

**SOLAR FARM AND
ASSOCIATED INFRASTRUCTURE,
LAND ADJACENT SOTBY WOODS,
STURTON ROAD, HATTON**

**AGRICULTURAL EVIDENCE
ON BEHALF OF
THE APPELLANT
BY**

TONY KERNON BSc(Hons) MRICS FBIAC

PINS Ref: APP/D2510/W/25/3363157

August 2025





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1 INTRODUCTION TO THE WITNESS

The Witness

- 1.1 This evidence has been prepared by Tony Kernon. I am a Chartered Surveyor and a Fellow of the British Institute of Agricultural Consultants. I have specialised in assessing the effects of development proposals on agricultural land for over 35 years, and act nationwide for local planning authorities and applicants alike across England and Wales.
- 1.2 As part of preparing this evidence I have reviewed the relevant application material, visited the site and inspected the land and soils.
- 1.3 My Curriculum Vitae is at **Appendix TK1**. As a Chartered Surveyor giving evidence, I am bound by the RICS Practice Statement "Surveyors Acting as Expert Witnesses", 4th Edition (February 2023). A declaration is provided below.
- 1.4 In accordance with the requirements of the Royal Institution of Chartered Surveyors Practice Statement, "Surveyors acting as expert witnesses" (4th edition, amended 2023):
- (i) I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.
 - (ii) I confirm that I understand and have complied with my duty to this Appeal which as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.
 - (iii) I confirm that I am not instructed under any conditional or other success-based fee arrangement.
 - (iv) I confirm that I have no conflicts of interest.
 - (v) I confirm that my report complies with the requirements of the Royal Institution of Chartered Surveyors (RICS), as set down in "*Surveyors acting as expert witnesses*": RICS practice statement (2023).

Signed:



(Tony Kernon)

Dated: 8th August 2025

2 INTRODUCTION TO THE EVIDENCE

The Reason for Refusal

- 2.1 The single Reason for Refusal (RfR) does not mention agricultural land quality, agricultural land use or make any argument that land is lost, downgraded or otherwise affected.
- 2.2 As set out in the documents, including the Appellant's Statement of Case section 1.0, a previous approval was challenged on grounds including:
- the Council had failed to consider the 2015 Written Ministerial Statement (WMS) requiring "**compelling evidence**" for using land of Best and Most Versatile (BMV) quality;
 - the Council had failed to have regard to the advice of Natural England regarding the use of BMV agricultural land.
- 2.3 The Council conceded on the first bullet point (the WMS) and the decision was quashed. On re-determination the Council refused the application for the reasons set out in the RfR, but these do not include agricultural land quality or related issues.
- 2.4 The officer's report combines a detailed analysis of whether there is "**loss of agricultural land**" in paragraphs 7.78 to 7.99. Paragraphs 7.100 to 7.134 address "**site selection and whether the most compelling evidence has been demonstrated**", concluding that a robust site selection process has been followed. It is concluded in 7.135 to 7.137 that agricultural matters do not warrant refusal, even if the site selection process was not robust.
- 2.5 The Committee agreed with that part of the officer's report, as there is no reference to agricultural land in the decision.
- 2.6 The Council therefore makes no argument that there are any agricultural reasons why consent should not be given.

Third Party Comments

- 2.7 The Hatton Action Group (a 'Rule 6 Party' (R6P)) do raise agricultural matters in their Statement of Case. As analysed in more detail in the body of this Statement, they raise two key matters leading to their conclusion that the proposed development is therefore contrary to policy:

- (i) the evidence does not demonstrate that the proposed development is temporary and reversible;
- (ii) the site search does not provide compelling evidence that lower quality land cannot be used.

This Evidence

2.8 My evidence supplements the information set out in the Agricultural Considerations report of August 2024 [**CD 2.24**]. That provides greater levels of information than is set out in this document, which focuses on the issues raised.

2.9 My evidence is structured as follows:

- (i) **section 3** summaries and updates planning policy and guidance in respect of the use of agricultural land;
- (ii) **section 4** describes the application, summarises the effects on agricultural land and cross-references where information is provided;
- (iii) **section 5** provides an update in respect of relevant appeal decisions, the Solar Roadmap and other updates, concluding on why agricultural matters should not result in the appeal being dismissed;
- (iv) **section 6** examines the R6P argument that the development is not reversible;
- (v) **section 7** examines the R6P argument that poorer quality land can be and should be used in preference;
- (vi) ending with conclusions in **section 8**.

Appeals Referred To

2.10 This evidence supplements the Agricultural Considerations report (August 2024) submitted as part of the application [**CD 2.24**]. In that document and in this Agricultural Evidence document I refer to numerous appeal or application decisions. These are listed in **Appendix TK2**, with the relevant Core Document references provided.

3 UPDATES ON PLANNING POLICY

- 3.1 I set out relevant planning policy and guidance in section 3 of my Agricultural Considerations (August 2024) report [CD 2.24]. Therefore I do not repeat that in this document, but instead focus on the updates and amendments since that report was written.

Policy Updates

- 3.2 The National Planning Policy Framework was amended in December 2024. Of relevance to this appeal, footnote 65 (previously footnote 62) was amended and the reference to food production, added in the December 2023 amendment to the NPPF, was deleted. Therefore the references in my 3.7 (CD 2.24) and 3.19 to food production are no longer in the NPPF.

Guidance and Information Updates

- 3.3 Four documents of relevance have been published since my August 2024 report which I refer to below.
- 3.4 **Clean Power 2030 Action Plan: a new era of clean electricity** (December 2024) [CD 7.34]. The particular relevance of this for my evidence is to the Written Ministerial Statement (WMS) of 2015, which is the source of the “**most compelling evidence**” reference the R6P relies upon. It is noted on page 56 that the Planning Practice Guidance (to which the WMS is linked) will be updated in 2025 to clarify the application of planning policy for renewable energy proposals.
- 3.5 The **UK Food Security Report 2024** was published on 11th December 2024. This analyses land use change in section 2.2.4 (page 178). From the central paragraph on page 179 the analysis is as follows:
- “Looking ahead, based on current government policy framework for incentivising types of land use, it is expected that there will be increases in land use change from agricultural land to other uses. These uses include woodlands, grasslands, and restored peatland, as well as some being devoted to economic infrastructure like energy and housing. The impact this will have on food production will be affected by the kind of land being taken out of production. For instance, the impact is negligible if it is unproductive land which is taken. It is plausible that with continued growth in output and conducive market conditions, that food production levels could be maintained or moderately increased alongside the land use change required to meet our Net Zero and Environment Act targets and**

commitments. However, analysis projecting decades into the future involves significant uncertainties. The government is due to publish a land use framework to guide land managers on the balance of opportunities and risks”.

- 3.6 **Land Use Consultation.** A consultation preceding the Land Use Framework was published in late January 2025. This is only a consultation, but the land use analysis shows that across the UK 85% of the Utilised Agricultural Area is used for animal feed or animal production (page 12). The expectation is that 19% of England’s total agricultural land may need to change use of management by 2050 (page 15). The Government is committed to conserving and managing 30% of the UK’s land for biodiversity targets (page 24). Overall, as set out at the top of page 16:

“The Government is committed to maintaining food production. Our assessment is that, based on historical trends of productivity improvement, and supported by new and emerging innovations, the impact of these land use changes on domestic food production will be offset by productivity improvements. We expect that recent trends of increased productivity from agricultural land will continue. Working in partnership, Government will put in place a policy environment to support those changes”.

