



**CAUDWELL SOLAR PARK,  
HOLBEACH ST MATTHEW**

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**LAND QUALITY: APPEAL DECISIONS**

**April 2024**

**1 INTRODUCTION**

- 1.1 The Caudwell Solar Park is a site of 112 ha. It is Grade 1 agricultural land, which is the best and most versatile quality as defined in the National Planning Policy Framework (2023).
- 1.2 This document considers the position of the Planning Inspectorate and the Secretary of State in terms of the use of best and most versatile agricultural land (BMV) for solar PV arrays, focusing on recent decisions.
- 1.3 The document examines decisions and addresses key factors including:
- the effect on land quality and soils (section 3);
  - the implications for food security and local economics (section 4);
  - other considerations (section 5).

**2 THE SITE: LAND QUALITY AND CONTEXT**

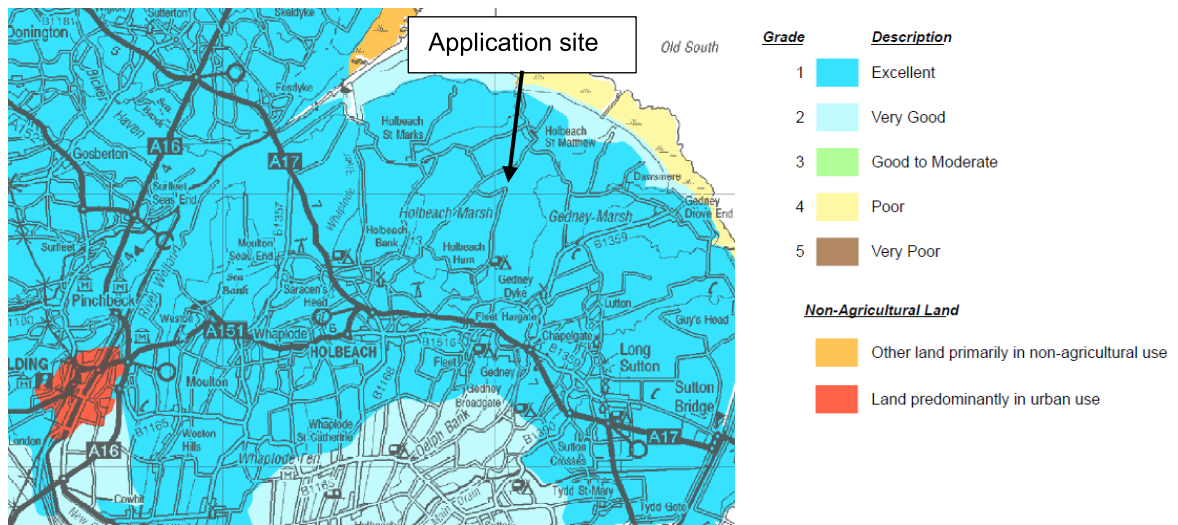
- 2.1 The site and the wider area are shown on the provisional maps as wholly Grade 1, as shown below.

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*Greenacres Barn, Stoke Common Lane, Purton Stoke, Swindon SN5 4LL  
T: 01793 771333 Email: [info@kernon.co.uk](mailto:info@kernon.co.uk) Website: [www.kernon.co.uk](http://www.kernon.co.uk)*

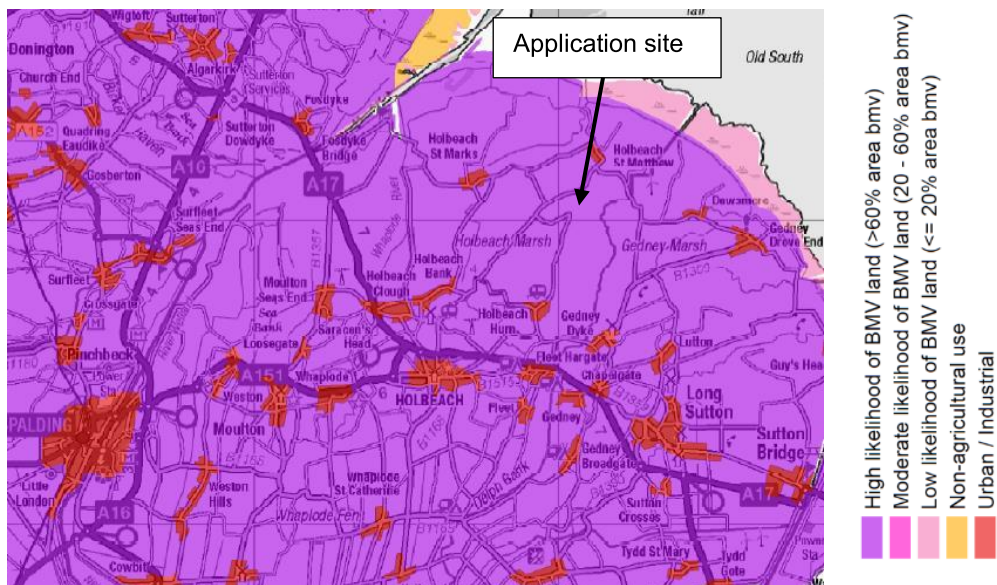
*Directors - **Tony Kernon** BSc(Hons), MRAC, MRICS, FBIAC **Sarah Kernon**  
Consultants - **Ellie Chew** BSc(Hons), **Amy Curtis** BSc(Hons)*

### Insert 1: Provisional ALC



- 2.2 The site and the wider area are shown on the predictive Likelihood of Best and Most Versatile maps as falling into the high likelihood, as shown below.

### Insert 2: Predictive BMV Map



## 3 APPEAL DECISIONS: LAND QUALITY

- 3.1 Some appeal and NSIP decisions were included in our report of July 2023, but many more have been decided since.
- 3.2 This section takes key conclusions from different appeals, and for ease I provide the ALC plans for each site in **Appendix Supp 1**.

