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# **EAST YORKSHIRE SOLAR FARM**

**East Yorkshire Solar Farm  
EN010143**

## **Environmental Statement Volume 6.2**

**Appendix 15-1 Legislation, Policy and Guidance for Soils and Agricultural Land  
Document Reference: EN010143/APP/6.2**

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

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Prepared for:

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# 1. Introduction

## 1.1 Purpose of This Appendix

- 1.1.1 This Environmental Statement (ES) appendix identifies and describes the legislation, policy and supporting guidance considered relevant to the assessment of the likely significant effects of the Scheme on Soils and Agricultural Land.
- 1.1.2 Legislation and policy are considered at national and local levels.
- 1.1.3 This appendix does not assess the Scheme against legislation and policy instead the purpose of considering legislation and policy is twofold:
- a. to identify legislation and policy that could influence the sensitivity of receptors (and therefore the significance of effects) and any requirements for mitigation; and
  - b. to identify legislation and policy that could influence the methodology used within the EIA presented in this Environmental Statement. For example, a policy may require the assessment of an impact or the use of a specific methodology.
- 1.1.4 Instead, the relevant legislation and policy is assessed within the Planning Statement. The following sections identify and describe the legislation, policy and supporting guidance considered specifically relevant to the Soils and Agricultural Land assessment which has been taken into account in preparing the ES.

## 2. National Legislation, Policy and Guidance

### 2.1 Legislation

- 2.1.1 A summary of the relevant legislation for the assessment of Soils and Agriculture is given in **Table 1**.

**Table 1. Legislation**

<b>Relevant Document</b>	<b>Relevant policies</b>
Regulation 5(2)(c) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (Ref. 1)	Requires that the EIA must identify, describe and assess in an appropriate manner, considering each individual case, the likely significant direct and indirect effects of the Scheme on land and soil.
The Agriculture Act, November 2020 (Ref. 2)	The Secretary of State may give financial assistance for, or in connection with, ...protecting or improving the quality of soil.

- 2.1.2 The UK is unlikely to adopt the EU Soil Strategy for 2030 (Ref. 3), but the UK government has similarly committed to sustainable management of agricultural soils, within the Sustainable Farming Incentive (SFI). SFI actions for soils are focused on improving soil health, structure, organic matter and biology.

## 2.2 Policy

### National Policy

- 2.2.1 The Scheme's proposed energy generating technology is not currently specifically referenced by a National Policy Statement (NPS). However, the EIA takes account of the following NPSs, which are considered to be matters that will be important and relevant to the Secretary of State's decision as to whether to grant a DCO for the Scheme:
- a. Overarching National Policy Statement for Energy (EN1) (Ref. 4)
  - b. National Policy Statement for Renewable Energy Infrastructure (EN-3) (Ref. 5), and
  - c. National Policy Statement for Electricity Networks Infrastructure (EN-5) (Ref. 6).
- 2.2.2 The NPSs set out the Government's energy policy, the need for new infrastructure and guidance for determining an application for a Development Consent Order (DCO). The NPSs include specific criteria and issues which should be covered by applicants in their assessments of the effects of their scheme, and how the decision maker should consider these impacts and mitigation measures.
- 2.2.3 The relevant NPS requirements, together with an indication of where in the ES the information is provided to address these requirements, are provided in **Table 2**.