- 3.7 Page 27 notes that **“we need to build new homes and clean energy, water infrastructure and transport infrastructure at scale and at pace”.**

- 3.8 **Solar Roadmap [CD 7.35].** The Department for Energy Security and Net Zero published the Solar Roadmap in June 2025. This re-states the position in respect of BMV land on page 20, and notes a number of benefits. Annexed to the Solar Roadmap is a document “Solar Misconceptions”. Against the heading “Solar is a threat to food security”, it is noted that **“the biggest threat to food security is crop failure due to climate change and solar farms are helping to tackle this directly”.** The response also states:

“Recent UK Government analysis shows that even under the most ambitious deployment scenarios set out in the Solar Roadmap, and in the unlikely case that all new capacity coming forward is ground mount, it would only occupy up to around 0.6% of UK Utilised Agricultural Land by 2030 (less than that used by golf courses in Great Britain).

Solar farms are a temporary and completely reversible land use with restoration of land at the end of the solar farm’s life usually guaranteed by a planning condition”.

4 THE PROPOSALS AND INFORMATION PROVIDED

4.1 This section cross-references the following key documents:

- (i) Agricultural Land Classification, Soil Environment Services (September 2022) [**CD 1.19**];
- (ii) Agricultural Land Classification, Hatton, Amet Property Ltd (30th July 2024) [**CD 2.23**];
- (iii) Agricultural Considerations, Kernon Countryside Consultants Ltd (August 2024) [**CD 2.24**];
- (iv) Outline Soil Management Plan, Kernon Countryside Consultants Ltd (August 2024) [**CD 2.28**];
- (v) Site Search Document, Third Revolution Projects (February 2024) [**CD 2.27**].

4.2 The information is summarised in the following order:

- (i) land quality;
- (ii) proposals and effects on land quality;
- (iii) land use and implications for land use;
- (iv) soil and soil management.

Land Quality

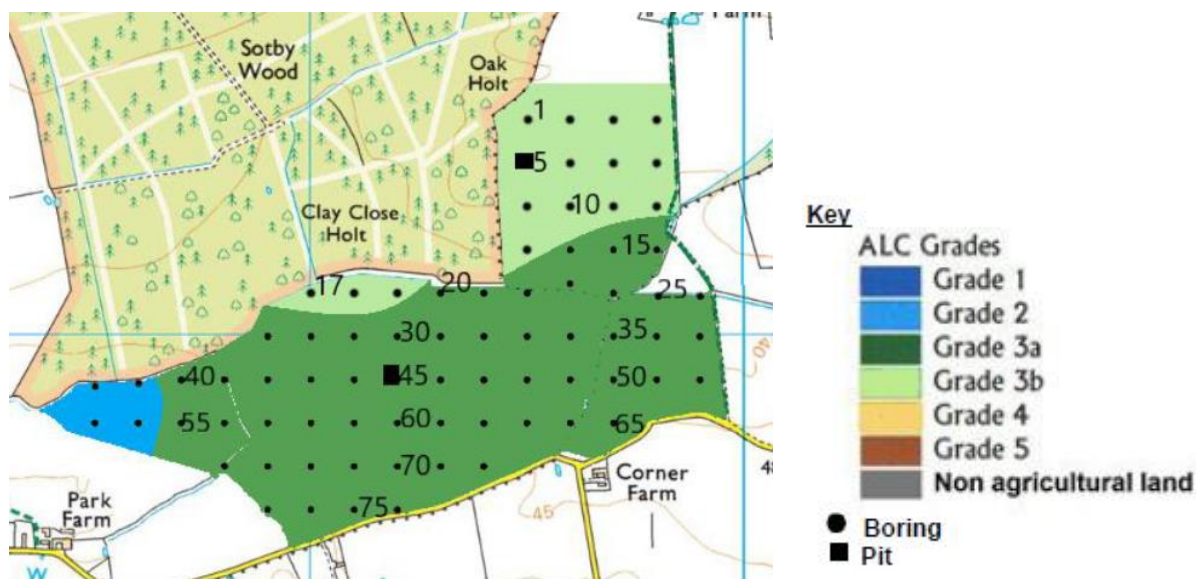
4.3 Agricultural land quality is assessed by a methodology developed by the Ministry of Agriculture, Fisheries and Food in the 1970s, and last revised in October 1988. The system grades land according to the long-term physical limitations including climate, site and soil considerations. The methodology and system is described in Natural England's Technical Information Note TIN049 (2012), reproduced at Appendix KCC1 to my August 2024 "Agricultural Considerations" report [**CD 2.24**].

4.4 The physical process of undertaking ALC involves augering soil with a hand-held auger down to a depth of 1.2m where possible, plus digging periodic soil pits to examine soil profiles and stoniness. The results are recorded and then assessed against the MAFF ALC criteria¹. A surveyor can normally auger 20 – 25 points per day, and it takes the same time again to work out grading, plot that, produce maps and reports, so ALC progress is around 12 – 13 hectares per day.

¹ Agricultural Land Classification of England and Wales: revised guidelines and criteria for assessing the quality of agricultural land, MAFF (October 1988).

- 4.5 The ALC of the Site was assessed by SES Ltd and reported in September 2022. They identified a mix of Grades 2, 3a and 3b [CD 1.19], with the results shown below.

Insert 1: SES ALC Results



- 4.6 The SES ALC results for the Site are as follows.

Table 1: SES ALC Results

ALC Grade		Area (ha)	Proportion (%)
2	Very good	4	5
3a	Good	56	74
3b	Moderate	16	21
Total		76	100

- 4.7 In June 2024 Amet Property undertook a reconnaissance ALC of a wider area of 709 ha. A reconnaissance ALC involves periodic sampling on a free survey basis, with (in this case) 47 samples over the 709 ha. It provides a good indication of land quality coverage, but is not a definitive ALC (which involves 1 point per ha), although the results for each point are definitive for that point. Their reconnaissance ALC results are reported in their ALC report [CD 2.23] and the plan and results are reproduced below.