### **NSIP**

- 3.3 In the decision on the Nationally Significant Infrastructure Project (NSIP) at Little Crow, Lincolnshire, which included 36.6 ha of Subgrade 3a, the Secretary of State agreed with his Inspector that the effect would be **“medium term, reversible, local in extent and of negligible significance during the operational phase with a moderate beneficial effect for the quality of soils because intensive cropping would be replaced with the growing of grass”** (para 4.50).
- 3.4 In the NSIP decision at Longfield Solar Farm of 26th June 2023, (EN 010118) the Secretary of State agreed with his Examining Authority that the use of 150 ha of BMV, as part of a larger site, should be ascribed **"a small amount of negative weight in the planning balance"** (para 4.59). It was concluded that about 6 ha would be lost, and the rest would be lost temporarily. There would be no jeopardising of **"the UK's food security either now or in the future"** (para 4.57).

### **Planning Appeals**

- 3.5 In the appeal decision for the solar farm at Bramley, Hampshire (APP/H1705/W/22/3304561) the Inspector, noting that 53% of the site was of BMV, noted (para 58) **“The agricultural land would not be permanently or irreversibly lost, particularly as pasture grazing would occur between the solar panels. This would allow the land to recover from intensive use, and the soil condition and structure to improve. The use of the soils for grassland under solar panels should serve to improve soil health and biodiversity and the proposed LEMP, which could be secured by a condition attached to any grant of planning permission, includes measures to improve the biodiversity of the land under and around the panels”**.
- 3.6 In the planning appeal decision on 27th June 2023 for land south of the Leeming Bar substation, the Inspector considered whether or not land was Grade 2 or Subgrade 3b. In her decision (APP/G2713/W/23/3315877) the inspector noted:
- there would likely be improvements to soil health from being rested from intensive arable use (para 21);
  - a change from arable to grassland use is not a matter subject to planning controls (para 22);
  - there would not be temporary or permanent loss of BMV land (para 25);
  - the proposals (in that case of 65 ha) would not be detrimental to the nation's food security (para 26).

- 3.7 In the decision on land west of Thaxted of 18<sup>th</sup> December 2023 (APP/C1570/W/23/3319421), which involved 55 ha of BMV, the Inspector was clear that the land would not be adversely affected except for areas of tracks and fixed infrastructure, and any woodland planting that is not removed at decommissioning. The Inspector noted, inter alia:
- whilst careful consideration needs to be given to BMV, none of the policy or guidance prohibits its use for large scale solar farms (paragraph 96);
  - there is no evidence that taking 55 ha out of production, if sheep grazing did not take place, would affect food security and nothing in the Food Strategy changes the position towards the use of BMV for solar (paragraph 102);
  - the agricultural land quality of the majority of the site would not be affected (paragraph 112).
- 3.8 In the decision for a 47MW solar farm at Little Cheveney Farm, Marden (APP/U2235/W/23/3321094), a site containing 47% BMV, the Inspector noted the preference to use poorer quality land (paragraph 46), and that the land would not be lost but would retain some grazing use (paragraph 50). He noted the benefits for soil and concluded that the temporary loss of some BMV was of limited weight (paragraph 51).
- 3.9 In the decision at Kemberton, Telford (APP/L3245/W/23/3329815) the Inspector noted that the piling “**would cause minimal disturbance to the soil and the quality of the land**” (which in that case was 29% Subgrade 3a) (paragraph 52). Overall he was satisfied that there would be no temporary or permanent loss of BMV (paragraph 54) and overall there was no conflict with the development plan or Framework (paragraph 60).
- 3.10 In the decision at Great Wymondley (APP/X1925/V/23/3323321) the Secretary of State agreed with his Inspector on a site of 85 ha of wholly BMV quality (Grades 2 and 3a) that BMV land would not be adversely affected (IR 12.57) and could be farmed, and that there was no policy to require land to be farmed in a particular way (IR 12.57).
- 3.11 In the decision at Walton Highway, Wisbech (APP/V2635/W/23/3323065) the Inspector concluded that, on a site with 54.8% BMV, the land would not be lost (paragraph 35).

#### **Local Decision: Grade 1 Site**

- 3.12 In the decision on land south of Gunthorpe Road, Walpole Marsh (APP/A2525/W/22/3295140) the main issue was the use of BMV land. The site was wholly Grade 1. The Inspector accepted that the use was temporary and reversible, and whilst agricultural use under and around the panels would be less intensive it would not cease

(paragraph 12). All nearby land was expected to fall within the BMV category, either Grade 1 or 2 (paragraph 11).

#### 4 **FOOD SECURITY**

4.1 Many of the decisions in section 3 have also addressed food security.

4.2 In the decision on the appeal for a solar farm at Leeming Bar (APP/G2713/W/23/3315877) the Inspector concluded that there is no food security crisis, see paragraph 26. In this the Inspector stated **"there are no national or local policies, guidance or strategies that relate to food security and production"**. The Inspector went on to comment as follows: **"The appellant highlighted numerous government documents that state, and statistics that show, that there is no food security problem in the country and that the level of food production is good, and none of this was disputed by the Council. This accords with the fact, noted above, that they are paying farmers to take land out of production and/or utilise less intensive production methods"**.

4.3 In the decision at Little Cheveney Farm the Inspector noted that the loss of a relatively limited area of BMV **"would be relatively insignificant given the amount of such land in the locality"** (paragraph 50). He concluded in paragraph 52 that the **"presence of BMV at the quantities identified here is not, in my judgement, a predominating factor in determining whether the land is suitable for the proposed use. Rather the opposite is true, and there is compelling evidence that its use would be acceptable, especially in light of the opportunity to reverse the impacts of the development in due course"**.