**Table 2. Relevant NPS requirements for the Soils and Agriculture assessment**

<b>Relevant NPS paragraph reference</b>	<b>Requirement of the NPS</b>	<b>Location of information provided to address this</b>
<hr/>		
NPS EN-1		
Paragraph 5.10.8	<p>Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of lesser quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations. Applicants should also identify any effects and seek to minimise impacts on soil quality considering any mitigation measures proposed. For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination.</p>	<p><b>Chapter 3: Alternatives and Design Evolution, ES Volume 1 [EN010143/APP/6.1]</b>, describes that the site selection process, at scoping stage, focussed around an area shown on Provisional ALC mapping as non-BMV poor quality Grade 4 land. <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b> sets out the results of further ALC predictive analysis and field survey work. This has shown the majority of land in the Solar PV Site (over three quarters) to be Subgrade 3b (moderate quality, non-BMV) rather than Grade 4 (poor quality, non-BMV). Within the solar PV site infrastructure requiring foundations or hard standing will be directed towards land of the lowest quality within the required area of installation.</p> <p>Mitigation measures are set out in <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b> in section 15.6: Embedded Mitigation and section 15.8: Additional Mitigation, Enhancement and Monitoring. Residual Effects to agricultural land and soil area are identified in Section 15.9.</p>
<hr/>		
NPS EN-5		
Paragraph 1.7.5	<p>The effects of electricity network infrastructure on soil to be considered both in the short-term and long-term, taking into consideration specific location and the sensitivity of the receiving environment.</p>	<p>This has been taken account of in <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b> Section 15.4: Assessment Methodology, Section 15.5: Baseline Conditions and Section 15.7: Assessment of Likely Impacts and Effects.</p>

**Relevant NPS Requirement of the NPS  
paragraph  
reference**

**Location of information provided to address this**

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Paragraph 2.8.9	Recognises that undergrounding of cables may have a greater environmental consequence to soils than an overhead line will.	The impacts to soils due to the installation of cabling is fully assessed in section 15.7 of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b> . With appropriate measures for the sustainable management of soil resources set out in section 15.8 and in the <b>Framework Construction Environmental Management Plan (CEMP) [EN010143/APP/7.7]</b> and <b>Framework SMP [EN010143/APP/7.10]</b> submitted.
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## Draft National Policy Statements

- 2.2.4 The Government is currently reviewing and updating the Energy NPSs. It is doing this in order to reflect its policies and strategic approach for the energy system that is set out in the Energy White Paper (Ref. 7) (December 2020), and to ensure that the Planning Policy Framework enables the delivery of the infrastructure required for the country's transition to net zero carbon emissions. As part of the Energy NPS review process, the Government published a suite of Draft Energy NPSs for consultation on 30<sup>th</sup> March 2023. These include the following Draft NPSs:
- a. Draft Overarching National Policy Statement for Energy (EN-1) (Draft NPS EN-1) (Ref. 8),
  - b. Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (Draft NPS EN-3) (Ref. 9), and
  - c. Draft National Policy Statement for Electricity Networks Infrastructure (EN-5) (Ref. 10).
- 2.2.5 The consultation on the details of these provisions closed on 23 June 2023.
- 2.2.6 The transitional provisions in the draft EN-1 state that the suite of NPS will only have effect once designated in relation to those applications that are accepted for examination after the date of designation. The date for submission of the Application may mean that there is no NPS specifically in relation to ground mounted solar, but the draft NPS are "important and relevant" matters, as defined in S.105 (2)(c) of the 2008 Act, and are matters which the Secretary of State should have regard to and place significant weight on.
- 2.2.7 Given the importance of these NPSs, the EIA approach takes account of these new emerging documents and any subsequent formal adoption of new NPSs for energy infrastructure will be considered where relevant during the production of the ES. Where the relevant Draft NPS contain requirements that differ from the requirements of the NPSs, **Table 3** indicates where the information to address these requirements is provided within the ES.



**Table 3. Relevant Draft NPS requirements for the Soils and Agriculture assessment**

<b>Relevant Draft NPS paragraph reference</b>	<b>Requirement of the NPS</b>	<b>Location of information provided to address this</b>
<b>Draft NPS EN-1</b>		
Paragraph 5.11.4	Development of land will affect soil resources, including physical loss of and damage to soil resources, through land contamination and structural damage. Indirect impacts may also arise from changes in the local water regime, organic matter content, soil biodiversity and soil process.	<p>Industry standard good practice measures for the handling and management of soil resources based upon guidance such as Defra’s Code of Practice for the Sustainable Use of Soil on Development Sites are summarised in section 15.2 of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b>, and further described in the <b>Framework CEMP [EN010143/APP/7.7]</b> and <b>Framework SMP [EN010143/APP/7.10]</b> submitted. The delivery of detailed CEMP and SMP prior to the commencement of works on site and implementation of the measures they describe will be secured through DCO Requirements 11 and 15.</p> <p>The change in land use from arable to grassland over the operational lifetime of the Scheme is predicted to deliver improvements to soil structure and carbon content as set out in Section 15.9 Residual Effects of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b>.</p>
Paragraph 5.11.12	Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5).	<p><b>Chapter 3: Alternatives and Design Evolution, ES Volume 1 [EN010143/APP/6.1]</b>, describes that the site selection process focussed around an area shown on Provisional ALC mapping as non-BMV poor quality Grade 4 land. Subsequent independent predictive modelling indicated that most of the area was non-BMV land but Grade 3b. Soil survey confirmed that most of the land was not BMV but that some areas of BMV were included in the Order limits. <b>Chapter 15: Soils and</b></p>

