

18 August 2022



Nick Wright

n.wright@dowsongroup.com

Legal Services
Mail Hub
County Hall
Spetchley Road
Worcester
WR5 2NP

Dear Nick Wright

Access to Information Request – Request no EIR2022/00212

Thank you for your request for information, which we received on 26 July 2022. Your request has been considered under the Environmental Information Regulations 2004 (the EIRs).

You asked for the following information (text in bold below). Please find below our response to each of your questions:

Say No to Sunnica Action Group Limited (SNTS) makes the following requests for information either informally, or pursuant to the Regulations and the Act:

Question One

First. Natural England is requested to provide the information that it considered in concluding that irrigation was 'removed' from the ALC guidelines in 1997.

Please find our response in the attached zip folder. These documents will confirm the removal of 'irrigation' as a factor to be considered in the grading of agricultural land using the Agricultural Land Classification (ALC) system.

The attached correspondence is dated back in 2000 between the then Farming and Rural Conservation Agency (FRCA), an executive agency of the former Ministry of Agriculture, Fisheries and Food (MAFF), and the MAFF Policy division at the time (RME 'B'), together with a response to the third-party enquiry making the original enquiry. Note that MAFF and now Defra and the Welsh Government own the ALC system not Natural England.

Question Two – Five

Second. Insofar as it is distinct to the information provided pursuant to the first request, Natural England is requested to provide the information that it considered in concluding (as expressed inter alia on 18 June 2019 by Ms Shaw) that irrigation remained 'removed' from the ALC guidelines following the withdrawal of PPG7-1997 in 2004.

Third. Natural England is requested to confirm whether it has undertaken any determination, assessment, review, or other analysis of whether irrigation should be 'removed' from the ALC guidelines.

Fourth. if Natural England has undertaken any such assessment, review, or analysis as referred to in the third request, Natural England is requested to provide the information constituting that determination, assessment, review or analysis. Information is sought in respect of each and every such determination, assessment, review, or analysis.

Fifth. if the view advanced by Ms Holloway and Ms Shaw does not represent the position accepted by Natural England, Natural England is requested to provide the information constituting its position on irrigation's relevance to agricultural land classification, and to provide the information upon which it relies in holding that position.

Natural England was not in existence in 1996/1997 or 2000 and has inherited the position on irrigation from predecessor bodies and adheres to it as a decision made by MAFF with regard to the ALC grading system. The advice Natural England has given to SNTS and others is clearly not the personal opinion of Ms Holloway and Ms Shaw alone as the correspondence shows.

If you have any queries about this letter, please contact me. As you may be aware, under the legislation should you have any concerns with the service you have received in relation to your requests and wish to make a complaint or request a review of our decision, please contact me and I'll arrange for a colleague to conduct an internal review.

If you are not content with the outcome of that complaint or the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the internal review procedure provided by Natural England. The Information Commissioner can be contacted at: <https://ico.org.uk/global/contact-us/> or call on 0303 123 1113 (local rate), www.ico.org.uk.

Yours sincerely

Farah Afshan
Adviser – Access to Information
Legal, Governance and External Affairs

foi@naturalengland.org.uk

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AGRICULTURAL LAND CLASSIFICATION – IRRIGATION

From: [REDACTED]
RMED - Land Tenure
and Planning Branch
Rm 108, LNH
Te [REDACTED]
11 August 2000

To: [REDACTED]

cc: [REDACTED]

all by e-mail only

1. Your minute of 28 July to [REDACTED] refers. As discussed, yes it would be appropriate for [REDACTED] to reply to Reading Agricultural Consultants on the lines suggested.
 2. There is no news from the Minister's level on bmv.
- [REDACTED]

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AGRICULTURAL LAND CLASSIFICATION - IRRIGATION

From: [REDACTED]

Date: 28 July 2000

Division: FRCA

Location: Cambridge/Field Based

Tel: [REDACTED]

Fax: [REDACTED]

Field Base Tel/Fax

Email [REDACTED]@frca.maff.gsi.gov.uk

To: [REDACTED] RME'B'
(hard copy only)

cc: (minute only by Email)
[REDACTED]

