

MHCLG Guidance Review July 2019

Agricultural land, soil and brownfield land of environmental value

All too often we are faced with subtle tweaks to Government guidance, which have little or no effect upon how we go about our professional business. The changes issued on Sunday 21 July 2019 appear to be quite far-reaching and extensive, but will they make a difference to how we undertake our assessments or plan our developments? This article considers the changes regarding ‘agricultural land, soils and brownfield land of environmental value’.

The first area of change relates to agricultural land. There is no substantive change, but the update PPG does underline the provisions of Schedule 4 of the Development Management Procedure 2015, which stipulates that Natural England must be consulted on (non-agricultural) development proposals that would result in the loss of 20 hectares or more of Best and Most Versatile agricultural land (Grades 1, 2 and 3a).

The 2015 Order also stipulates that this provision relates to cumulative effects, i.e. if the development forms part of a wider development (for example, part of a large residential urban extension coming forward in multiple phases) then the requirement to consult should be applied to the wider area.

The PPG also contains an entirely new section considering the National Forest and Community Forests. The policy now makes suggestions that new development should “contribute to the creation and emerging character of the Forests” and pave the way for a financial contribution of some kind in those areas.

How can planning take account of the quality of agricultural land?

The National Planning Policy Framework expects local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. This is particularly important in plan making when decisions are made on which land should be allocated for development. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The Agricultural Land Classification provides a method for assessing **The Agricultural Land Classification assesses the quality of farmland to enable informed choices to be made about its future use within the planning system.**

Natural England provides further information on Agricultural Land Classification. The Agricultural Land Classification system classifies land into 5 **There are five grades of agricultural land, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. Planning policies and is decisions should take account of the land which is most flexible, productive economic and efficient in response to inputs and which can other benefits of the best deliver food and most versatile agricultural land.**

In the circumstances set out in Schedule 4 paragraph (y) of the Development Management Procedure Order 2015, Natural England is a statutory consultee: a local planning authority must consult Natural England before granting planning permission for large-scale non-agricultural development on best and non food crops for future generations. most versatile land that is not in accord with the development plan. Natural England has a statutory role in advising local planning authorities about land quality issues published guidance on development on agricultural land.

See related policy:

- paragraph 170

Paragraph: 026-001 Reference ID: 8-026-20140306 001-20190721

Revision date: 06.03.2014-21.07.2019

Regarding soils, the update PPG connects soils and ‘ecosystem services’, and directly reference the [Code of Practice](#).

Should **How can planning** take account of **safeguard soils**?

The National Planning Policy Framework states that the system should protect and enhance valued and prevent the adverse effects of unacceptable levels of pollution. This is because soil

Soil is an essential finite resource natural capital asset that provides important 'ecosystem services', services – for example instance, as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution.

As part of the government's 'Safeguarding our Soils' strategy, **Defra has published a Code of practice for the sustainable use of soils on construction sites which may be helpful in development design and when setting planning conditions for development sites. It provides advice on the use and protection of soil in construction projects, including the movement and management of soil resources.**

Paragraph: 025 002 Reference ID: 8-025-20140306 002-20190721

Revision date: 06.03.2014 21.07.2019

And finally, planning guidance concerning previously developed land has been amended – no longer does the wording refer to the National Planning Policy Framework (NPPF) direction for 'brownfield first' in considering development sites. Indeed, specific references to the ecological value of brownfield sites and their potential to support priority habitats of principal importance mean that further scrutiny can be expected on sites where native plants and animals have started to re-establish themselves following a cessation of former uses.

EDP suggests this should be considered in the context of stronger Government commitments to achieving net gains for ecology through the planning system, as further discussing in relation to the '[Biodiversity, geodiversity and ecosystems](#)' section of the revised guidance.

Can **How can brownfield land** have a **of high** ecological **environmental value be taken into account**?

It can do. A core principle in the National Planning Policy Framework is to encourage the effective use of land by reusing land that has been **Some previously developed (brownfield or 'brownfield' land)**, provided that it **is not of high environmental value**. This means that, **providing habitats for protected or priority species and other environmental and amenity benefits. When allocating land for development or determining a planning needs to take account of issues such as application, the biodiversity value which may be present on a brownfield site before decisions or geodiversity value of the land and its environmental sensitivity will need to be taken into account so that any harm can be avoided, mitigated or compensated for in a way which is appropriate given the site's identified value.**

Not all brownfield sites of high environmental value are taken designated as sites of importance for biodiversity. Defra has published information on Open Mosaic Habitats, a specific type of priority habitat that is of high ecological value and which occurs on brownfield land. Where insufficient information is available, survey work may be appropriate to assess ecological value before decisions on development are taken Natural England's Open Mosaic Habitat Inventory can be used as the starting point for detailed assessments.

In addition, planning may need to take account of contamination.

Paragraph: 024 003 Reference ID: 8-024-20140306 003-20190721

Revision date: 06.03.2014 21.07.2019