


# Soil Rebuttal: Proof of Evidence

Land south of Berrington, Shrewsbury, Shropshire SY5 6HA
on behalf of Econergy International Limited

Against the Refusal of Planning Permission by Shropshire Council for:

'Erection of an up to 30MW 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.'

APP/L3245/W/23/3332543

LPA Appeal Reference: 23/03207/REF

February 2024

ADAS Rosemaund, Preston Wynne, Hereford, HR1 3PG

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# 1. INTRODUCTION AND SCOPE

1.1 This rebuttal evidence is in response to specifically referenced elements of the Proof of Evidence prepared on behalf of Shropshire Council (the 'LPA') by Mr Mike Davies and the Proof of Evidence on 'BMV/Soils' prepared by Mr. Sam Franklin on behalf of the Rule 6 Party Flour Not Power. The proof refers to Reason 1 for Refusal:

*'Loss of Best and Most Versatile Land*

*88.2% of the land within the 44.09-hectare is best and most versatile quality with 54.1% being higher Grade 2 quality. It is not considered that the renewable energy benefits of the proposals or the applicant's justifications for this choice of site are sufficient to outweigh the adverse impact of losing the arable production potential of this best and most versatile land for the 40-year duration of the proposed solar farm, assuming the land is physically capable of reverting to intensive arable production at the end of this time period…'*

1.2 This proof considers only the matter of soils. I rely on separate rebuttal evidence by the Appellant's witness, Mr Anthony Heslehurst, in respect of the elements on planning policy.

1.3 This document only deals with certain points where it is considered appropriate and helpful to respond in writing at this stage. Where a specific point has been responded to, it does not mean that it is accepted, and it may be addressed at the Public Inquiry.

# 2. AGRICULTURAL LAND QUALITY

2.1.1 Paragraph 5.11 of Mr Franklin's PoE refers to a letter prepared by Balfours on behalf of the landowner (CD 9.10). The author of the letter identifies soils at the Appeal Site as 'sand' and 'clay'. Mr Franklin states that these 'textures' are recognized in the ALC Guidelines (Appendix 2) but are not mentioned in the Appellant's ALC report (CD 1.3) and Outline Soil Management Plan (CD 1.19). Natural England's Technical Information Note (CD 9.12) states that soils can be referred to for example as sandy loam and clay. It continues to state that 'Soils may also be referred to as heavy (clays) and light (coarse textured)' i.e. sandy soils 'to indicate their ease of cultivation'. The terms in the Balfours' communication are used in this context and not in terms of soil texture assessed in the field by hand texturing.

2.1.2 Appendix 3 and Appendix 4 of Mr Franklin's PoE uses the maps from the Appellant's ALC report (CD 1.3), which contains the wording that no part of the ALC report may be copied or duplicated without the express permission of ADAS and the party for whom it was prepared. ADAS is not aware of any express permission to use part of the report by Mr Franklin.

2.1.3 Paragraph 5.12 of Mr Franklin's PoE refers to the availability of irrigation at the Appeal site. Reference is made to the MAFF Agricultural Land Classification (ALC) Revised guidelines and criteria for grading the quality of agricultural land (1988). Since a review of the Agricultural Land Classification methodology in 1996 irrigation has not been taken into account when grading agricultural land. Natural England confirmed that 'the use of irrigation within the ALC system was seen as inconsistent with the general ALC approach which sought to classify land according to the extent to which 'it's physical and chemical characteristics impose long-term limitations on agricultural use for food production'. This change in the consideration of irrigation in the ALC methodology was reflected in the 1997 version of Planning Policy Guidance 7(PPG7), which had irrigation classed under the 'other consideration' heading (PPG7 Annex B, paragraph B11). The approach taken in the light of this was that irrigation should not be used to upgrade land.

2.1.4 Paragraph 5.14 of Mr Franklin's PoE refers to 'nine borehole sites' where soil droughtiness is recorded in the Appellant's report as being a limitation. Due to the presence of an irrigation reservoir adjacent to the Appeal Site boundary Mr Franklin considers that several auger borings should be upgraded. The result would be that an additional 4ha would be upgraded from Subgrade 3a to Grade 2 and 5ha would be upgraded from Grade 2 to Grade 1.

2.1.5 As the presence of irrigation infrastructure on a site is no longer part of the ALC Guidelines the grades changes presented by Mr Franklin are erroneous.

2.1.6 Furthermore there has been a blanket approach to upgrading auger borings where droughtiness is identified as a limitation by Mr Franklin. 'Clusters' of points are identified by Mr Franklin in Appendix 4 of his PoE. One 'cluster' shows auger borings 17 and 25 as Grade 1. The topsoil at auger boring 17 is hand textured in the field as

having a heavy clay loam texture. This auger boring is placed in Soil Wetness Class I with a grading of Grade 2 due to the topsoil texture. Any amount of irrigation water would not change the grade from Grade 2 to Grade 1. Therefore to upgrade auger boring 17 to Grade 1 and identify a 'cluster' of Grade 1 as shown in Appendix 4 of Mr Franklin's proof of evidence is erroneous.