**Relevant Draft Requirement of the NPS  
NPS  
paragraph  
reference**

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**Location of information provided to address this**

Paragraph 5.11.13 Applicants should also identify any effects and seek to minimise impacts on soil health and protect and improve soil quality taking into account any mitigation measures proposed.

**Agricultural Land, ES Volume 1 [EN010143/APP/6.1]** sets out the results of further ALC survey work which has shown the majority of land in the Solar PV Site (over three quarters) to be non-BMV quality. Within the solar PV site infrastructure requiring foundations or hard standing will be directed towards land of the lowest quality within the required area of installation.

This has been taken account of within Section 15.5 Assessment Methodology, Section 15.7: Assessment of Likely Impacts and Effects and Section 15.8 Additional Mitigation, Enhancement and Monitoring of **Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]**.

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Industry standard good practice measures for the handling and management of soil resources based upon guidance such as Defra's Code of Practice for the Sustainable Use of Soil on Development Sites are summarised in Section 15.8 of **Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]**, and further described in the **Framework CEMP [EN010143/APP/7.7]** and **Framework SMP [EN010143/APP/7.10]** submitted.

The change in land use from arable to grassland over the operational lifetime of the Scheme is predicted to deliver improvements to soil structure and carbon content as set out in section 15.9 Residual Effects of **Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]**.

**Relevant Draft Requirement of the NPS  
NPS  
paragraph  
reference**

**Location of information provided to address this**

Paragraph 5.11.14 Applicants are encouraged to develop and implement a Soil Management Plan which could help minimise potential land contamination. The sustainable reuse of soils needs to be carefully considered in line with good practice guidance where large quantities of soils are surplus to requirements or are affected by contamination.

A **Framework SMP [EN010143/APP/7.10]** has been submitted. The delivery of a detailed SMP prior to the commencement of works on site and implementation of the measures it describes will be secured through a DCO Requirement.

Paragraph 5.11.23 Although in the case of most energy infrastructure there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site (assuming that some of that use can still be retained post project construction) applicants should nevertheless seek to minimise these effects and the effects on existing or planned uses near the site by the application of good design principles, including the layout of the project and the protection of soils during construction.

The design seeks to minimise impacts to BMV agricultural land. Industry standard good practice measures for the handling and management of soil resources based upon guidance such as Defra's Code of Practice for the Sustainable Use of Soil on Development Sites are summarised in section 15.8 of **Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]**, and further described in the **Framework CEMP [EN010143/APP/7.7]** and **Framework SMP [EN010143/APP/7.10]** submitted. The delivery of detailed CEMP and SMP prior to the commencement of works on site and implementation of the measures they describe will be secured through DCO Requirements 11 and 15.

**Draft NPS EN-3**

Paragraph 3.10.14 While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be

**Chapter 3: Alternatives and Design Evolution, ES Volume 1 [EN010143/APP/6.1]** describes that the site selection process focussed around an area shown on Provisional ALC mapping as non-BMV poor quality Grade 4 land. Further ALC survey work has shown the majority of land in the Solar PV Site (over three quarters) to be non-BMV quality. **Chapter 2: The Scheme, ES Volume 1 [EN010143/APP/6.1]** sets out

