptional for development to be justifiable in such instances.

PPW para 6.4.34 notes, “Where peat is identified within proposed developments, considerable weight should be given to its protection because of its special importance in underpinning and supporting national natural resources such as soil carbon, biodiversity and flood management.”

5. Further Information:

The impact and acceptability of proposed infrastructure and mitigation measures on the BMVAL and peat resource is not clear.

¹¹ <https://www.gov.wales/planning-policy-wales>

¹² <https://www.gov.wales/best-and-most-versatile-agricultural-land-and-solar-pv-arrays>

¹³ <https://www.gov.wales/technical-advice-note-tan-6-planning-sustainable-rural-communities>

¹⁴ <https://www.gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf>

Once the ALC survey has been validated, and the extent of the peat impacts are understood, the Department would welcome further discussion with the applicant to fully understand the impact of the proposal and policy compliance. This would be welcomed prior to formal submission of the planning application.

The advice expressed does not bind any other part of Welsh Government commenting on the proposal. I trust the above comments are clear and unambiguous.

Yours sincerely

RJ Cooke

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