



# Mallard Pass

Solar Farm

## Mallard Pass Solar Farm

### Environmental Statement Volume 2 Appendix 12.1: Land Use and Soils - Policy Context

**November 2022**

PINS Ref: EN010127

Document Ref: EN010127/APP/6.2

Revision P0

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations  
2009 - Reg 5 (2) (a)

## **Appendix 12.1: Planning Policy Relevant to Land Use and Soils**

12.1.1. This Appendix presents the relevant legislation, planning policy and guidance relevant to the Land Use and Soils assessment and is presented in the following sections.

### **National Planning Policy**

12.1.2. Table 1 presents the national planning policies that have been considered in carrying out this assessment, which are summarised as follows:

- Overarching National Policy Statement for Energy (NPS EN-1) (2011) [Ref 1];
- Draft Overarching National Policy Statement for Energy (draft NPS EN-1) (2021) [Ref 2];
- Overarching National Policy Statement for Renewable Energy Infrastructure (2011) (NPS EN-3) [Ref 3];
- Draft Overarching National Policy Statement for Renewable Energy Infrastructure (Draft NPS EN-3) (2021) [Ref 4]; and
- National Planning Policy Framework (2021) [Ref 5].

### **Local Planning Policy**

12.1.3. Table 2 presents the relevant local planning policies that have been considered in carrying out this assessment:

- Rutland County Council (RCC) Core Strategy Development Plan Document (2011) [Ref 6]; and
- South Kesteven District Council (SKDC) Local Plan 2011 to 2036 (2020) [Ref 7].

## **Guidance**

12.1.4. The following guidance has been considered in carrying out the land use and soils assessment:

- Institute of Environmental Management and Assessment (2022) A New Perspective on Land and Soil in Environmental Impact Assessments [Ref 8].

**Table 1: National Planning Policy Relevant to Land Use and Soils Assessment**

National Planning Policy	Requirement in relation to Land Use and Soils	How/Where has this been addressed in the EIA
<b>Overarching National Policy Statement for Energy EN-1</b>		
Paragraph 5.10.8	Paragraph 5.10.8 advises that Applicants should seek to minimise impacts on BMV agricultural land except where this would be inconsistent with out sustainability considerations. Effects on soil quality should be identified and minimised.	The Proposed Development has been laid out to minimise use of Grade 2 and subgrade 3a agricultural land as documented in <b>Chapter 4: Alternatives and Design Evolution</b> of the ES [EN010127/APP/6.1] and the <b>Design Guidance</b> within the <b>Design and Access Statement</b> [EN010127/APP/7.3].
<b>Overarching National Policy Statement for Energy EN-1</b>		
There is no policy governing development involving agricultural land	No policy to assess	There is no policy governing development involving agricultural land
<b>National Policy Statement for Renewable Energy Infrastructure (draft NPS EN-3)</b>		
Paragraphs 2.48.13	It is noted that agricultural land of Grades 3b, 4 and 5 should be preferred, avoiding BMV crop land <b>“where possible”</b> . <b>“However land type should not be a predominating factor in determining the suitability of the site location”</b> .	BMV land has been identified and avoided where possible as documented in <b>Chapter 4: Alternatives and Design Evolution</b> of the ES. An ALC survey has been completed and is provided at <b>Appendix 12.4</b> of the ES [EN010127/APP/6.2].

National Planning Policy	Requirement in relation to Land Use and Soils	How/Where has this been addressed in the EIA
Paragraph 2.48.14	The Agricultural Land Classification (ALC) is the only approved system for grading agricultural quality in England and Wales and should be used to establish the ALC and identify soil types to inform soil management at the construction, operation and decommissioning phases.	The ALC survey is provided at <b>Appendix 12.4</b> of the ES.
Paragraph 2.48.15	Whilst the development of ground mounted solar arrays is not prohibited on sites of agricultural land classified 1, 2 and 3a, the impacts of such are expected to be considered and are discussed under paragraphs 2.50 and 2.53. It is recognised that at this scale, it is likely that applicants' developments may use some agricultural land, however applicants should explain their choice of site, noting the preference for development to be on brownfield and non-agricultural land.	BMV considerations were taken into account in considering site selection, as described in Appendix 1 of the <b>Planning Statement [EN010127/APP/7.3]</b> . BMV land has been identified and avoided where possible as documented in <b>Chapter 4: Alternatives and Design Evolution</b> of the ES. The ALC survey is provided at <b>Appendix 12.4</b> of the ES.
<b>National Planning Policy Framework (NPPF)</b>		
Paragraph 175	To the extent that it is relevant, sets out in paragraph 174 b) that the economic and other benefits of BMV agricultural land should be recognised in planning decisions.	The economic and other benefits of BMV are assessed in <b>Chapter 12: Socio-Economics</b> of the ES [EN010127/APP/6.1].

**Table 2: Local Planning Policy Relevant to Land Use and Soils Assessment**

Local Planning Policy	Requirement in relation to Land Use and Soils	How/Where has this been addressed in the EIA
Rutland Core Strategy 2011 – 2026 (adopted 2011),	There is no policy governing development involving agricultural land	No policy to assess
South Kesteven Local Plan 2011 – 2036 (adopted 2020), Renewable Energy Appendix 3, Section 3.27	Large scale ground mounted panels are allowed to be located anywhere but should first and foremost be located on derelict or brownfield land. After that they should preferable be located on poor agricultural land defined as Ministry for Agriculture, Fisheries and Food (MAFF) Grade 4 or 5. Solar Energy Criterion 9 requires that a site survey using trail holes/augers produced by a qualified expert be undertaken to identify Subgrade 3a and 3b.	BMV considerations were taken into account in considering site selection, as described in Appendix 1 of the <b>Planning Statement</b> .  BMV land has been identified and avoided where possible as documented in <b>Chapter 4: Alternatives and Design Evolution</b> of the ES. The ALC survey is provided at <b>Appendix 12.4</b> of the ES.

## **References**

Ref 1 Overarching National Policy Statement for Energy (NPS EN-1).

Ref 2 Draft Overarching National Policy Statement for Energy (draft NPS EN-1).

Ref 3 Overarching National Policy Statement for Renewable Energy Infrastructure (NPS EN-3).

Ref 4 Draft Overarching National Policy Statement for Renewable Energy Infrastructure (Draft NPS EN-3).

Ref 5 National Planning Policy Framework (2021).

Ref 6 Rutland County Council (RCC) Core Strategy Development Plan Document.

Ref 7 South Kesteven District Council (SKDC) Local Plan 2011 to 2036.

Ref 8 Institute of Environmental Management and Assessment (2022) A New Perspective on Land and Soil in Environmental Impact Assessment.