**Relevant Draft Requirement of the NPS  
NPS  
paragraph  
reference**

**Location of information provided to address this**

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	preferred to higher quality land (avoiding the use of “Best and Most Versatile” agricultural land where possible).	design parameters whereby the placement of solar PV infrastructure requiring the creation of hard standing on BMV land will be avoided where practicable.
Paragraph 3.10.15	Whilst the development of ground mounted solar arrays is not prohibited on agricultural land classified 1, 2 and 3a, or sites designated for their natural beauty, or recognised for ecological or archaeological importance, the impacts of such are expected to be considered and are discussed under paragraphs 3.10.66 – 3.10.83 and 3.10.98 – 3.10.110.	<b>Chapter 3: Alternatives and Design Evolution, ES Volume 1 [EN010143/APP/6.1]</b> describes that the site selection process focussed around an area shown on Provisional ALC mapping as non-BMV poor quality Grade 4 land. Further ALC survey work has shown the majority of land in the Solar PV Site (over three quarters) to be non-BMV quality. <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b> , describes further ALC survey work showing the majority of land in the Solar PV Site (over three quarters) to be non-BMV quality. Changes in land use due to the Scheme area assessed in section 15.7 Assessment of Likely Impact and Effects.
Paragraph 3.10.16	It is recognised that at this scale, it is likely that applicants’ developments may use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on brownfield and non-agricultural land.	<b>Chapter 3: Alternatives and Design Evolution, ES Volume 1 [EN010143/APP/6.1]</b> describes that the site selection process focussed around an area shown on Provisional ALC mapping as non-BMV poor quality Grade 4 land. Further ALC survey work has shown the majority of land in the Solar PV Site (over three quarters) to be non-BMV quality. <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b> describes further ALC survey work showing the majority of land in the Solar PV Site (over three quarters) to be non-BMV quality. Changes in land use due to the Scheme area assessed in section 15.7 Assessment of

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**Relevant Draft Requirement of the NPS  
NPS  
paragraph  
reference**

**Location of information provided to address this**

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		<b>Likely Impacts and Effects of Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1].</b>
Paragraph 3.10.17	Where sited on agricultural land, consideration may be given as to whether the proposal allows for continued agricultural use and/or can be co-located with other functions (for example, onshore wind generation, or storage) to maximise the efficiency of land use.	This has been taken account of within Section 15.7: Assessment of Likely Impacts and Effects of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1].</b>
Paragraph 3.10.18	The Agricultural Land Classification (ALC) is the only approved system for grading agricultural quality in England and Wales and, if necessary, field surveys should be used to establish the ALC grades in accordance with the current, or any successor to it, grading criteria and identify the soil types to inform soil management at the construction, operation, and decommissioning phases in line with the Defra Construction Code.	The results of Predictive ALC calculations and reconnaissance scale field surveys are set out in <b>Appendix 15-3 and 15-4, ES Volume 2 [EN010143/APP/6.2]</b> and shown in <b>Figures 15-2 and 15-3, ES Volume 3</b> , and described in section 15.5: Baseline Conditions of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1].</b> ALC grading data from field surveys are also used as the basis of the assessment presented in Section 15.5: Baseline Conditions of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1].</b>
Paragraph 3.10.19	Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise adverse impacts on soil health and potential land contamination. This should be in line with the ambition set out in the Environmental Improvement Plan to bring 60% of England's agricultural soils into sustainable management by 2030.	Industry standard good practice measures for the handling and management of soil resources based upon guidance such as Defra's Code of Practice for the Sustainable Use of Soil on Development Sites are summarised in Section 15.8: Additional Mitigation, Enhancement and Monitoring of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b> , and further described in the <b>Framework CEMP [EN010143/APP/7.7]</b> and <b>Framework SMP</b>