1. [REDACTED] has received a letter from [REDACTED] of Reading Agricultural Consultants concerning an apparent inconsistency between the published Agricultural Land Classification guidelines and the advice in PPG 7. A copy of the letter is attached. It raises a point of principle as well as a technical issue, and for that reason I think it appropriate to ask whether you wish to handle the response from the Centre or whether it can be appropriately dealt with by [REDACTED].
2. The potential inconsistency arises because the revision of the ALC System planned in 1996 has 'run into the sand'. The history runs along the following lines.
3. The 1992 version of PPG 7 made no reference to irrigation. There was no conflict in the approach between the Agricultural Land Classification Guidelines, (the Blue Book), and PPG 7. Under that regime land benefiting from "*an adequate and reliable source of irrigation water*" should be considered for upgrading as part of the ALC assessment. It was justified on the grounds, not of the physical or chemical characteristics of the land concerned, but on its potential greater flexibility and productivity.
4. This though was seen as inconsistent with the general ALC approach which sought to classify land according to the extent to which "*its physical and chemical characteristics impose long-term limitations on agricultural use for food production*". Part of the 1996 revision was a proposal to remove irrigation from the ALC assessment to be considered 'elsewhere' as one of the 'other factors', (i.e., other than agricultural

land quality or ALC), under the general heading of "Agricultural Considerations" in a revised PPG 7.

5. The intention was to remove irrigation as a factor in the ALC assessment, but include it as one of the 'other factors'. For various reasons, the proposed second revision of the Agricultural Land Classification System never saw the light of day, but PPG 7 was revised in 1997. Irrigation was indeed included in Annex B paragraph 11 as one of the 'other factors', but the 'Blue Book' retains the original wording. It is this apparent inconsistency that now needs to be clarified.
6. Although it is a matter of history, since little or no fieldwork is carried out, there may not even have been a wholly consistent approach to the subject amongst FRCA practitioners. Certainly in part the approach adopted by some surveyors since 1997 was that irrigation potential should not be used to upgrade land. Where irrigation was at issue, the following standard paragraph was included in ALC Reports:

"The site is irrigated and is considered to have an adequate and reliable supply of water to enhance the productive capability and flexibility of the agricultural land. In accordance with Planning Policy Guidance Note 7, (PPG 7 1997), the site has been graded without reference to the availability of irrigation. Annex B, paragraph B11 of PPG 7 gives guidance on comparisons to be made in connection with irrigated and non-irrigated land. Attention is therefore drawn to the importance and increased agricultural significance that should be afforded to this site relative to comparable but non-irrigated land in the locality."
7. Given that advice had already been given to MAFF to remove irrigation from the ALC assessment, and that PPG 7 now clearly implies that this is the case, it would be appropriate to clarify the situation for practitioners. We should though await the Minister's decision on the best and most versatile land question, because if that 'falls', then so with the ALC System. If the best and most versatile land policy is to continue then there may be an opportunity to 'draw a line' under the second revision and incorporate any changes into the roll out of the predictive system. Then would be the appropriate time to inform all practitioners of the change.
8. With your agreement I suggest that [REDACTED] writes to [REDACTED] pointing out that irrigation is now to be considered as one of the 'other factors' and suggesting the words in paragraph 6 above can be used as a *caveat* about the results of field surveys undertaken.

[REDACTED]
Land Use Policy Adviser and Contract Manager

[REDACTED]
Reading Agricultural Consultants
Races Farm
Aston Street
Aston Tirrold
Didcot
Oxon OX11 9DJ

Our Reference EL02/99902A

Your Reference trw-irr1.let

Date 3 October 2000

Contact [REDACTED]

Direct Line [REDACTED]

E-mail [REDACTED]@frcr.maff.gsi.gov.uk

Dear [REDACTED]

ALC GUIDELINES - IRRIGATION

I am now in a position to write to you in response to your enquiry of 7 July 2000, seeking clarification of the treatment of irrigation when making an assessment of agricultural land quality in accordance with the Agricultural Land Classification System.

There are no immediate plans to bring the second revision of the Agricultural Land Classification System to a conclusion.

However, the advice that irrigation should be removed from the ALC assessment is reflected in the 1997 version of PPG7, which has irrigation classed under the 'other consideration' heading. The approach in the light of this is that irrigation should not be used to upgrade land.

Irrigation can have a significant effect on the productivity of land and is a factor which, in accordance with PPG 7 1997 (Annex B, paragraph B11), should be taken into account by local planning authorities when making land use planning decisions. Attention is drawn to the importance and increased agricultural significance which may be afforded to irrigated land relative to comparable but non-irrigated land in a locality.

Yours sincerely

for Regional Planning Adviser