4.4 In the decision at Great Wymondley, the Inspector concluded in paragraph 12.59 as follows: **"The LPA referred to lower productivity and flexibility from use of the fields for sheep grazing as opposed to arable farming [8.13]. However there is no policy support for this position. Accordingly a reduced level of food production and the associated issue of food security are not matters which count against the application to a significant degree. On the other hand the Applicant's evidence that the removal of land from intensive agricultural use for a period of time would improve soil health and structure was not disputed by any specific evidence"**.

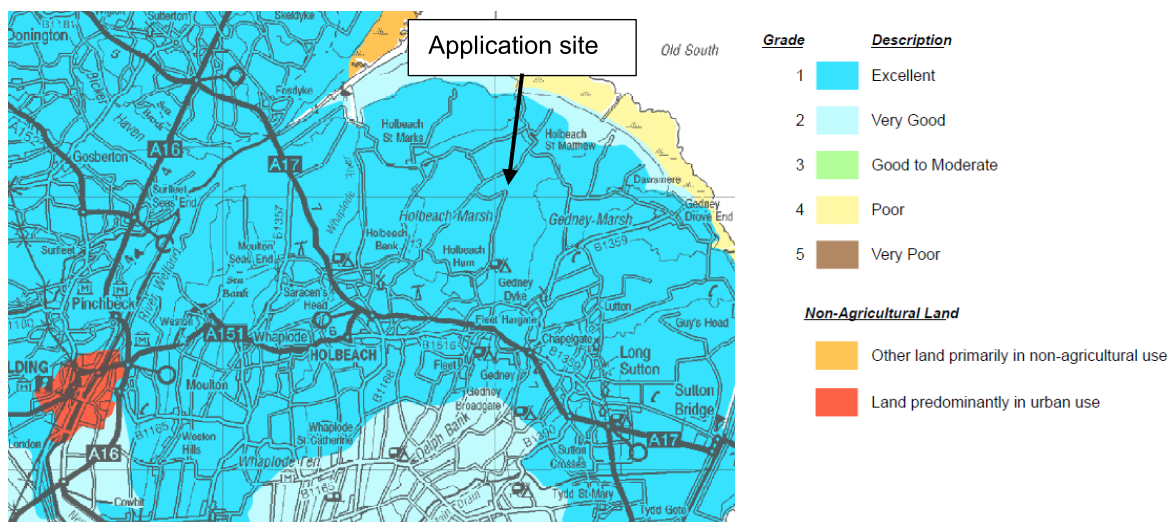
#### 5 **OTHER CONSIDERATIONS AND IMPLICATIONS**

5.1 So far as I am aware the only decision in the last year to refuse a solar farm due to BMV issues was the decision in July 2023 at Lullington (APP/F1040/W/22/3313316). The site was 49% BMV (paragraph 12). The Inspector concluded that the Applicant had not done enough to demonstrate that poorer quality land was not available in the area.

5.2 The Lullington decision does not sit with the Bramley Solar Farm Residents' Group v SSLUHC and others [CO/1120/2023] which identified in paragraphs 179 and 180 that neither the Written Ministerial Statement (2015) nor the (then) draft EN-3 mandate a sequential search for alternatives.

5.3 The land quality of the surrounding area is shown in our report of July 2023 at Insert 13, taken from the provisional ALC maps, as follows.

Insert 3: Insert 13 from July 2023 Report



5.4 There is no evidence to indicate that poorer quality land is likely to be available.

5.5 The statistics from the provisional ALC maps identify the majority of the District to be Grade 1, as follows. 98.2% of agricultural land is shown as Grades 1 and 2 quality.

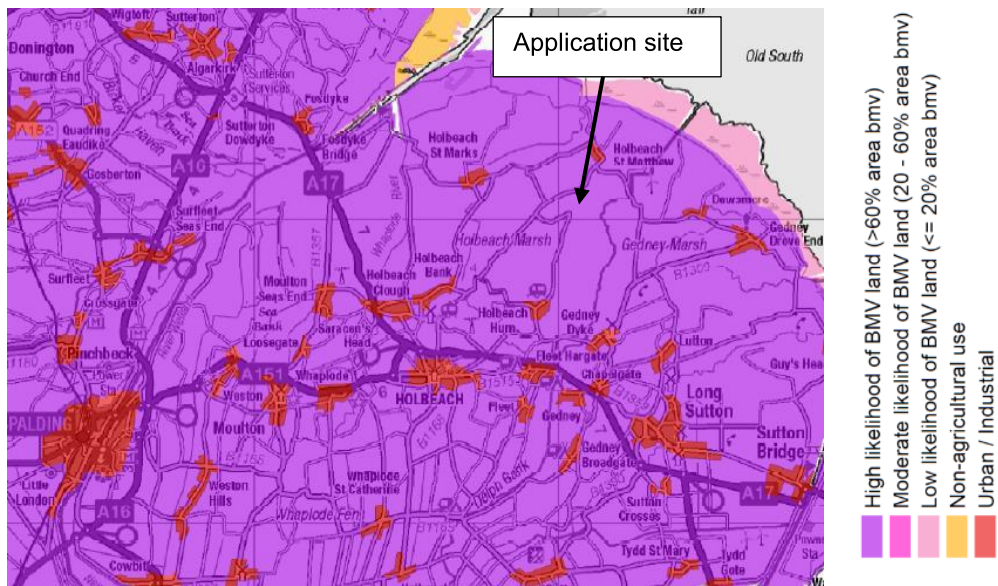
Table 1: Results of Provisional ALC

Grade	Description	Hectares	%
1	Excellent	42,838	57.5
2	Very good	29,651	39.8
3	Good to moderate	325	0.4
4	Poor	974	1.3
5	Very poor	0	0.0
NA	Non-agricultural	0	0.0
U	Urban	681	0.9

5.6 The 2017 Likelihood of BMV maps from Natural England were also set out in our report of July 2023, and are reproduced again below.



