

# **APPEAL BY ECONERGY INTERNATIONAL LTD**

**AGAINST THE DECISION OF SHROPSHIRE COUNCIL TO REFUSE PLANNING PERMISSION FOR ERECTION OF AN UP TO 30 MW SOLAR PV ARRAY, COMPRISING GROUND MOUNTED SOLAR PV PANELS, VEHICULAR ACCESS, INTERNAL ACCESS TRACKS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE, INCLUDING SECURITY FENCING, CCTV, CLIENT STORAGE CONTAINERS AND GRID CONNECTION INFRASTRUCTURE, INCLUDING SUBSTATION BUILDINGS AND OFF-SITE CABLING**

**AT LAND AT BERRINGTON**

**REBUTTAL PROOF OF EVIDENCE OF MR SAM FRANKLIN BSc  
(Hons) MSc MRICS FAAV FBIAC MISoilSci**

**PINS REF: APP/L3245/W/23/3332543**

**LPA APPLICATION REF: 22/04355/FUL**

**LPA APPEAL REFERENCE: 23/03207/REF**

**Landscape Land and Property  
Village Farm  
Thorncote Green  
Sandy  
Bedfordshire  
SG19 1PU**

## **1 Missing Grade 1**

The Appellants soil proof states:-

*2.1.1. The land at the Appeal Site has been classified according to the revised guidelines for Agricultural Land Classification (ALC) issued in 1988 by the Ministry of Agriculture, Fisheries and Food (CD 9.1).*

*The individual soil profiles are of Grade 1 quality, but as a separate mapping unit the land does not meet the definition of Grade 1 land as given in the MAFF ALC Guidelines-‘ land with no or very minor limitations to agricultural use. A very wide range of agricultural and horticultural crops can be grown and commonly includes top fruit, soft fruit, salad crops and winter harvested vegetables. Yields are high and less variable than on land of lower quality.’*

Para 2.1.14 in the appellant’s proof says:

*Within the area of Grade 2 there are profiles of Grade 1 soil. These profiles are included within the land mapped as Grade 2 (CD 1.3) and not shown as a separate mapping unit. In the south part of the site the soil textures are variable and the land falls to the field boundary. The individual soil profiles are of Grade 1 quality, but as a separate mapping unit the land does not meet the definition of Grade 1 land as given in the MAFF ALC Guidelines-‘ land with no or very minor limitations to agricultural use. A very wide range of agricultural and horticultural crops can be grown and commonly includes top fruit, soft fruit, salad crops and winter harvested vegetables. Yields are high and less variable than on land of lower quality.’*

In fact the 1988 Guidelines indicate that

*The grade or subgrade of land is determined by the most limiting factor present.*

*and*

*No satisfactory means have been found of overcoming these problems and for this reason economic criteria for grading land have not been adopted. Similarly site specific crop yield data are not regarded as a reliable indication of land quality, because it is not possible to consistently make allowances for variables such as management skill, different levels of input and short-term weather factors.*

However, there is no explanation in the ALC report of what the limitation(s) is or are that prevent this land from being identified as Grade 1 quality. In accordance with the 1988 guidelines, these soils meet the criteria for Grade 1. They are in clusters of at least 3 auger points and (apart from point 8) are not single entities.

The 1988 Guidelines do state:-

*This variability becomes a significant limitation if, for example, soils of the same grade but of contrasting texture occur as an extensive patchwork thus complicating soil management and cropping decisions or resulting in uneven crop growth, maturation or quality.*

*and*

*It may sometimes be necessary to take account of special or local circumstances when classifying land.*

The 1988 Guidelines do however indicate some of the kinds of issues that might be relevant to downgrading the land and these include:-

**a) Contrasting texture**

*This variability becomes a significant limitation if, for example, soils of the same grade but of contrasting texture occur as an extensive patchwork thus complicating soil management and cropping decisions or resulting in uneven crop growth, maturation or quality.*

However, we see that the top soil texture of most of the Grade 1 auger points is the same or similar to each other (mainly sandy clay loam, SCl) and also similar to the Grade 2 land (SCl). We further see this from the soil resource management plan, whereby the majority of the Grade 1 and 2 land is shown (Unit B) as Sandy Clay Loams. The Green area (Unit A) is described as either loamy sand or sandy loam topsoil.