Insert 2: Amet Reconnaissance ALC Results

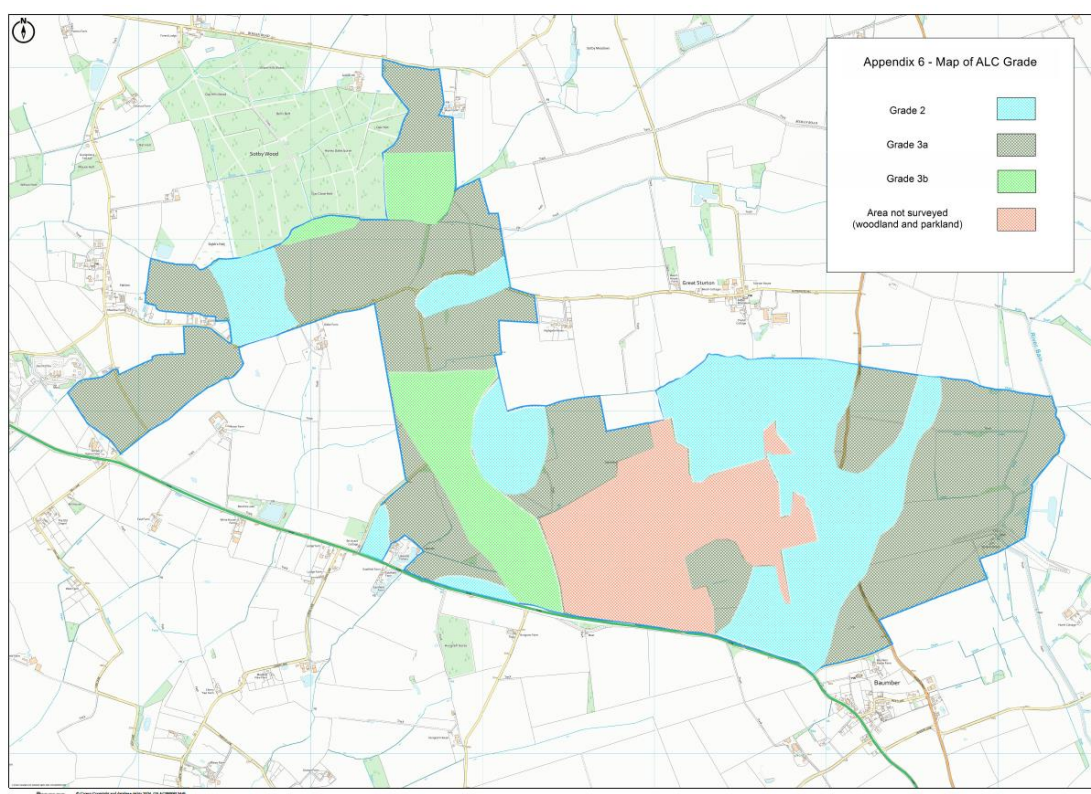


Table 2: Amet Reconnaissance ALC Results

ALC Grade	Area (ha)	Proportion (%)
2 Very good	186	26
3a Good	344	49
3b Moderate	72	10
NS Not surveyed	107	15
Total	709	100

4.8 As set out in my Agricultural Considerations report of August 2024 [CD 2.24], Amet identified that the Appeal Site lies on the cusp of Subgrades 3a and 3b, because of the Wetness Class. They identified the Appeal Site, from the small number of samples taken, as Wetness Class IV, which would be Subgrade 3b, whereas SES had identified Wetness Class III and Subgrade 3a. The difference in Wetness Class assessment relates to the depth at which mottles were seen in the soil profile.

4.9 The application has been assessed on the basis of the SES Ltd ALC results as mostly Subgrade 3a, but noting that it is at the margins of 3a/3b quality.

Proposals and Effects

- 4.10 The installation process of solar PV arrays has a very limited effect on soils and land quality. The installation process starts by marking out where solar PV array framework legs need to be placed. A team then arrives to knock the legs in. This involves small machinery. The following photograph shows a team installing legs in grassland and the small size of the machinery (relative to say a typical tractor) is evident.

Insert 3: Machinery Installing Solar PV Framework Legs



- 4.11 The following photograph was taken in winter shortly after legs were inserted on an arable stubble in winter, and the lack of disturbance to the soil is evident.

Insert 4: Photograph Following Installation of Legs



- 4.12 Once the legs have been installed the Framework is brought out (usually by tractor and trailer) and assembled by hand, then the solar panels are brought out and bolted onto the framework. The machinery used is no larger than typical farm machinery.

- 4.13 There is a need for trenching, but as shown below this involves a narrow trench and the topsoil and subsoil are removed, kept separated, and returned in reverse order and settles back rapidly, using a generally small digger.

Insert 5: On-site Trenching



- 4.14 Tracks are required for access around the site. The construction of these involves removing some or all of the topsoil (a strip depth of 15 to 30cm of soil), placing a matting in the ground and adding the stone track surface. The small volume of topsoil is left adjacent to the track so that it can be used on restoration.
- 4.15 The areas involved are all capable of full restoration, and involve an estimated (rounded-up) volume of 1.1 ha of BMV land (0.1 ha Grade 2, 1.0 ha Subgrade 3a) and 0.3 ha of Subgrade 3b, as set out in my August 2024 report [CD 2.24] at 4.10.
- 4.16 My August 2024 report section 4.12 [CD 2.24] sets out a number of planning appeal decisions that have considered whether or not land is “lost” and which have concluded that land is not “lost”, that small areas affected (as measured above) are capable of restoration and that planning policy does not prohibit such development on agricultural land. These all remain relevant and the CD reference numbers are listed in **Appendix TK2** of this Agricultural Evidence.
- 4.17 An outline Soil Management Plan was provided with the application [CD 2.28].

Land Use Implications

- 4.18 The land use implications, in terms of the “economic and other benefits” of BMV land, are described in the Agricultural Considerations report at section 6 [CD 2.24]. There is no indication that any of the factual analysis is questioned by the R6P.

- 4.19 The Site forms part of a larger 580 ha holding, with cereals grown for bio-ethanol or animal feed, or malting (if the barley quality is good enough). Sugar beet is grown on rotation but only on the western part of the appeal Site. A third of the farm is in agri-environmental schemes.

Soils

- 4.20 The effects on soils, and the benefits to soils from long-term grassland use, are set out in the Agricultural Considerations report of August 2024 [**CD 2.24**] at section 5. An outline Soil Management Plan was provided [**CD 2.28**].
- 4.21 The officer report refers to these documents. There is no indication that either the Council or the R6P question any of the benefits to soils.
- 4.22 There is considerable evidence about the benefits to soils of long-term grassland use, especially where soils have previously (as here) been in intensive arable rotations. The soils will improve through increased organic matter and will store more organic carbon as a consequence of being taken out of intensive arable cropping for the duration of the operational phase.

5 UPDATE SINCE AUGUST 2024

5.1 In this section I provide an update on the following topics relevant to this appeal:

- (i) planning policy and guidance;
- (ii) effects on land quality/land loss; and
- (iii) food security.

Policy and Guidance

5.2 The National Planning Policy Framework (2024) amendment removed the footnote, added only a year earlier, referring to food production in the policy on BMV. There is no specific reference to food production in policy relating to the use of BMV.

5.3 The Solar Roadmap (June 2025) sets out the Government's approach to solar development overall and is relevant. That makes clear that climate change, which solar farms are helping to tackle, is the greatest threat to food security.

Land Quality/Land Use Effects

5.4 There have been numerous appeal decisions since the August 2024 report [CD 2.24]. Four recent appeals of relevance are:

- (i) APP/X4725/W/24/3354032 for land at New Hall Farm, Wakefield (21st June 2025) [CD 9.16];
- (ii) APP/K2610/W/25/3359225 Land at Horsford (1st July 2025) [CD 9.17];
- (iii) APP/X1925/W/25/3359065 Land at Wandon End (15th July 2025) [CD 9.18];
- (iv) APP/G2245/W/25/3359260 Chimmens Solar Farm (23rd July 2025) [CD 9.19].

5.5 **New Hall Farm.** The Inspector noted (as was, in that case, agreed between the parties) that the 2015 WMS was out of date (paragraph 16). She provided an in-depth analysis of the effect on, and potential loss of, agricultural land in paragraphs 13 to 53, concluding variously that land is not lost, that tracks can be restored (paragraph 27), that water run-off and erosion are not concerns (paragraph 28), compaction is not a problem (paragraph 29), that soils will not be harmed (paragraph 31), and food production is not a concern when considering solar development (paragraphs 37 and 38), and that intrusive ALC surveys of a wider area “**would be disproportionate and unreasonable**” (paragraph 48).

5.6 **Horsford.** In this appeal, where the loss of agricultural land was the only main consideration, the Inspector concluded at paragraph 25 that “**The proposal would not result in the permanent loss of BMV land, the temporary loss has been shown to be**

necessary based on the reasonable elimination of alternative sites and therefore the proposed development would have acceptable impacts and would not create any significant adverse impacts”.

5.7 **Wandon End.** This decision is relevant because the Council had not raised agricultural land as a reason for refusal, but third parties had. The Inspector addresses the topic of agricultural land in paragraphs 92 to 99, with paragraph 98 providing a conclusion that “**I am satisfied that the proposal would not result in a loss of soil or agricultural land quality**”.