**Relevant Draft Requirement of the NPS  
NPS  
paragraph  
reference**

**Location of information provided to address this**

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		<p><b>[EN010143/APP/7.10]</b> submitted. The delivery of detailed CEMP and SMP prior to the commencement of works on site and implementation of the measures they describe will be secured through DCO Requirements 11 and 15.</p>
Paragraph 3.10.72	<p>Where soil stripping occurs topsoil and subsoil should be stripped, stored, and replaced separately to minimise soil damage and to provide optimal conditions for site restoration. Further details on minimising impacts on soil and soil handling are above at paragraphs 2.10.18 and 2.10.19.</p>	<p>This has been taken account of within Section 15.6 Embedded Mitigation of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b> and further described in the <b>Framework CEMP [EN010143/APP/7.7]</b> and <b>Framework SMP [EN010143/APP/7.10]</b> submitted. The delivery of detailed CEMP and SMP prior to the commencement of works on site and implementation of the measures they describe will be secured through DCO Requirements 11 and 15.</p>
Paragraph 3.10.118	<p>The Defra Construction code of practice for the sustainable use of soils on construction sites provides guidance on ensuring that damage to soil during construction is mitigated and minimised. Mitigation measures focus on minimising damage to soil that remains in place, and minimising damage to soil being excavated and stockpiled. The measures aim to preserve soil health and soil structure to minimise soil carbon loss and maintain water infiltration and soil biodiversity. Mitigation measures for agricultural soils include use of green cover, multispecies cover crops - especially during the winter- minimising compaction and adding soil organic matter.</p>	<p>Industry standard good practice measures for the handling and management of soil resources based upon guidance such as Defra's Code of Practice for the Sustainable Use of Soil on Development Sites are summarised in Section 15.8: Additional Mitigation, Enhancement and Monitoring of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b>, and further described in the <b>Framework CEMP [EN010143/APP/7.7]</b> and <b>Framework SMP [EN010143/APP/7.10]</b> submitted. The delivery of detailed CEMP and SMP prior to the commencement of works on site and implementation of the measures they describe will be secured through DCO Requirements 11 and 15.</p>

**Relevant Draft Requirement of the NPS  
NPS  
paragraph  
reference**

**Location of information provided to address this**

Paragraph  
3.10.136

The Secretary of State should take into account the economic and other benefits of the best and most versatile agricultural land. The Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to minimise impacts on soils or soil resources.

Section 15.5: Baseline Conditions of **Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]** describes that most of the land within the Site boundary is non-BMV quality.

Appropriate mitigation measures to minimise impacts on soils or soil resources are summarised in Section 15.8: Additional Mitigation, Enhancement and Monitoring of **Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]**, and further described in the **Framework CEMP [EN010143/APP/7.7]** and **Framework SMP [EN010143/APP/7.10]** submitted. The delivery of detailed CEMP and SMP prior to the commencement of works on site and implementation of the measures they describe will be secured through DCO Requirement 11 and 15.

## National Planning Policy Framework

- 2.2.8 The National Planning Policy Framework (NPPF) (Ref. 11) sets out the Government’s planning policies for England and how these should be applied.
- 2.2.9 The relevant National Planning Policy (NPPF) paragraphs, together with an indication of where in the ES the information is provided to address these requirements, are provided in **Table 4**.

**Table 4. Relevant NPPF requirements for the Soils and Agricultural Land assessment**

<b>Relevant NPPF paragraph reference</b>	<b>Requirement of the NPPF</b>	<b>Location of information provided to address this</b>
Paragraph 174	Protection and enhancement of soils. Recognition of the economic and other benefits of the best and most versatile agricultural land.	<p>Section 15.5: Baseline Conditions of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b> describes that the majority of the land within the Site boundary is non-BMV quality.</p> <p>Appropriate mitigation measures to minimise impacts on soils or soil resources are summarised in section 15.8 of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b>, and further described in the <b>Framework CEMP [EN010143/APP/7.7]</b> and <b>Framework SMP [EN010143/APP/7.10]</b> submitted. The delivery of detailed CEMP and SMP prior to the commencement of works on site and implementation of the measures they describe will be secured through DCO Requirements 11 and 15.</p>
Paragraph 175 (Footnote)	Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.	<p><b>Chapter 3: Alternatives and Design Evolution, ES Volume 1 [EN010143/APP/6.1]</b> describes that the site selection process focussed around an area shown on Provisional ALC mapping as non-BMV poor quality Grade 4 land. Further ALC survey work has shown the majority of land in the Solar PV Site (over three quarters) to be non-BMV quality.</p> <p><b>Chapter 2: The Scheme, ES Volume 1 [EN010143/APP/6.1]</b> sets out design parameters whereby the placement of solar PV infrastructure requiring the creation of hard standing on BMV land will be avoided</p>