Insert 4: Insert 14 of July 2023 Report



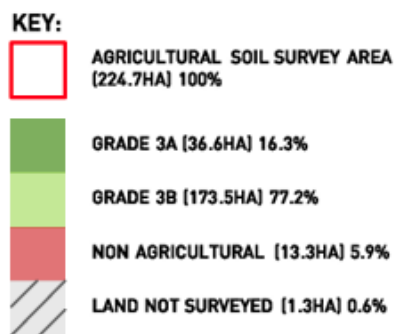
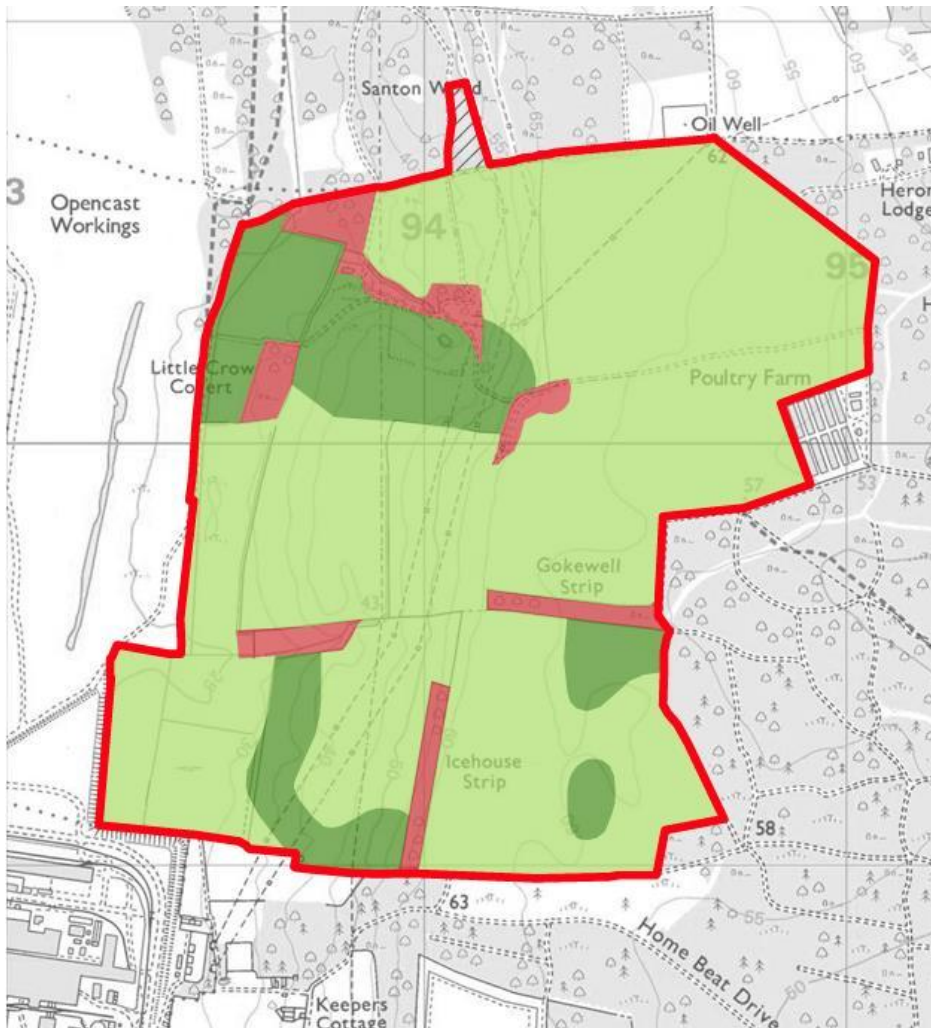
- 5.7 As was concluded by the Inspector in the Walpole Marsh decision (see 3.12), all land in the area is expected to fall within Grades 1 and 2. There is no realistic prospect of identifying non-BMV land in the wider area.

## **APPENDIX SUPP 1**

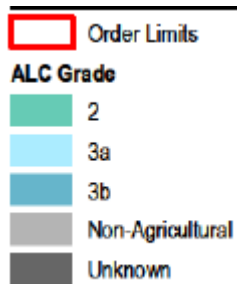
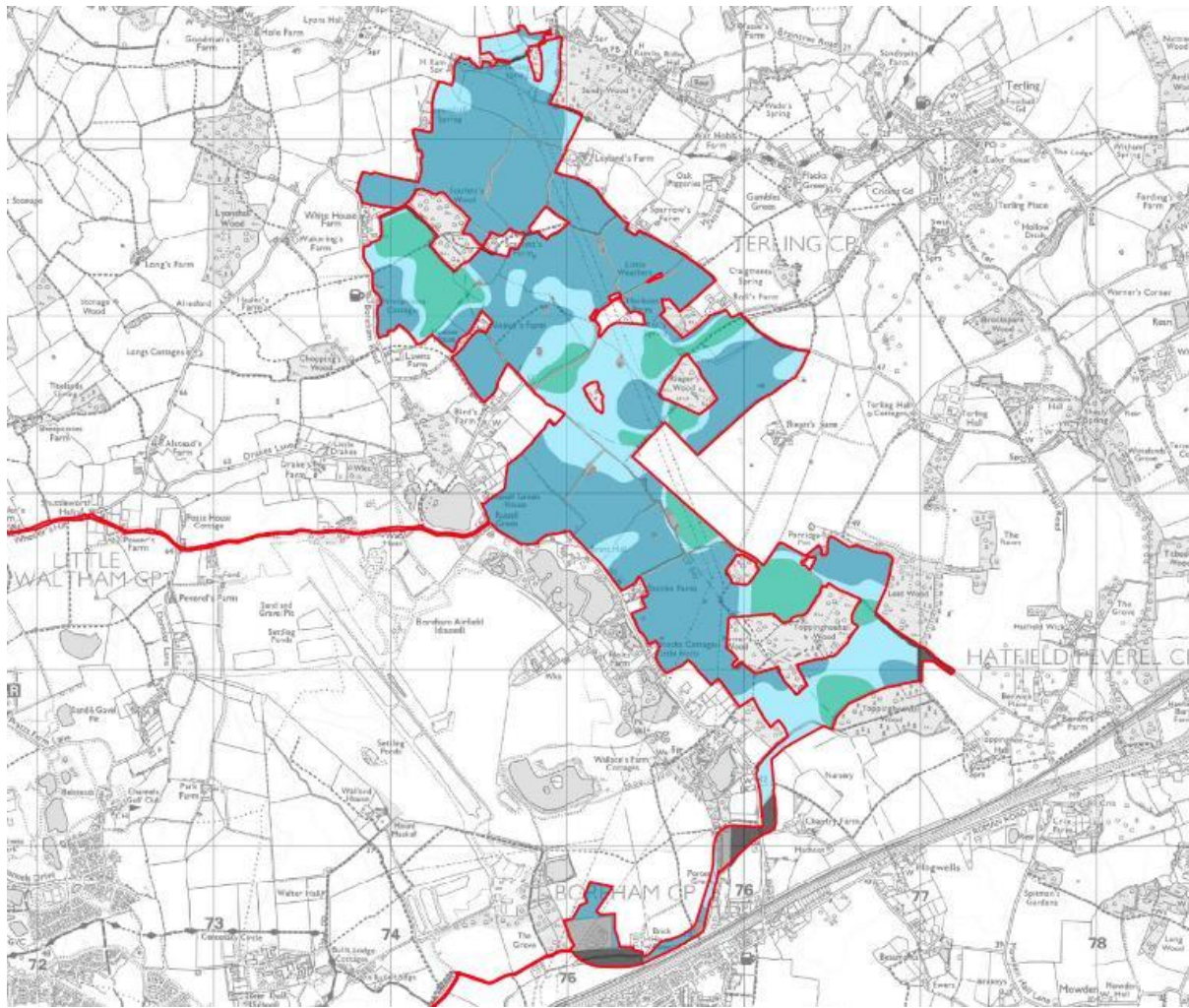
### **ALC Maps for the Appeals Referred To**