5.8 **Chimmens Solar Farm.** The site comprised 96.9% BMV, mostly Grade 2. The Inspector concluded in paragraph 47 that “**subject to the imposition of appropriate planning conditions the solar farm could be decommissioned and restored with no permanent loss of agricultural land quality, except for the land required for the substation**”.

Food Security

5.9 There are many decisions that refer to food security. I reference three by way of update:

- (i) Wandon End [CD 9.18];
- (ii) Chimmens Solar Farm [CD 9.19];
- (iii) Oaklands Farm Solar Park EN 010122 [CD 9.20].

5.10 **Wandon End [CD 9.18].** The Inspector concluded at paragraph 99, variously as follows:
“**Whilst third parties suggested that food security is at risk by repurposing agricultural land, there are no national or local policies that relate to food security and production. The Written Ministerial Statement “Solar and Protecting our Food Security and Best and Most Versatile Land” (15 May 2024) indicates that whilst food security is an essential part of national security, even under the most ambitious scenarios for the growth of solar farms, they would only occupy less than 1% of agricultural land in the country. Whilst anecdotal evidence suggests yields from the land are good, even taking the higher estimate for the amount of BMV land, the impact of the loss of this land for arable production would be negligible at a national scale**”.

5.11 **Chimmens Solar Farm [CD 9.19].** At paragraph 48 the Inspector concluded that:
“**Taking all these matters into account, I consider that using 93 ha of BMV agricultural land for renewable energy generation would be justified in the circumstances that apply here. Nevertheless, taking the appeal site out of**

arable production for 40 years and replacing agricultural land with a substation would have some effect on agricultural productivity in the locality, albeit with negligible impact on food resilience and security considerations. Overall, I consider that the appeal scheme would result in an adverse effect of minor significance insofar as it would impact on agriculture but find no policy conflict in this regard.

- 5.12 **Oaklands Farm Solar Park [CD 9.20].** The Secretary of State's decision letter is very thorough in respect of the effect on agricultural land, including drainage, shading, cabling, water run-off and food production. At 4.90 the Secretary of State records the very small impact on food production locally and nationally, described as "**minimal**" and "**temporary**". In 4.98 the Secretary of State agreed with the Inspector and ascribed "**little negative weight**" to agricultural matters.

6 WHETHER THE DEVELOPMENT IS TEMPORARY

6.1 This section reviews:

- (i) the R6P's position and evidence;
- (ii) the Appellant's position and evidence, including reference to planning appeal decisions and Government Statements.

R6P Position and Evidence

6.2 The R6P Statement of Case sets out their case in 5.2.13 and refers to two documents:

- (i) Natural England's consultation response of 15th February 2023 (reproduced for ease of reference in **Appendix TK3**);
- (ii) the comment of the Inspector at paragraph 48 of the Lullington decision [**CD 9.1**].

6.3 From this it is inferred that the R6P considers that the development cannot be considered temporary because of the length of time involved.

6.4 It is also inferred, as the R6P provides no commentary or evidence otherwise, that the R6P accepts that the land will not be physically adversely affected in a permanent way. Therefore it is only the length of time that leads to the R6P conclusion that this is not temporary.

Appellant's Response

6.5 The R6P provide a quote at the end of their section 5.2.13. They set out that Natural England's consultation response is that "**very little weight can be given to the notion of a 'temporary' or reversible development**".

6.6 Natural England do not make that comment. Their consultation response is set out in **Appendix TK3** and it does not include the quotation ascribed to them.

6.7 Natural England refer to the areas where agricultural land is affected by substations etc. That has since been measured and the information provided (see Table 1 in the Agricultural Considerations report [**CD 2.24**]).

6.8 Natural England refer to the importance of appropriate soil handling. That has been covered in the application material. An outline Soil Management Plan has been provided [**CD 2.28**].

6.9 Natural England otherwise note that the development is temporary.

- 6.10 The R6P rely upon the Inspector in Lullington [CD 9.1] for the comment that the development is not temporary. It is noted that in that decision the Inspector, at paragraph 48, did not identify any loss of land, and did not conclude that the change was permanent.
- 6.11 I set out in the Agricultural Considerations report [CD 2.24] at section 4.12 a number of appeal decisions which clearly conclude that the use is temporary.
- 6.12 I set out in section 5 four more very recent appeal decisions that reach the same conclusion.
- 6.13 The Lullington decision [CD 9.1] refers in paragraph 17 to the Oaklands Farm Solar Limited application for a Nationally Significant Infrastructure Project (NSIP) application. At the time of the Lullington decision (July 2023) that application was at a preliminary stage. It has now been decided. The Secretary of State provides a detailed analysis [CD 9.20] of agricultural impacts, including site selection (DL 4.16, 4.17), agricultural land and soils (DL 4.46 to 4.98) (including ALC, use of land, SMP, cables, drainage, water run-off, food production) and concludes (DL 4.98) that:
- “The Secretary of State notes that the Proposed Development would lead to temporary loss of agricultural land utilised but notes measures will be in place to reinstate the land to its previous ALC classification. The Secretary of State agrees with the ExA’s weighting of little negative weight on this matter”.**
- 6.14 The Solar Roadmap is very clear that solar farms are **“temporary and completely reversible”**.

Landowner Comment

- 6.15 A statement from the Stourton Estates, the landowners, is set out in **Appendix TK4**. They set out their aims and intentions for the Estate, and confirm the temporary intentions with the solar farm.
- 6.16 The wider benefits to the Estate and land management are clear.

Conclusion

- 6.17 The proposed development is a temporary development, which will have local benefits for the Estate.

7 WHETHER POORER QUALITY LAND COULD OR SHOULD BE USED

7.1 This section reviews:

- (i) the R6P's position and evidence;
- (ii) recent planning policy clarifications;
- (iii) the Appellant's position and response;
- (iv) the implications of using poorer quality land, of relevance to the planning balance.

R6P Position and Evidence

7.2 The R6P case is set out in paragraphs 5.2.8 to 5.2.16 (excluding 5.2.13 relating to temporary uses).

7.3 The R6P position focuses on whether poorer quality land is available, based on the understanding that the relevant test of **"the most compelling evidence"** needs to be provided for using BMV land.

7.4 In terms of evidence, the R6P does not provide its own analysis to indicate that poorer quality land is available that could be used in preference.

Recent Policy Clarifications

7.5 The policy regarding the use of BMV agricultural land has not been amended. It has long been, and remains, policy that a preference should be given to the use of poorer quality land when there is choice. The NPPF requires that BMV land be **"recognised"**.

7.6 The Secretary of State's Statement of 18th July 2024, and the Solar Roadmap of June 2025, both make clear that the biggest threat to food production is not solar farms but the climate crisis. This does not amend policy, but it puts the use of agricultural land in context.

7.7 The Inspector in the New Hall appeal (3354032) [CD 9.16] noted at paragraph 16 that the WMS dated 25th March 2015 in respect of **"most compelling evidence"** is **"out of date"**. She noted in paragraph 40 that:

"However, a recent High Court judgement⁷, subsequent to that at Lullington concluded that the preference for the use of poorer quality agricultural land in the PPG and other documents does not mandate the consideration of alternative sites. Moreover, it is a well-established legal principle that if a development of a site is acceptable in planning terms, the fact that other land

exists that may be more acceptable does not justify the refusal of planning permission. ...

⁷ **Bramley Solar Farm Residents Group v Secretary of State for Levelling Up, Housing and Communities, Bramley Solar Limited and Basingstoke and Deane Borough Council [2023] EWHC 2842 (Admin)**".

- 7.8 The Secretary of State in the Oaklands Farm Solar Park [EN 010122] [CD 9.20] reviews policy in sections 4.84 to 4.87, confirming that the use of BMV land must be justified. In that case the use of 123 ha of BMV was, in the final balance, given "**little negative weight**" (DL 4.98).