Relevant NPPF paragraph reference	Requirement of the NPPF	Location of information provided to address this
		<p>where practicable – as illustrated in <b>Figure 2-3 ES Volume 3 [EN010143/APP/6.3]</b>.</p> <p><b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b> describes further ALC survey work showing the majority of land in the Solar PV Site (over three quarters) to be non-BMV quality (section 15.5 Baseline Conditions). Changes in land use due to the Scheme area assessed in Section 15.7 Assessment of Likely Impacts and Effects of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b>.</p>

## The Environmental Improvement Plan

2.2.10 The Environmental Improvement Plan (EIP) (Ref. 12) published in 2023 was the first revision of the 25 Year Environment Plan, which set out a vision for a quarter of a century of action to regain and retain the health of the natural environment. The EIP identifies a new soil health baseline is to be established to help track soil health. A voluntary soil structure monitoring scheme will help those actively managing soil. The outcome indicator framework includes monitoring and evaluation of using resources from nature more sustainably. Particularly relevant to soils and agricultural land are listed in **Table 5**.

**Table 5. Relevant Soil Health requirements for the Soils and Agricultural Land assessment**

Relevant Section	Relevant indicators	Location of information provided to address this
Section 5. Supporting a prosperous healthy and nature positive food system	<p>E1: area of productive agricultural land</p> <p>E2: volume of agricultural production</p> <p>E7; healthy soils (in development)</p>	<p>This has been taken account of within Section 15.4 Assessment Methodology, Section 15.6 Embedded Mitigation and Section 15.7 Assessment of Likely Impacts and Effects of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b>.</p>

## 2.3 Guidance

- 2.3.1 The assessment has also considered the following Guidance documents within the assessment of effects on the Scheme on Soils and Agriculture (included within **Table 6** in further detail):
- a. Institute of Environmental Management and Assessment (IEMA) (2022) *Guidance: A New Perspective on Land and Soil in Environment Impact Assessment* (Ref. 13);
  - b. Planning Practice Guidance for the Natural Environment (2019) (PPGNE) (Ref. 14);
  - c. Natural England (2012): *Technical Information Note 049 (TIN049): Agricultural Land Classification: Protecting the Best and Most Versatile Agricultural Land* (Ref. 15);
  - d. Natural England (2021), *Guide to Assessing Development Proposals on Agricultural Land* (Ref. 16);
  - e. Department for Environment, Food and Rural Affairs (DEFRA), (2009), *Construction Code of Practice for the Sustainable Use of Soil on Development Site* (Ref. 17);
  - f. Institute of Quarrying (2021): *Good Practice for Handling Soils in Mineral Workings* (Ref. 18);
  - g. The British Society of Soil Science (2022): *Guidance Note Benefitting from Soil Management in Development and Construction* (Ref. 19); and
  - h. Ministry of Agriculture, Fisheries and Food (MAFF) (1988), *Agricultural Land Classification of England and Wales: revised guidelines and criteria for grading the quality of agricultural land* (Ref. 20).

**Table 6. Relevant Guidance requirements for the Soils and Agricultural Land assessment**

Requirement of the Guidance	Location of information provided to address this
<p><b>Institute of Environmental Management and Assessment (IEMA) Guidance: A New Perspective on Land and Soil in Environment Impact Assessment (Ref. 13)</b></p>	
<p>This document has informed the methodology section of the assessment. This guidance sets out a new ‘soil functions’ approach, to assess the effects on land and soil of developments likely to have a significant effect on the environment. The guidance seeks to embed into EIA practice the concepts of soil functions, soil biodiversity, soil health, ecosystem services and natural capital, and to consider the influence of soil carbon on climate</p>	<p>This guidance has been adopted throughout the chapter, but particularly in Section 15.4: Assessment Methodology and Section 15:7: Assessment of Likely Impacts and Effects of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b>.</p>