## Little Crow

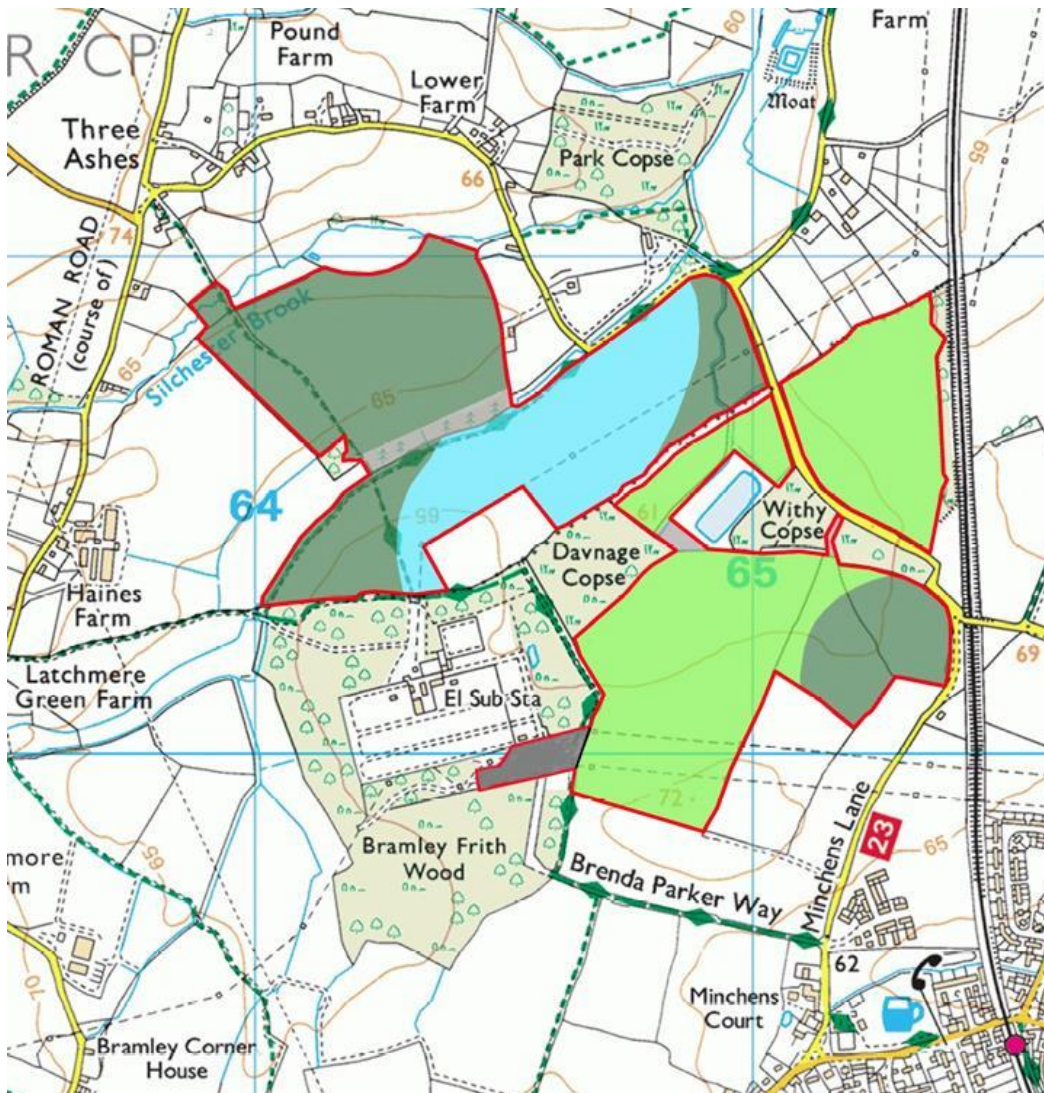


## Longfield Solar Farm





**Bramley, Hampshire (APP/H1705/W/22/3304561)**