The Applicant's Position and Response

- 7.9 There is no bar to the use of BMV land for solar farm uses.
- 7.10 With the exception of the small areas of infrastructure, the land is not physically disturbed and land quality will not be changed.
- 7.11 The small areas, in this case including 1.1 ha of BMV, that are affected by tracks and infrastructure can be returned to comparable grade on decommissioning. These minor impacts are temporary and reversible.
- 7.12 There is no food security crisis, and the impacts on food production are minimal in actual and national terms.
- 7.13 As set out in the Agricultural Considerations report, a much wider area has been surveyed, albeit at reconnaissance level, and there are no suitable alternative areas of poorer quality land.
- 7.14 Statistically the Site is poorer quality than the wider estate surveyed by Amet Property. Considering just the agricultural land areas the proportion by ALC grade of the Site (from Table 1) and the wider estate (from Table 2) are compared below.

Table 3: ALC Areas and Proportions

ALC Grade	Site		Estate	
	Ha	%	Ha	%
2	4	5	186	31
3a	56	74	344	57
3b	16	21	72	12
Total	76	100	602	100

- 7.15 It would be impractical and unreasonable to expect a wider analysis of land quality, which would necessitate considerable extra field survey and would depend upon landowner agreement for access to survey.
- 7.16 The R6P refers to no evidence that there is poorer quality land available in the locality.

Planning Balance

- 7.17 It is a position that is clearly held by Government (eg the Solar Roadmap) and accepted by the Secretary of State and many Inspectors, that land is not lost and land quality is not adversely affected. There is no harm to the BMV resource, therefore.
- 7.18 It is a position that is clearly held by Government (eg the Solar Roadmap) and accepted by the Secretary of State and many Inspectors that the effect on food production and food security of using BMV land rather than non-BMV land is minimal/negligible, and does not warrant a refusal.
- 7.19 It is the view of the planning officers in this case, as set out in the officer's report at 7.136 [CD 4.4] that **"even if the site selection process was not robust and even accounting for the temporary loss of BMV, the harm associated with this would not justify the refusal of planning permission in any event, as the benefits of the proposal would overcome this harm (and all other harms)"**.
- 7.20 For these reasons the possible existence of some poorer quality land in the area should not result in dismissal of the appeal. The Applicant has undertaken an analysis of alternative land and has more than met the policy requirement, and even if he had not the benefits outweigh the very little harm that would result.

8 SUMMARY AND CONCLUSIONS

The Council's Position

- 8.1 The Council does not raise agricultural matters in the reason for refusal and has clearly concluded that these do not warrant refusal.
- 8.2 Therefore the Council has accepted that:
- (i) land quality will not be adversely affected;
 - (ii) soils will benefit from being taken out of intensive arable rotations;
 - (iii) the land grows a mix of non-food and food crops, and there will be no significant effect on food production;
 - (iv) agricultural use will be able to continue in parallel via the grazing of sheep;
 - (v) the site search shows that there is no poorer quality land obviously available that could be used instead;
 - (vi) policy does not set a sequential test, or bar the use of BMV land;
 - (vii) and the 2015 WMS is out of date.

Rule 6 Party's Position

- 8.3 Against that backdrop the Rule 6 Party raises a limited objection on agricultural matters, principally based on their interpretation of the 2015 Written Ministerial Statement cross-referenced in the 2015 Planning Practice Guidance suite.
- 8.4 The 2015 WMS, which was cited in the challenge that led to the previous decision being remitted for reconsideration, is now out of date. The Lullington decision, referred to by the R6P, referred to the 2015 WMS for the test, and must also be considered out of date. It has been superseded by the Bramley decision.
- 8.5 The R6P raises only two matters, which they conclude make the proposal contrary to policy:
- (i) there is no compelling evidence that poorer quality land is not available;
 - (ii) the evidence does not demonstrate that the development is temporary and reversible.

Appellant's Response

- 8.6 This Agricultural Evidence focuses on the R6P's matters. The Agricultural Considerations report from August 2024 is not repeated, and remains part of the appeal case, setting out the details of the operations, land quality, food production, soil benefits etc.

- 8.7 This Agricultural Evidence focuses on the temporary nature of the use and the need for **“compelling evidence”** for the use of BMV.
- 8.8 The development is temporary, as the recent Solar Roadmap makes clear. It is reversible as the recent Solar Roadmap makes clear. There are many appeals that reach that conclusion following detailed analysis.
- 8.9 There is no sequential test. There is no test of **“the most compelling evidence”**. There is no bar to the use of BMV land. Numerous Inspector and Secretary of State decisions have concluded that little/limited weight should be given to the limited negative effects on agricultural land. In contrast there is an urgent need for renewable energy.
- 8.10 The Council was correct to conclude that even if there was poorer land in the area, the benefits outweigh any harm. But there is no evidence that poorer quality land exists, and the R6P provide no such evidence.
- 8.11 Agricultural matters should not result in a reason for refusal.

APPENDIX TK1
Curriculum Vitae



CURRICULUM VITAE

ANTHONY PAUL KERNON

SPECIALISMS

- Assessing the impacts of development proposals on agricultural land and rural businesses
- Agricultural building and dwelling assessments
- Equestrian building and dwelling assessments (racing, sports, rehabilitation, recreational enterprises)
- Farm and estate diversification and development
- Inputs to Environmental Impact Assessment
- Expert witness work



SYNOPSIS

Tony is a rural surveyor with 35 years experience in assessing agricultural land issues, farm and equestrian businesses and farm diversification proposals, and the effects of development proposals on them. Brought up in rural Lincolnshire and now living on a small holding in Wiltshire, he has worked widely across the UK and beyond. He is recognised as a leading expert nationally in this subject area. Married with two children. Horse owner.

Tony's specialism is particularly in the following key areas:

- assessing the need for agricultural and equestrian development, acting widely across the UK for applicants and local planning authorities alike;
- farm development and diversification planning work, including building reuse and leisure development, Class Q, camping etc;
- assessing development impacts, including agricultural land quality and the policy implications of losses of farmland due to residential, commercial, solar or transport development, and inputs to Environmental Assessment;
- and providing expert evidence on these matters to Planning Inquiries and Hearings, court or arbitrations.

QUALIFICATIONS

Bachelor of Science Honours degree in Rural Land Management, University of Reading (BSc(Hons)). 1987. Awarded 2:1.

Diploma of Membership of the Royal Agricultural College (MRAC).

Professional Member of the Royal Institution of Chartered Surveyors (MRICS) (No. 81582). (1989).

OTHER PROFESSIONAL ACTIVITIES

Co-opted member of the Rural Practice Divisional Council of the Royal Institution of Chartered Surveyors. (1994 - 2000)

Member of the RICS Planning Practice Skills Panel (1992-1994)

Member of the RICS Environmental Law and Appraisals Practice Panel (1994 - 1997).

Fellow of the British Institute of Agricultural Consultants (FBIAC) (1998 onwards, Fellow since 2004).

Secretary of the Rural Planning Division of the British Institute of Agricultural Consultants (BIAC) (1999 – 2017).

