

Statement of Common Ground: Agriculture

Appeal Reference APP/B3030/W/25/3364181

LPA Reference 23/01837/FULM

Appellant Name Assured Asset Solar 2 Ltd

Site Address Land To The West Of Main Street Kelham

Contents

1. Introduction 3

2. Areas of Agreement..... 4

3. Areas of Disagreement..... 7

4. Signatures 8

1. Introduction

- 1.1 This Statement of Common Ground ("**SoCG**") is made in reference to the appeal (reference APP/B3030/W/25/3364181) made by Assured Asset Solar 2 Limited ("**Appellant**") against the refusal on the 31st January 2025 of a planning application registered with reference 23/01837/FULM ("**Application**") by Newark & Sherwood District Council ("**Council**") for a solar farm and battery storage project ("**Development**") on the land to the west of Main Street in Kelham ("**Site**").
- 1.2 An overarching SoCG has been prepared and signed by both parties, dated 7th July 2025. Following the Case Management Conference, the Inspector requested that the overarching SoCG was updated and is now of equal date to this SoCG. This topic-based Agriculture SoCG should be read in conjunction with the updated overarching SoCG. This document seeks to clarify areas of common ground in terms of areas of agreement and areas of disagreement.
- 1.3 This SoCG was instructed to be prepared by the Inspector at the Case Management Conference on 14 July 2025. The purpose of this SoCG is to deal with the issue of agriculture, specifically Best and Most Versatile land ("**BMV**"), to identify where the principal parties (the Appellant and the Council) are in agreement. This will allow the forthcoming Inquiry to focus on the most pertinent issues.
- 1.4 The Application was refused for three reasons, however the following reason is pertinent for this SoCG:
 - (a) "A significant proportion of the site would affect the best and most versatile agricultural land, which would be removed from arable farming production for a period of at least 40 years. The loss of this land is not sufficiently mitigated or outweighed by the other benefits of the scheme. The proposal is therefore considered to be an unsustainable form of development, contrary to Policy DM8 and national advice contained within the National Planning Policy Framework (2024) and Planning Practice Guidance ("**Reason 1**").

2. Areas of Agreement

Land quality and use

2.1 The Appellant and Council agree that:

- (a) The Agricultural Land Classification (ALC) survey has been completed in relation to 65.7 ha at Kelham, being the solar site excluding the cable route, and is described in the ALC Report by Land Research Associates (September 2023).
- (b) The land quality, quantity and distribution are not in dispute between the parties.
- (c) The Site is broken down as follows:

Table 1: Areas occupied by the different land grades

<i>Grade/subgrade</i>	<i>Area (ha)</i>	<i>% of the land</i>
Grade 2	36.0	55
Subgrade 3a	24.3	37
Subgrade 3b	3.5	5
Non agricultural	31.9	3
Total	65.7	100

- (d) The Appellant undertook an extensive site selection process, guided by the availability of a grid connection and the local area's agricultural grade (being that there was no unconstrained land within the search area that had a lower BMV).
- (e) The Soil Resources and Management Plan dated 3 May 2024 by Land Research Associates is in line with industry standards and correctly outlines how soil management will be undertaken for the Site. It will be expanded on with appropriate conditions attached to the planning permission.
- (f) The Site is made up of 92% BMV land.
- (g) Yield from the Site is subject to multiple and dynamic environmental, policy and market factors as well as land management decisions and changes to agri-environmental support payments. Planning decisions do not rely upon cropping history of a site as that history could be deliberately and easily manipulated to suit a planning aim.
- (h) Natural England document Agricultural land Classification: protecting the best and most versatile agricultural land (TIN049) (<https://publications.naturalengland.org.uk/publication/35012>) provides guidance on assessing the quality and versatility of agricultural land for the purposes of informing planning decisions on agricultural land. As for all practical intents and purposes agricultural land cannot be relocated or created, the aim is to minimise unnecessary loss of the best and most versatile agricultural land through the planning system so that it remains a resource that can help meet unknown future demand for economic production from agricultural land. As per TIN049 the ALC grade is assessed following the MAFF Agricultural Land Classification guidelines (MAFF October 1988). As stated in the introduction, "Land is graded according to the degree to which physical or chemical properties impose long-term limitations on agricultural use. It is assessed on its capability at a good but not outstanding standard of management."