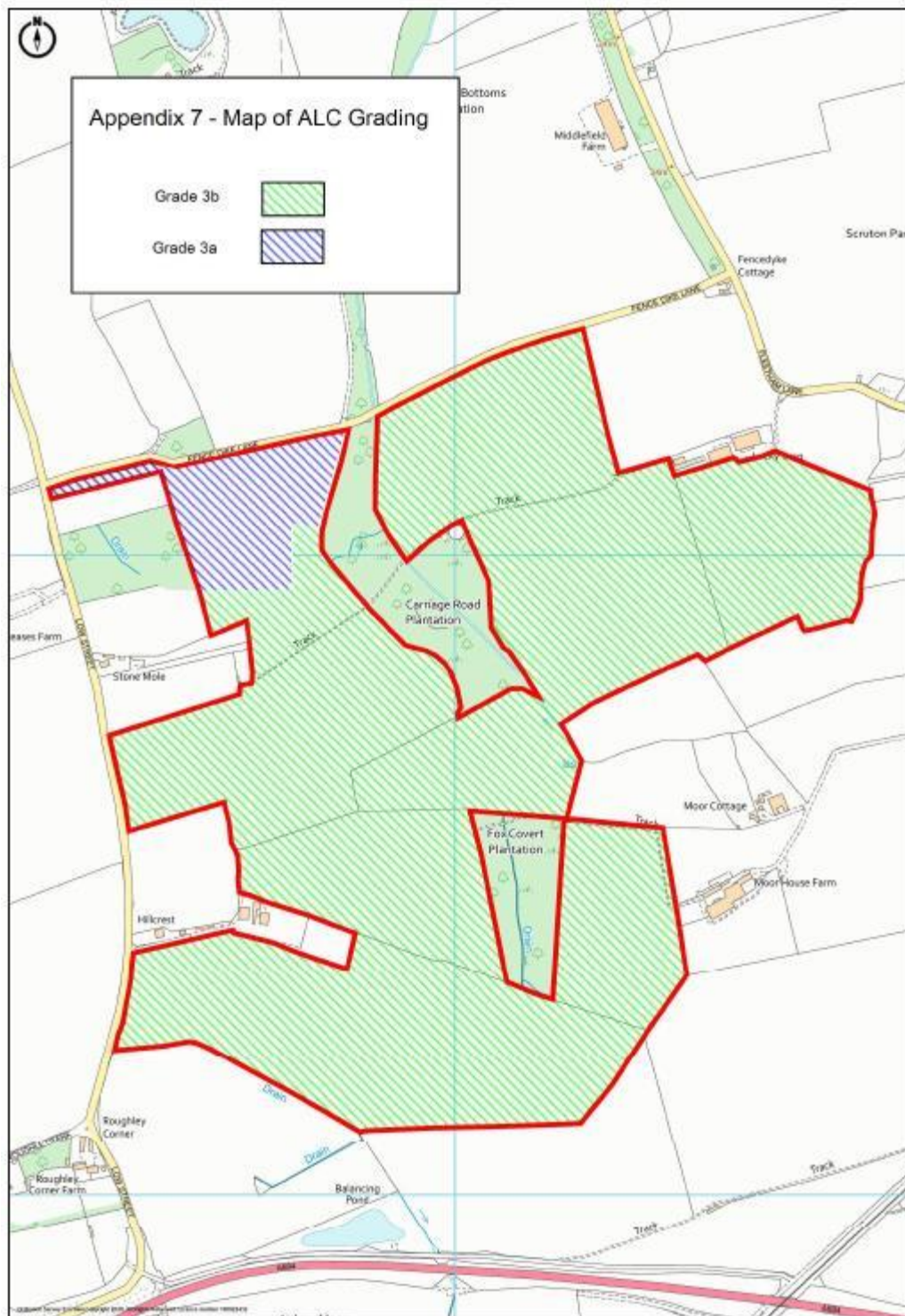
**ALC Grade**



 Site boundary

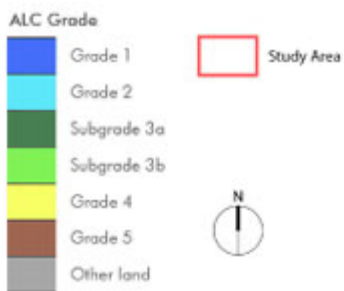
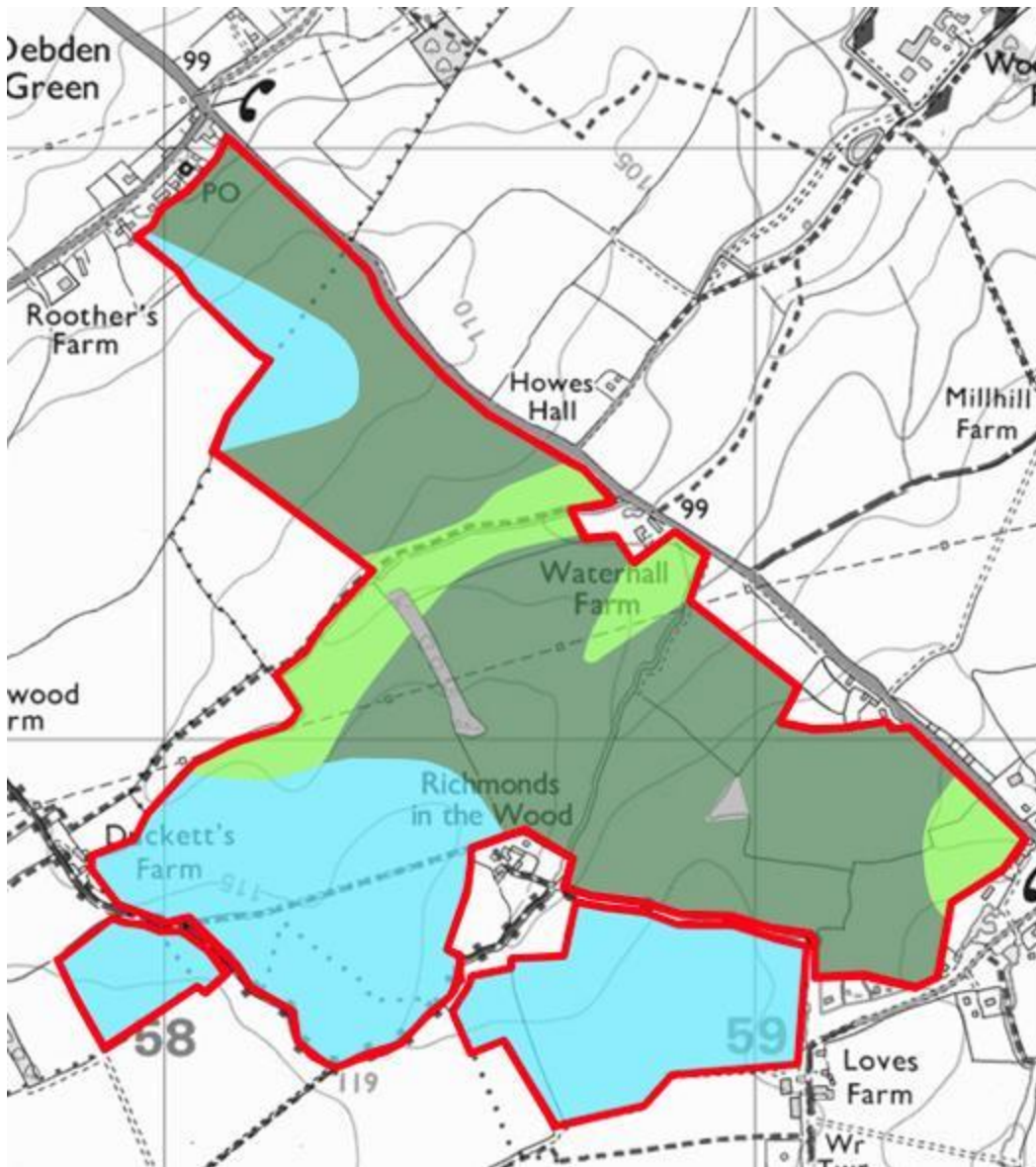