Vice-Chairman of the British Institute of Agricultural Consultants (2019 – 2020)

Chairman of the British Institute of Agricultural Consultants (2020 – 2022)

*Greenacres Barn, Stoke Common Lane,
Purton Stoke, Swindon SN5 4LL
T: 01793 771333 Email: info@kernon.co.uk
Website: www.kernon.co.uk*



EXPERIENCE AND APPOINTMENTS

- 1997 -----> **Kernon Countryside Consultants.** Principal for the last 27 years of agricultural and rural planning consultancy specialising in research and development related work. Specialisms include essential dwelling and building assessments, assessing the effects of development on land and land-based businesses, assessing the effects of road and infrastructure proposals on land and land-based businesses, and related expert opinion work. Tony specialises in development impact assessments, evaluating the effects of development (residential, solar, road etc) on agricultural land, agricultural land quality, farm and other rural businesses.
- 1987 - 1996 **Countryside Planning and Management,** Cirencester. In nearly ten years with CPM Tony was involved in land use change and environmental assessment studies across the UK and in Europe. From 1995 a partner in the business.
- 1983 - 1984 **Dickinson Davy and Markham,** Brigg. Assistant to the Senior Partner covering valuation and marketing work, compulsory purchase and compensation, and livestock market duties at Brigg and Louth.

RECENT RELEVANT EXPERIENCE

TRAINING COURSES

- Landspreading of Non Farm Wastes.** Fieldfare training course, 24 – 25 November 2009
- Foaling Course.** Twemlows Hall Stud Farm, 28 February 2010
- Working with Soil: Agricultural Land Classification.** 1 – 2 November 2017

TRANSPORT ENVIRONMENTAL ASSESSMENT CONTRIBUTIONS

- 1992 Port Wakefield Channel Tunnel Freight Terminal, Yorkshire
- 1993 A1(M) Widening, Junctions 1-6 (Stage 2)
- 1994 - 1995 A55 Llanfairpwll to Nant Turnpike, Anglesey (Stage 3)
- 1994 - 1995 A479(T) Talgarth Bypass, Powys (Stage 3)
- 1995 Kilkhampston bypass (Stage 2)
- 1997 A477 Bangeston to Nash improvement, Pembroke
- 2000 Ammanford Outer Relief Road
- 2001 A421 Great Barford Bypass
- 2001 Boston Southern Relief Road
- 2003 A40 St Clears - Haverfordwest
- 2003 A470 Cwmbrach – Newbridge on Wye
- 2003 A11 Attleborough bypass
- 2003 - 2008 A487 Porthmadog bypass (Inquiry 2008)
- 2004 A55 Ewloe Bypass
- 2004 A40 Witney – Cogges link
- 2005 – 2007 A40 Robeston Wathen bypass (Inquiry 2007)
- 2005 – 2007 East Kent Access Road (Inquiry 2007)
- 2006 M4 widening around Cardiff
- 2007 – 2008 A40 Cwymbach to Newbridge (Inquiry 2008)
- 2007 A483 Newtown bypass
- 2008 – 2009 A470/A483 Builth Wells proposals
- 2009 – 2017 A487 Caernarfon-Bontnewydd bypass (Inquiry 2017)
- 2009 – 2010 North Bishops Cleeve extension
- 2009 – 2010 Land at Coombe Farm, Rochford
- 2009 – 2011 A477 St Clears to Red Roses (Inquiry 2011)
- 2010 – 2011 Streethay, Lichfield
- 2010 – 2012 A465 Heads of the Valley Stage 3 (Inquiry 2012)
- 2013 – 2016 A483/A489 Newtown Bypass mid Wales (Inquiry 2016)
- 2013 - 2016 High Speed 2 (HS2) rail link, Country South and London: Agricultural Expert for HS2 Ltd
- 2015 – 2017 A487 Dyfi Bridge Improvements

2016 – 2018 **A465 Heads of the Valley Sections 5 and 6 (Inquiry 2018)**
 2017 - 2018 **A40 Llanddewi Velfrey to Penblewin**
 2017 – 2018 **A4440 Worcester Southern Relief Road**
 2019 – 2020 **A40 Penblewin to Red Roses**
 2019 – 2020 **A55 Jn 15 and 16 Improvements**

NSIP/DCO SOLAR INPUTS

2020 – 2023 **Heckington Fen**
Mallard Pass
Penpergwm
Parc Solar Traffwll
Alaw Môn
Parc Solar Caenewydd
Tween Bridge Solar Farm
Gate Burton
Great North Road Solar
Helios Renewable Energy Project
Dean Moor
Oaklands Solar