<b>Requirement of the Guidance</b>	<b>Location of information provided to address this</b>
<p>change. The guidance introduces a soil functions-based EIA evaluation methodology and improved mitigation measures for soil conservation, to avoid and minimise detrimental impacts on soil resources and to ensure that all soils are sustainably managed.</p>	
<p><b>Planning Practice Guidance for the Natural Environment (2019) (PPGNE) (Ref. 14)</b></p>	
<p>Sets out the need for planning decisions to take into account the value of soils and agricultural land to enable informed choices on the future use of soil resources and agricultural land within the planning system.</p>	<p>This guidance has been adopted throughout the chapter, but particularly in Section 15.4: Assessment Methodology and Section 15.7: Assessment of Likely Impacts and Effects of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b>.</p>
<p><b>Natural England (2012) Technical Information Note 049 (TIN049): Agricultural Land Classification: Protecting the Best and Most Versatile agricultural land (Ref. 15)</b></p>	
<p>Explains the Government Policy to protect agricultural land; and the ALC system and its uses.</p>	<p>This guidance has been adopted throughout the chapter, but particularly in Section 15.4: Assessment Methodology of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b>.</p>
<p><b>Natural England (2021) Guide to assessing development proposals on agricultural land (Ref. 16)</b></p>	
<p>Provides a summary and signpost of all relevant policy and legislation concerning the assessment of developments on agricultural land. The overarching aims being protecting the best and most versatile (BMV) agricultural land from significant, inappropriate or unsustainable development proposals, and protecting all soils by managing them in a sustainable way.</p>	<p>This guidance has been adopted throughout the chapter, but particularly in Section 15.4: Assessment Methodology of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b>.</p>
<p><b>Department for the Environment, Food and Rural Affairs (DEFRA): Construction Code of Practice for the Sustainable Use of Soil on Development Site (2009) (Ref. 17)</b></p>	
<p>Technical Guidance on the handling, storage and (re)use of soil within construction projects.</p>	<p>This guidance has been adopted throughout the chapter, but particularly in Section 15.4: Assessment Methodology, 15.6: Embedded</p>

Requirement of the Guidance	Location of information provided to address this
	Mitigation and Section 15.7: Assessment of Likely Impacts and Effects of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b> .
<b>Institute of Quarrying (2021) Good Practice Guide for Handling Soils in Mineral Workings (Ref. 18)</b>	
Details the correct stripping, handling, storage, reinstatement and management of soil resources. This guide is an update and replaces the MAFF Good Practice Guide for Handling soils (2000).	This guidance has been adopted throughout the chapter, but particularly in Section 15.6: Embedded Mitigation and Section 15.7: Assessment of Likely impacts and Effects of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b> . In addition, a <b>Framework SMP [EN010143/APP/7.10]</b> identifies approaches to soil handling. This will be updated to a detailed Soil Management Plan before development.
<b>The British Society of Soil Science (2022). Guidance Note Benefitting from Soil Management in Development and Construction (Ref. 19)</b>	
Promotes the early consideration of soils, soil survey and the preparation of site-specific Soil Management Plans.	This guidance has been adopted throughout the chapter, but particularly in Section 15.4: Assessment Methodology and Section 15.6: Embedded Mitigation of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b> .
<b>Ministry of Agriculture, Fisheries and Food (MAFF) (1988), Agricultural Land Classification of England and Wales Revised guidelines and criteria for grading the quality of agricultural land (Ref. 20)</b>	
The current guidelines and criteria for grading the quality of agricultural land in England and Wales.	This guidance has been adopted throughout the chapter, but particularly in Section 15.4: Assessment Methodology of <b>Chapter 15: Soils and Agricultural Land, ES Volume 1 [EN010143/APP/6.1]</b> .

### 3. Local Policy and Guidance

3.1.1 The Scheme lies within the administrative areas of East Riding of Yorkshire Council and the newly formed Unitary Authority of North Yorkshire Council. North Yorkshire Council was formed on 1 April 2023 by the merger of the administrative areas of North Yorkshire County Council and its six constituent District Councils. Therefore prior to the merger and the formation of the Unitary Authority the Scheme was located in the administrative areas of Selby District Council and North Yorkshire County Council. It is expected that over time a new Local Plan for North Yorkshire Council will be prepared,

however it is anticipated that this will not be in place (either adopted or at draft review stage) within the timescale of the DCO Application and that the planning policy for Selby District Council and North Yorkshire County Council, as described within this Appendix, along with that for the East Riding of Yorkshire will continue to be the relevant local planning policy for the Scheme. Should any new planning policy or guidance be issued by the Unitary Authority, this will be considered within the ES.

- 3.1.2 The following local policy (**Table 7**) is relevant to the assessment of the effects of the Scheme on Soils and Agriculture.