2.1.7 Paragraph 5.15 of Mr Franklin's PoE stated that 41% of the Appeal site is classified as Grade 1 land. Since 1997 irrigation has no longer been used as a factor when classifying land under the MAFF ALC Guidelines, the contents of the table presented by Mr Franklin are not accurate.

# 3. MANAGING THE SOIL RESOURCES

3.1.1 The Appellant has submitted an outline soil management plan which sets out best practice to protect and maintain the soil physical characteristics. This is in line with Defra's Construction Code of Practice (CD 9.2) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) (CD 6.4).

3.1.2 Paragraph 5.2.3 of Mr Franklin's proof references to soil damage during the construction of the proposed solar farm. Mr Franklin refers to soils at the site when wet as 'being vulnerable to compaction and soil damage'. This is not unique to the Appeal Site and applies to any soil be it under construction or agricultural use.

3.1.3 Paragraph 4.13 of the Council's Planning proof refers to refers to the permanent loss or degradation of the agricultural land at the site. There is no acknowledgement made by the Council of any proposed mitigation by the Appellant to protect and maintain the soil physical characteristics and manage loss or degradation of the land.

3.1.4 The implementation of a detailed plan on site includes the requirement of an assessment of the soil moisture condition prior to any work starting on each day and limitations on working following rain. Recent planning permissions at Eaton upon Tern (LPA ref: 22/01866/FUL) and at Albrighton (LPA ref: 22/03038/FUL) were granted for solar developments on high quality agricultural land with 84% and 92% respectively best and most versatile agricultural land. There is no reference to soil resources and the loss or degradation of high quality land in the decision notices for these sites. It is only in the planning condition relating to the decommissioning phase that there is mention of reverting the land to full productivity or to ensure that the land is satisfactorily reinstated. Unless a plan has been implemented to protect and maintain the soil physical characteristics before construction starts taking action at the decommissioning is unlikely to result in a successful outcome.

3.1.5 Mr Franklin includes images of sites during construction at Appendix 9 of his proof. There is no identification of the location or details of whether a soil management plan had been implemented. The images appear to have been taken during the winter months as there are no leaves on the trees. A correctly implemented soil management plan would have identified a period for no construction activities and minimal workings on the site following a defined access route.

3.1.6 In Appendix 9 there is reference to localised drainage issues on solar sites. This is a management issue which requires good grass establishment and regular interception of surface water by the creation of shallow 'swales'. At any solar site the field drainage should be reviewed prior to construction and if appropriate new drains installed when the panels are placed on the land.

# 4. LAND UTILISATION

1.4 Mr Franklin considers the use of the Appeal site for sheep grazing in paragraph 5.22 and Appendix 8 of his proof. The landowner already has plans with several local sheep farmers for the site to be grazed, so the point made at paragraph 5.22 has no substance. The images in Appendix 8 make no reference to time of year or location. Equally there are many images of successful sheep grazing on solar farms, such as in the BRE Agricultural Good Practice Guidance for Solar Farms (CD 9.3).

1.5 The Council refer to 'underutilisation' of the land at paragraph 4.2.5 of their PoE. The ALC Guidelines (CD 9.1) state that 'grading does not necessarily reflect the current economic value of land, land use, range of crops, or suitability for specific crops or level of yield'. The land use of the agricultural land is a decision made by the land manager to suit the objectives of a farm business. The description of the land being underutilised is subjective and not substantiated with any evidence.

1.6 Further reference is made at paragraph 4.2.7 to food security and the contribution made by the site. There is no quantitative assessment to support the statement.

1.7 The use of solar parks for producing energy and food has been noted in the report of the Environmental Audit Committee (January 2023) (CD 9.11), which considers various matters relating to solar farms or parks. The comment is made by Dr Alona Armstrong, Director of Energy Lancaster and Professor in Energy and Environmental Sciences, Lancaster University that there needs to be a move away from single- use land, that many solar parks are grazed and 'they are co-producing energy and food'.

# 5. CONCLUSION

5.1.1 Mr Franklin, on behalf of the Rule 6 Party Flour not Power, considers 41% of the site to be classified as Grade 1. This classification is made on the basis of irrigation being available at the site. For over 25 years irrigation has no longer been a factor taken into consideration when classifying agricultural land. Mr Franklin's erroneous conclusion in paragraph 9.4, about irrigation remediating the droughtiness limitation identified in the Appellant's ALC report, is therefore incorrect.

5.1.2 An outline soil management plan has been submitted by the Appellant. This is overlooked by Mr Davies, as is the evidence that many other solar farms in Shropshire with high quality agricultural land have been granted planning permission with minimal acknowledgement of the protection and management of the soil resource.

5.1.3 When under grass there is no 'underutilisation' of high-quality agricultural land as there is no connection between land use and agricultural land classification grade.