## Leeming Bar

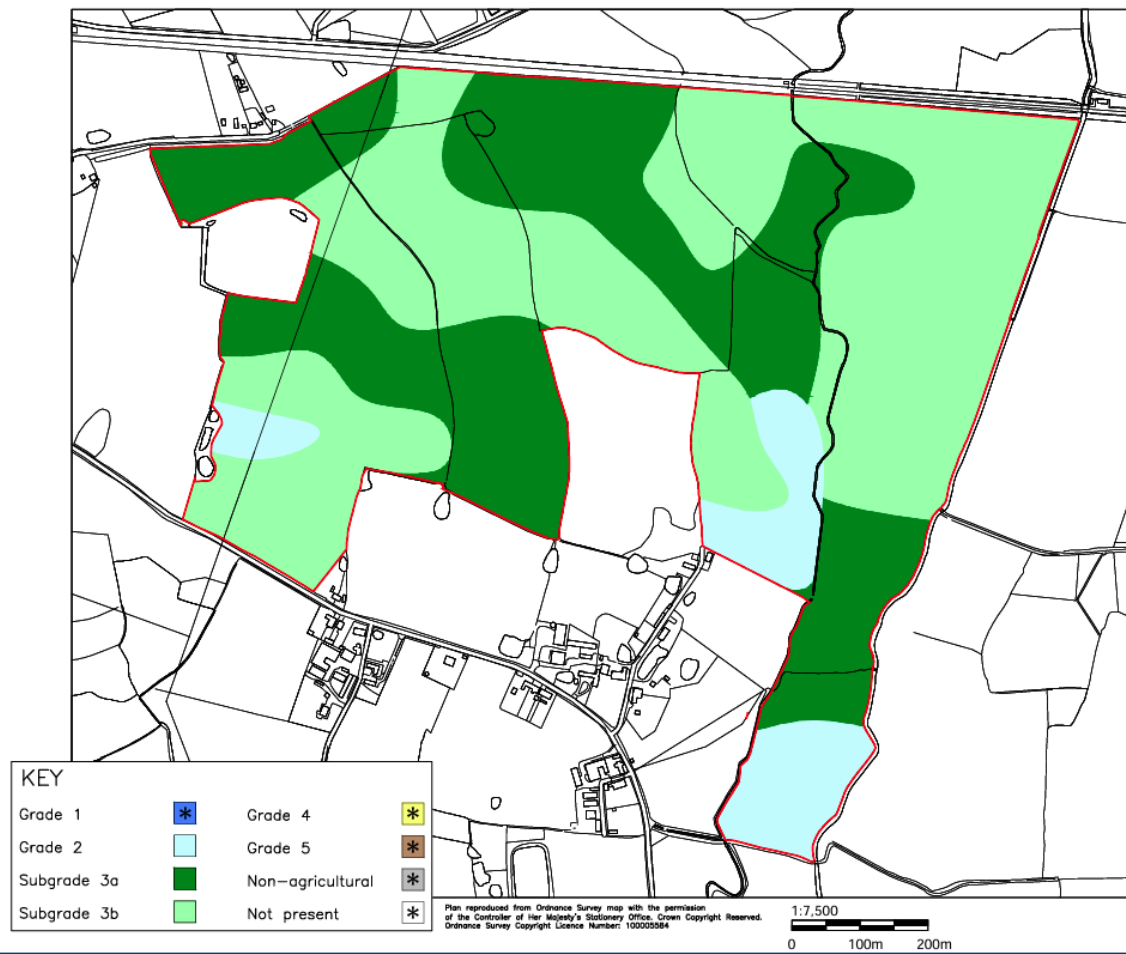




# Land west of Thaxted, Cutler Green Lane



## Little Cheveney Farm, Marden

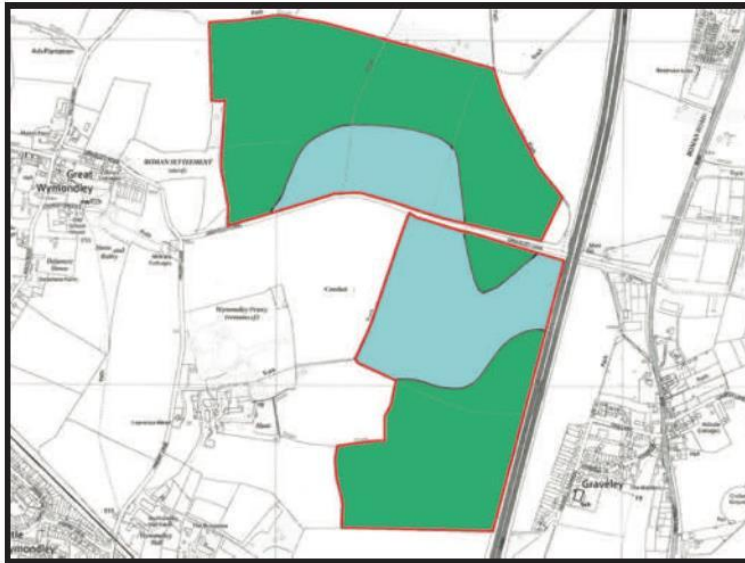


## Kemberton, Telford





## Great Wymondley



CLIENT

AGR 4 Solar Limited

SITE

Priory Farm Solar Array

TITLE