**Table 7. Relevant legislation, policy and guidance**

<b>Relevant Document</b>	<b>Relevant policies</b>
East Riding Local Plan 2016 (Ref. 21)	Policy S4 (A.3): Supporting development in Villages and the Countryside Policy EC5 (Supporting the Energy Sector)
East Riding Local Plan Update 2020-2039 (2022) (Ref. 22)	Policy S4 (A.3.): Supporting development in Villages and the Countryside Policy EC5: Supporting the renewable and low carbon energy sector)
East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan 2016-2033 (Ref. 23)	Policy DM4: Best & Most Versatile Agricultural Land
Selby District Local Plan, 2005 (Saved Policies) (Ref. 25)	Chapter 5: Housing
Selby District Core Strategy, 2013 (Ref. 24)	Policy SP18: Protecting and Enhancing the Environment Objective 17 of Vision.
Selby District Council Local Plan Public Version (Consultation 2021) (Ref. 25)	Policy SG4 (Development in the Countryside). Paragraph 4.23.
Saved Policies of the North Yorkshire Waste Local Plan, 2006 (Ref. 26)	Policy 4/7: Protection of agricultural land.
Minerals and Waste Joint Plan (North Yorkshire County Council, York City Council, North York Moors National Park Authority) - at examination stage (Ref. 28)	Policy D12: Protection of agricultural land and soils.

- 3.1.3 The East Riding Local Plan (2016) (Ref. 21) and Local Plan update (2022) (Ref. 22) seek to protect BMV and avoid the loss of soil resources.

- 3.1.4 Policy DM4 of the East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan (Ref. 23) is considered as policy relates to development

in which there is temporary disturbance to, and reinstatement of, soils and agricultural land, as would occur for the installation of the underground High Voltage Direct Current (HVDC) and High Voltage Alternating Current (HVAC) cables. Proposals which would result in the loss of BMV agricultural land will only be supported if the loss is temporary and there would be no overall loss of soil quality following final restoration; or other beneficial after uses can be secured, which would not sterilise the soil resource; or there is a need for the mineral which cannot be met in a suitable, alternative location of lower quality agricultural land.’

- 3.1.5 Chapter 5 of the Selby District Local Plan (2005) (Ref. 25) seeks to protect and preserve BMV land for housing.
- 3.1.6 Policy SP18 of Selby District Core Strategy (2013) (Ref. 24) aims to steer development to areas of least environmental and agricultural quality.
- 3.1.7 Objective 17 of the Selby District Core Strategy (2013) (Ref. 24) seeks to protect BMV agricultural land by steering development to areas of least agricultural quality.
- 3.1.8 Policy SG4 of the Selby District Council Local Plan (2021) (Ref. 25) states that development should protect and avoid (where possible) the irreversible loss of the best and most versatile land, avoid development of Grade 1 agricultural land unless there are exceptional circumstances where the significantly outweigh the loss, direct development towards land of the lowest quality available and demonstrate soil resources have been protected and used sustainably in line with best practice. Paragraph 4.23 requires consultation with Natural England (NE) regarding large-scale non-agricultural development on BMV land that is not in accordance with the development plan. Natural England was contacted through the Scheme’s Discretionary Advice Service (DAS) agreement (411969 DAS East Yorkshire Solar Farm) to seek formal agreement on the proposed baseline data collection methodology for the Grid Connection and Interconnecting Cable Corridors, and for the Solar PV Site.
- 3.1.9 Policy 4/7 of the Saved Policies of the North Yorkshire Waste Local Plan (2006) (Ref. 26) directs development towards non-agricultural land and land of lower agricultural quality (non-BMV). An overriding need for the development of BMV land must be proven.
- 3.1.10 The Minerals and Waste Joint Plan (Ref. 28), Policy D12 states that BMV land will be protected from unnecessary and irreversible loss. Where development is justified, protection and enhancement of soils and the long-term potential to recreate BMV land is prioritised. Where relevant, development will be subject to aftercare requirements and will be required to demonstrate that all practicable steps will be taken to conserve and manage on-site soil resources, including soils with environmental value, in a sustainable way. Development which would disturb or damage soils of high environmental value such as intact peat will not be permitted.

## 4. References

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