I conclude that there are no extensive patchworks of contrasting textures.

**b) Variable Soil Depth**

The Guidelines also indicate:-

*Similarly, a form of pattern limitation may arise where soil depth is highly variable*

All of the Grade 1 and Grade 2 topsoil profiles are between 30-40cm depth. So there is not much topsoil depth variation between these two grades. Every single soil profile across the site extends to the full 120cm. There are no shallow soils. Stoniness is also minimal or irrelevant in the top 50cm. The limit for 'soil depth' that restricts land from Grade 1 is 60cm. All profiles on the site exceed 60cm.

I conclude that variable soil depth is not a factor sufficient to justify downgrading the Grade 1 land to Grade 2

**c) Microrelief**

The Guidelines also indicate:-

*Similarly, a form of pattern limitation may arise where soil depth is highly variable or microrelief restricts the use of machinery*

None of the site is stated as downgraded on microrelief or steepness. Some of the land is gently undulating, but this does not pose sufficient technical limitations to farm machinery or equipment to warrant a downgrade.

The ALC reports does not indicate microrelief is an issue.

## **d) Mapping Scale**

The 1988 Guidelines state:-

*A degree of variability in physical characteristics within a discrete area is to be expected. If the area includes a small proportion of land of different quality, the variability can be considered as a function of the mapping scale. Thus, small, discrete areas of a different ALC grade may be identified on large scale maps, whereas on smaller scale maps it may only be feasible to show the predominant grade.*

*Severity of the limitations imposed by the pattern on cropping and management, and is mapped where permitted by the scale of the survey.*

The scale of map used in the report is approximately 1:10,000 scale (though no scale is given on the ALC maps) and this is in line with guidance found in TIN049 for a detailed survey. There seems every reason therefore to fully identify the different grades of land.

## **2 Removing Irrigation from the Assessment**

The ADAS Proof states:-

*2.1.16 There is an irrigation reservoir adjacent to the Appeal Site. The consideration of the availability of irrigation in grading agricultural land was reviewed in 1997 and removed from the ALC methodology (Appendix Soils 1).*

Yet, the 1988 Guidelines have clearly not been revised. There was a draft proposal to revise them in 1996 and in anticipation of that revision, PPG7 was published which gave advice to LPAs to consider irrigation as 'other planning factors' to avoid irrigation being double-counted, when considering land quality. PPG 7 did confirm:-

*B11 Irrigation - When irrigation is practised and water supplies are adequate and reliable, the productive capacity of agricultural land and its importance relative to non-irrigated land of the same grade will often be significantly increased.*

However, as PPG 7 is no longer extant, and the 1988 Guidelines have not been amended it is considered appropriate to take account of the availability of irrigation in assessing the productive capacity of the land in line with the 1988 guidelines, where irrigation is present. An email exchange in explanation of a non-documented change to the guidelines seems an inadequate explanation for the arbitrary removal of .

## **3 Arable Cropping**

ADAS state

*4.2.9. As much of the Appeal site is classified as Grade 2 and Subgrade 3a the land has potential for arable cropping.*

In reality and with irrigation the land is well suited to horticultural production and not necessarily good for arable cropping. The Balfours letter (CD 9.10) indicates that the land is poor for arable cropping (though they provide no evidence in support), and this suggests that cereals should not be the crop of choice on the land.

There is no requirement for planning consent to use land for agriculture or to change from arable cropping to grass production.

The Appellant's soils proof also suggests that the land could be used for grazing now. That is correct. However, the likelihood of that must be low on the basis that arable is currently more profitable than sheep grazing.

### **Food Production and Self Sufficiency**

The Appellant's soils proof also indicates that the UK has a high level of self-sufficiency. The war in Ukraine and Suez Canal problems have caused wheat supply and other food related issues, and in consequence there is a refocussed attention on food security in the UK.

In clarification of the Governments concern with regard to food production, the December 2023 amendment to the NPPF now specifically references 'food' in footnote 62 and this indicates the rising awareness and concern for food security in the UK.