EXPERT EVIDENCE GIVEN AT PUBLIC INQUIRIES AND HEARINGS

<p> 1992 Brooklands Farm: Buildings reuse Chase Farm, Maldon: Removal of condition 1993 Haden House: Removal of condition 1994 Brooklands Farm: 2nd Inquiry (housing) Barr Pound Farm: Enforcement appeal Fortunes Farm Golf Course: Agric effects 1995 Village Farm: New farm dwelling Claverdon Lodge: Building reuse Harelands Farm: Barn conversion Castle Nurseries: Alternative site presentation 1996 Church View Farm: Enforcement appeal Flecknoe Farm: Second farm dwelling 1997 Basing Home Farm: Grain storage issue Viscar Farm: Need for farm building / viability Lane End Mushroom Farm: Need for dwelling 1998 Moorfields Farm: New farm dwelling Maidstone Borough LPI: Effects of dev'ment Glenfield Cottage Poultry Farm: Bldg reuse 1999 Holland Park Farm: Farm dwelling / calf unit Northington Farm: Existing farm dwelling 2000 Twin Oaks Poultry Unit: Traffic levels Meadows Poultry Farm: Farm dwelling Hazelwood Farm: Beef unit and farm dwelling Shardeloes Farm: Farm buildings Aylesbury Vale Local Plan: Site issues Deptford Farm: Buildings reuse 2001 Lambriggan Deer Farm: Farm dwelling Blueys Farm: Mobile home 2002 A419 Calcutt Access: Effect on farms Cobweb Farm: Buildings reuse / diversification Philips Farm: Farm dwelling West Wilts Local Plan Inquiry: Dev site Manor Farm: Building reuse 2003 Fairtrough Farm: Equine dev and hay barn Hollies Farm: Manager's dwelling </p>	<p> Bonehill Mill Farm: New farm building Manor Farm: New farm dwelling Cameron Farm: Mobile home Land at Harrietsham: Enforcement appeal Attlefield Farm: Size of farm dwelling Bromsgrove Local Plan: Housing allocation Lichfield Local Plan: Against MAFF objection Hyde Colt: Mobile home / glasshouses Highmoor Farm: New farm dwelling Gwenfa Fields: Removal of restriction Yatton: Horse grazing on small farm Newbury Local Plan: Effects of development Two Burrows Nursery: Building retention Dunball Drove: Need for cattle incinerator Lambriggan Deer Farm: Farm dwelling Coldharbour Farm: Buildings reuse Heathey Farm: Mobile home Wheal-an-Wens: Second dwelling Apsley Farm: Buildings reuse Home Farm: Size of grainstore A34/M4 Interchange: Agricultural evidence Weyhill Nursery: Second dwelling Mannings Farm: Farm dwelling Land Adj White Swan: Access alteration Happy Bank Farm: Lack of need for building Lower Park Farm: Building reuse / traffic Stourton Hill Farm: Diversification Darren Farm: Impact of housing on farm Greenways Farm: Farm diversification </p>
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	Land at Springhill: Certificate of lawfulness	Land at Four Marks: Dev site implications
	Oak Tree Farm: Mobile home	
2004	Chytane Farm: Objector to farm dwelling	Oldberrow Lane Farm: Relocation of buildings
	Crown East: Visitor facility and manager's flat	Forestry Building, Wythall: Forestry issues
	Swallow Cottage: Widening of holiday use	Lower Dadkin Farm: Mobile home
	Etchden Court Farm: New enterprise viability	Villa Vista: Viability of horticultural unit
	Attleborough Bypass: On behalf of Highways Agency	
2005	Howells School: Use of land for horses	Newton Lane: Enforcement appeal
	Otter Hollow: Mobile home	Manor Farm: Change of use class
	Springfield Barn: Barn conversion	South Hatch Stables: RTE refurbishment
	Ashley Wood Farm: Swimming pool	Trevaskis Fruit Farm: Farm dwelling
	The Hatchery: Mobile home	Tregased: Enforcement appeal
	Stockfields Farm: Building reuse	
2006	Manor Farm: Replacement farmhouse	Bhaktivedanta Manor: Farm buildings
	Sough Lane: Farm dwelling	Military Vehicles: Loss of BMV land
	Whitewebbs Farm: Enforcement appeal	Ermine Street Stables: Enforcement appeal
	Land at Condicote: Farm dwelling	Featherstone Farm: Replacement buildings
	Rye Park Farm: Enforcement appeal	Flambards: Mobile home and poultry unit
	Woodrow Farm: Buildings reuse	Manor Farm: Effect of housing on farm
	Rectory Farm: Retention of unlawful bldg	Goblin Farm: Arbitration re notice to quit
	Walltree Farm: Retention of structures	Terrys Wood Farm: Farm dwelling
	Weeford Island: Land quality issues	Etchden Court Farm: Mobile home
	College Farm: Relocation of farmyard	Hollowshot Lane: Farm dwelling and buildings
2007	Woolly Park Farm: Manager's dwelling	Barcroft Hall: Removal of condition
	Park Gate Nursery: Second dwelling	Kent Access Road: Effect on farms
	Penyrheol Ias: Retention of bund	Greys Green Farm: Enforcement appeal
	Hucksholt Farm: New beef unit in AONB	A40 Roboston Wathen bypass: Underpass
	The Green, Shrewley: Mobile home	Woodland Wild Boar: Mobile homes
	Brook Farm: Retention of polytunnels	
2008	Weights Farm: Second dwelling	Whitegables: Stud manager's dwelling
	Hill Farm: Mobile home	Balaton Place: Loss of paddock land
	Relocation of Thame Market: Urgency issues	Point to Point Farm: Buildings / farm dwelling
	Spinney Bank Farm: Dwelling / viability issues	Norman Court Stud: Size of dwelling
	Higham Manor: Staff accommodation	High Moor: Temporary dwelling
	Roboston Watham bypass: Procedures Hearing	Land at St Euny: Bldg in World Heritage Area
	Monks Hall: Covered sand school	
	Porthmadog bypass: Road scheme inquiry	Baydon Meadow: Wind turbine
2009	Claverton Down Stables: New stables	Meadow Farm: Building conversion
	Hailsham Market: Closure issues	Bishop's Castle Biomass Power Station: Planning issues
	Gambledown Farm: Staff dwelling	Foxhills Fishery: Manager's dwelling
	Oak Tree Farm: Farm dwelling	Bryn Gollen Newydd: Nuisance court case
	A470 Builth Wells: Off line road scheme	Swithland Barn: Enforcement appeal
	Hill Top Farm: Second dwelling	Woodrow Farm: Retention of building
	Sterts Farm: Suitability / availability of dwelling	
2010	Poultry Farm, Christmas Common: Harm to AONB	Stubwood Tankers: Enforcement appeal
	Wellsprings: Retention of mobile home	
	Redhouse Farm: Manager's dwelling	Meridian Farm: Retention of building
	Lobbington Fields Farm: Financial test	Swithland Barn: Retention of building
2011	Fairtrough Farm: Enforcement appeal	
	Etchden Court Farm: Farm dwelling	A477 Red Roses to St Clears: Public Inquiry
	Trottscliffe Nursery: Mobile home	Upper Bearfield Farm: Additional dwelling
2012	Tickbridge Farm: Farm dwelling	North Bishops Cleeve: Land quality issues
	Blaenanthir Farm: Stables and sandschool	Langborrow Farm: Staff dwellings
		Heads of the Valley S3: Improvements

2013	Land at Stonehill: Eq dentistry / mobile home	Seafeld Pedigrees: Second dwelling
	Cwmcoedlan Stud: Farm dwelling with B&B	Beedon Common: Permanent dwelling
	Barnwood Farm: Farm dwelling	Upper Youngs Farm: Stables / log cabin
	Spring Farm Barn: Building conversion	Tithe Barn Farm: Enforcement appeal
	Baydon Road: Agricultural worker's dwelling	Lower Fox Farm: Mobile home / building
	Stapleford Farm: Building reuse	Tewinbury Farm: Storage barn
2014	Meddler Stud: Residential development	Church Farm: Solar park construction
	Deer Barn Farm: Agricultural worker's dwelling	
	Land at Stow on the Wold: Housing site	Land at Elsfield: Retention of hardstanding
	Allspheres Farm: Cottage restoration	Queensbury Lodge: Potential development
	Land at Stonehill: Equine dentistry practice	Kellygreen Farm: Solar park development
	Spring Farm Yard: Permanent dwelling	Spring Farm Barn: Building conversion
2015	Land at Valley Farm: Solar park	Land at Willaston: Residential development
	Land at Haslington: Residential development	Bluebell Cottage: Enforcement appeal
	Manor Farm: Solar farm on Grade 2 land	Clemmit Farm: Mobile home
	Penland Farm: Residential development	Honeycrock Farm: Farmhouse retention
	Sandyways Nursery: Retention of 23 caravans	The Mulberry Bush: Farm dwelling
	The Lawns: Agricultural building / hardstanding	Redland Farm: Residential dev issues
2016	Harefield Stud: Stud farm / ag worker's dwelling	Emlagh Wind Farm: Effect on equines
	Newtown Bypass: Compulsory purchase orders	Fox Farm: Building conversion to 2 dwellings
	Barn Farm: Solar farm	Wadborough Park Farm: Farm buildings
	Hollybank Farm: Temporary dwelling renewal	Delamere Stables: Restricted use
	Five Oaks Farm: Change of use of land and temporary dwelling	
	Clemmit Farm: Redetermination	Meddler Stud: RTE and up to 63 dwellings
2017	The Lawns: Replacement building	Land off Craythorne Road: Housing dev
	Land at the Lawns: Cattle building	Berkshire Polo Club: Stables / accomm
	Low Barn Farm: Temporary dwelling	Harcourt Stud: Temporary dwelling
	High Meadow Farm: Building conversion	Clemmit Farm: Second redetermination
	Windmill Barn: Class Q conversion	Stonehouse Waters: Change of use of lake
	Land at Felsted: Residential development	
2018	Thorney Lee Stables: Temporary dwelling	Watlington Road: Outline app residential
	Benson Lane: Outline app residential	A465 Heads of the Valley 5/6: Agric effects
	Park Road, Didcot: Outline app residential	The Old Quarry: Permanent dwelling
	Coalpit Heath: Residential development	Chilaway Farm: Removal of condition
	Mutton Hall Farm: Agric worker's dwelling	Leahurst Nursery: Temporary dwelling
	Clemmit Farm: Third redetermination	Icomb Cow Pastures: Temp mobile home
2019	Ten Acre Farm: Enforcement appeal	Forest Faconry: Construction of hack pens
	Harrold: 94 Residential dwellings	
	Stan Hill: Temp dwelling/agric. buildings	Hazeldens Nursery: Up to 84 extra care units
	Allspheres Farm: Enlargement of farm dwelling	Leahurst Nursery: Agricultural storage bldg
	Ruins: Dwelling for tree nursery	Sketchley Lane, Burbage: Industrial and residential development
		Park Solar Traffwl: Solar Hearing
2020	Thornbury: Local BMV	
	Penpergwym: Solar Farm Hearing	Scruton Solar Farm: Effects on BMV and food
	Mudds Bank: Equestrian workers dwelling	Land at East Burnham: Equestrian facilities
	Mallard Pass NSIP: Issue specific hearing	Fladbury: Housing on BMV land
	Bramford Solar: Loss of BMV / food	Pound Road, Axminster: BESS and BMV
	Gate Burton NSIP: BMV and Food	Wymondley Solar: Use of BMV
2021	Heckington Fen NSIP: Issue Hearing	Little Acorn Farm, St Keyne: Worker's dwelling
	Cutlers Green Solar: Use of BMV	
	Twigworth, Glos: Use of BMV land	East End Solar, Harlow: Use of BMV
	Sheepwash Solar, Kent: Use of BMV land	Sittingbourne, Kent: Housing on BMV
	Washdyke Solar, Grantham: Use of BMV	Murrells End Solar, Gloucester: BMV
	Copper Bottom Solar, Camborne: Use of BMV	