Agricultural Land Classification

SCALE NTS

REF W29/2

DATE September 2021



### LEGEND

Grade 2



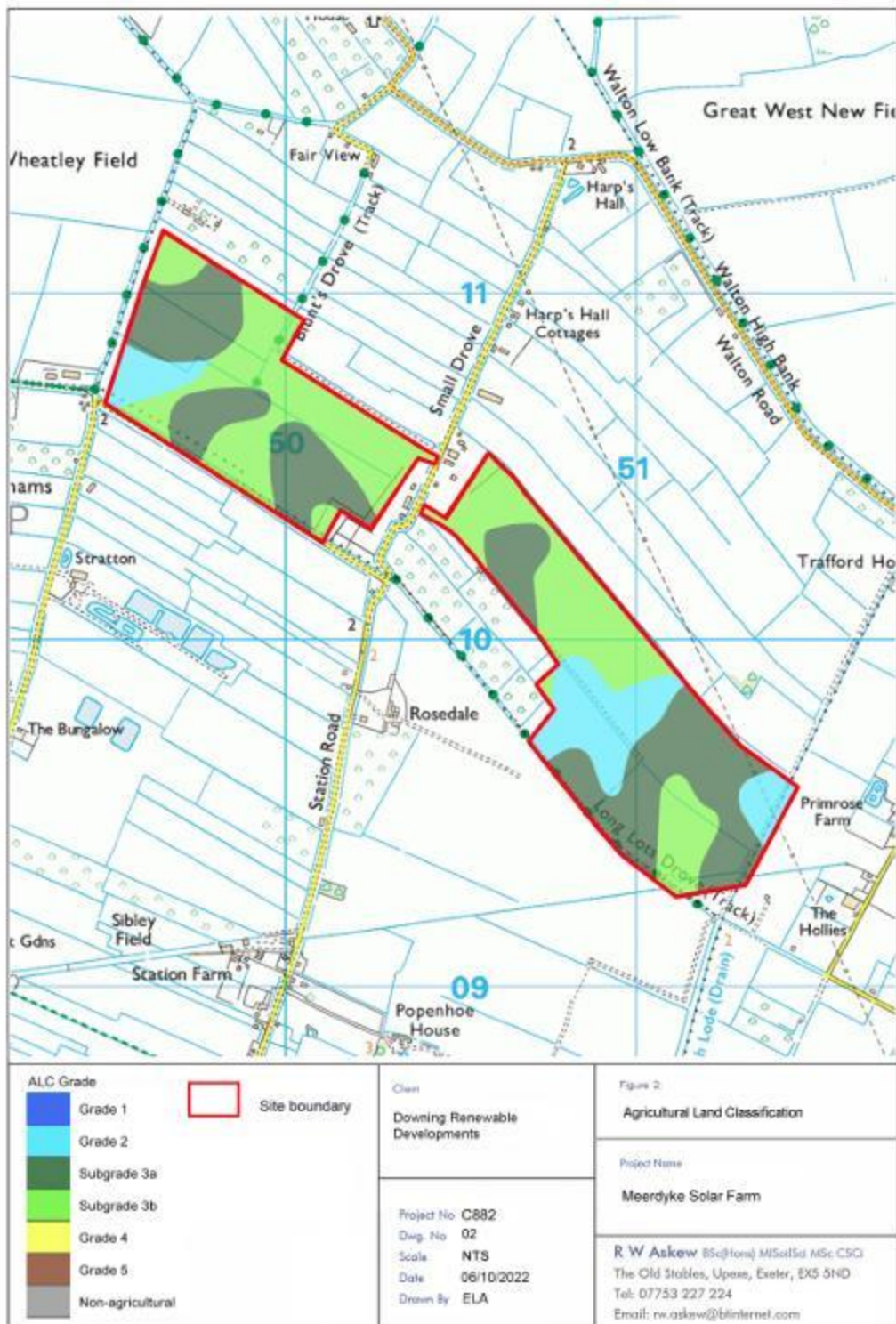
Grade 3a



Survey boundary



## Land SE of Poplar Farm, Walton Highway



## Gunthorpe Road Solar Farm



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