Effects on agricultural land quality and use

2.2 The Appellant and Council agree that;

- (a) the installation of solar PV arrays does not result in the loss of extent by sealing, or quality by degrading, of agricultural land;
- (b) there is no planning control that requires agricultural land to be managed for specific crops or at a minimum intensity for food production;
- (c) agricultural land use (grazing sheep or other small livestock) can continue through the solar farm operational phase, but this is not required to retain an agricultural land status for the site;
- (d) potential permanent loss of land from agricultural production will be limited to the extent of the access tracks hard standing and land for habitat management.
- (e) the panels, their supports and associated infrastructure will be removed at the end of the Proposed Development allowing cultivation for arable production. Any actual loss of agricultural land will be limited to the minor and discrete area taken by the switchgear housings, compound and potentially some of the temporary track where this is beneficial for the farmer. Future agricultural management of biodiversity enhancement areas within the site may also be constrained but again these would comprise a minor area within the site.

Planning Policy

2.3 The Appellant and Council agree that;

- (a) The definition of the Best and Most Versatile agricultural land (BMV) is set out in Annex 2 of the NPPF as land in ALC Grades 1, 2 and 3a.
- (b) The NPPF at para 187 (b) recognises that the economic and other benefits of the best and most versatile agricultural land should be recognised, but does not place a bar on the use of BMV for solar development.
- (c) Planning policy does not require agricultural land to be used for food production. Planning policy does not dictate how a landowner crops his/her land, or at what intensity.
- (d) There is no requirement in national or local policy for the Site to be used for arable farming and the land use does not influence the ALC Grade.
- (e) An applicant is not required to provide detailed ALC assessments (as described in TIN049) for alternate sites neither is it required by law to take a sequential approach to identifying sites for solar development based on ALC. Detailed ALC assessment requires access to a site with the landowner's consent, and this is unlikely to be granted where land is not under the developer's control through an option agreement, licence or lease.
- (f) Review of the available published information of the ALC of unconstrained sites identified following the site selection process did not find any alternative unconstrained sites where, in the absence of site specific ALC survey data, the presence of best and most versatile land was lower than that at the Site.
- (g) There are no planning thresholds for the suspension of productive use of agricultural land that would reclassify it as non-agricultural land.

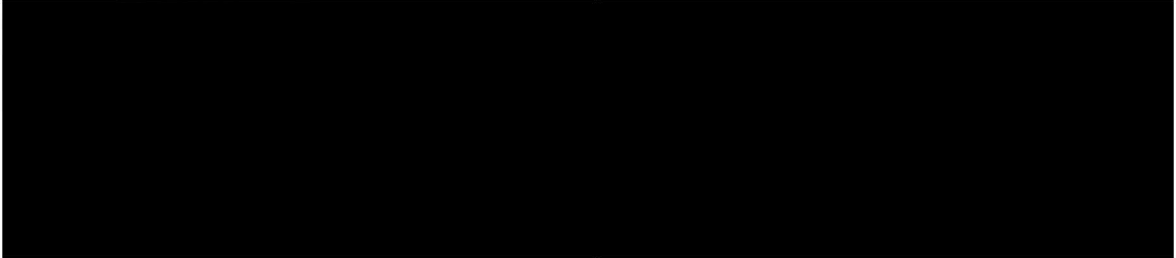
- (h) NPS EN3 at paragraphs 2.10.11, 2.10.28 – 2.10.34 and 2.10.89 are relevant to the determination of the appeal.
- (i) Relevant Planning Practice Guidance, referred to in the reasons for refusal, is that which relates to the "Renewable and Low-carbon energy" section of the NPPG at 5-013-20150327, albeit the parties will address the weight that can be attached to that guidance in evidence.

3. Areas of Disagreement

3.1 The Appellant and Council disagree that:

- (a) The Proposed Development would have a negative effect on the agricultural land. The reasons for this differing view will be covered in the proofs of evidence.
- (b) The Site would be 'removed' from arable farming. The reasons for this differing view will be covered in the proofs of evidence.
- (c) Policy DM8 is relevant to Reason 1 and this scheme being for solar development.
- (d) That the solar farm is beneficial for the reasons given by the Appellant being:
 - (i) the consent is only temporary (for 40 years), there is no permanent '*loss of land*';
 - (ii) it complies with industry standards and the Soil Management Plan minimises impact to soil quality;
 - (iii) there are express benefits of fallowing the land which mitigates the use of BMV due to improved soil health and biodiversity
 - (iv) mitigation and enhancement measures are embedded in the design of the Development, which the parties agree to.
- (e) The Development is contrary to the NPPF and Planning Practice Guidance policies listed in Reason 1.

4. Signatures

Signed:	Signed:
	
Name: Oliver Scott	Name: Osborne Clarke LLP (Lauren Gardner)
On behalf of: Newark and Sherwood District Council	On behalf of: Assured Asset Solar 2 Ltd
Date: 26 August 2025	Date: 26 August 2025