APPENDIX TK2

List of Appeals and Core Document References

LIST OF APPEALS AND CORE DOCUMENT REFERENCES

Agricultural Considerations Report, August 2024

EN 010101 NSIP Little Crow (5th April 2022)

APP/H1705/W/22/3304561 Bramley, Hampshire [CD 9.7]

EN010118 Longfield Solar Farm (26th June 2023)

APP/G2713/W/23/3315877 Leeming Bar (27th June 2023) [CD 9.23]

APP/C1570/W/23/3319421 Thaxted (18th December 2023) [CD 9.3]

APP/U2235/W/23/3321094 Little Cheveney Farm, Marden [CD 9.24]

APP/L3245/W/23/3329815 Kemberton, Telford [CD 9.25]

APP/X1925/V/23/3323321 Great Wymondley [CD 9.26]

APP/D0840/W/23/3334658 Penhale Moor [CD 9.2]

S62A/22/0006 Berden Hall Farm [CD 9.27]

Agricultural Evidence, July 2025

APP/X4725/W/24/3354032 Land at New Hall Farm, Wakefield (21st June 2025) [CD 9.16];

APP/K2610/W/25/3359225 Land at Horsford (1st July 2025) [CD 9.17];

APP/X1925/W/25/3359065 Land at Wandon End (15th July 2025) [CD 9.18];

APP/G2245/W/25/3359260 Chimmens Solar Farm (23rd July 2025) [CD 9.19]

EN 010122 Oaklands Farm Solar Park (19th June 2025), Secretary of State's decision letter [CD 9.20]

APPENDIX TK3
Natural England's Consultation
Response, 15th February 2023

Date: 15 February 2023
Our ref: 420157
Your ref: S/079/01078/22



FAO Jane Baker
development.control@e-lindsey.gov.uk

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ms Baker

Planning consultation: Installation of a temporary ground mounted 49.9MW solar farm with associated infrastructure.

Location: Land Adjacent Sotby Woods, Sturton Road, Hatton

Thank you for your consultation on the above dated 26 January 2023 which was received by Natural England on 26 January 2023

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Best and Most Versatile Agricultural Land

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.

From the description of the development this application is likely to affect 60ha of BMV agricultural land. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high

standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas. The ALC survey does not detail the area of BMV land that will be permanently lost; we recommend your authority make consideration of these areas of permanently lost land.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land. Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that:

- *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

Footnote 53: 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. We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.

Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's 'Guide to assessing Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade).

General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the

development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

The British Society of Soil Science has published the [Guidance Note](#) Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

Other advice

Biodiversity Enhancements

Natural England welcome the biodiversity enhancement proposals included within the plans and note the Biodiversity Net Gain Assessment which illustrates the development could give rise to a 70% gain in area habitat units and a 104% gain in hedgerow units.

Protected Species

Natural England note the submission of a Preliminary Ecological Survey and follow up surveys for badger, bats, breeding birds and Great Crested Newts.

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A (attached to e mail).

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me at sandra.close@naturalengland.org.uk or on 0741 5786347.

Yours sincerely

SANDRA CLOSE
Lead Adviser
East Midlands Area Delivery

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework \(NPPF\)](#) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the [Magic](#) website or as Local Wildlife Sites. List of priority habitats and species can be found on [Gov.uk](#). Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

APPENDIX TK4

Statement from Stourton Estates



Representation in Support of Solar Scheme Development by Stourton Estates

Farming is our heritage, it's in our blood. It's what we do. Our family has farmed this land for 99 years since my great grandfather became the tenant farmer on the historic Stourton Estate in 1926. Nearly a century later, we remain as committed as ever to stewarding the land with care, integrity, and purpose.

Farming is not just our business, it is a privilege and a way of life. We are under no illusions: that way of life is becoming increasingly difficult to sustain. The economic pressures on farming today are brutal. In recent years, the cost of production has risen sharply, while returns for our crops have become much more volatile. The Basic Payment Scheme is ending, and the new SFI (Sustainable Farming Incentive) scheme, whilst providing a welcome alternative to direct subsidies, is not guaranteed beyond 2027 for our farm and last year's financial accounts were the worst in 40 years. Alongside this financial uncertainty we are dealing with the effects of climate change. In the past 5 years we have lost more crops than the previous 40 years through 'unseasonal' floods, hailstorms, episodes of extreme frost and droughts. This will only get worse.

Against this backdrop, we have had to think very carefully about how we ensure the survival, and future, of our farm. We have chosen to meet this challenge head-on, by taking an increasingly regenerative approach to agriculture. We are moving away from synthetic fertilisers and using any pesticides, bringing cattle onto the land, introducing multi-cropping and cover cropping; all in order to improve soil health and long-term sustainability. This is a more resilient, environmentally responsible way of farming, and it's the future we are striving towards.

We have also diversified our business, ensuring that every part of what we do contributes meaningfully to the whole. Our woodlands are actively managed to produce kiln-dried logs and landscaping products and our deer herd provides high-quality venison. All is sold locally into the community. We have created Stourton Woods, a wedding and events venue that welcomes the public, supports other small local businesses, and brings amenity value to the wider community. These are not side projects, they are vital pillars of a business working hard to remain viable and forward-looking.

The proposed solar scheme represents another critical strand of this diversification, one that will enable us to continue farming, invest in the next phase of regenerative practice, and secure the long-term future of our family farm. Growing crops to produce food is an ever increasingly risky business, particularly with the challenges of climate change, meaning budgeted tight margins can soon become heavy losses. Stable income from the solar farm and our other enterprises would enable us to continue to take the risk to plant crops and grow the Nation's food when others may decide not to plant any crops at all.

This scheme is not about abandoning agriculture, quite the opposite. It will provide essential support in an increasingly challenging industry. The land in question is a relatively small parcel, carefully chosen so as not to affect our core farming operation on challenging land. Its use for solar generation would be for a defined 40-year period after which it can be returned to agriculture, its soils rested and improved. Like the tree-planting schemes I have designed as a trained forester, this is a long-term view, a thoughtful intervention to support the next generation.

Some have questioned our motives suggesting we are driven by greed or disregard for the environment. Nothing could be further from the truth. Every decision we make is underpinned by a deep sense of moral and environmental responsibility. We actively monitor our carbon footprint on the farm. We've already installed solar panels on our grain shed, we heat our log kiln with sustainable woodchip, and our student accommodation is heated by a highly efficient heat pump boiler. We practise what we preach and our record of stewardship speaks for itself.

This farm is our heritage. It's our future. It's what we do. Four generations of my family have farmed the land at Stourton. Our son would become the fifth. He is desperate to follow in my footsteps and become the next custodian. Securing this solar scheme will help us invest in and protect the land -our family farm and business, for today and for generations to come.





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