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SUMMARY OF PROOF

**CONSTRUCTION OF A
TEMPORARY SOLAR FARM,
MERIDEN ROAD, FILLONGLEY**

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

TONY KERNON BSc (Hons) MRICS FBIAC

LPA Reference: PAP/2023/0071

**PINS Reference:
APP/R3705/W/24/3349391**

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

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

S SUMMARY OF PROOF

The Witness

S1 I am Tony Kernon. I am a Chartered Surveyor and a Fellow of the British Institute of Agricultural Consultants. My qualifications are set out in my full evidence.

The Issues

S2 There is no reference to agricultural land quality, or food production in the Reason for Refusal. In its Statement of Case the Borough Council concluded that “**the dual use of the land/BMV impact is considered to represent a limited benefit**” (9.25) (my emphasis).

S3 Agricultural issues have been raised by the Rule 6 Party, the Parish Council. In their Statement of Case they raise two principal arguments:

- (i) the use of BMV agricultural land for solar combined with sheep grazing is a waste of the BMV resource and such land should be kept in arable use for food production;
- (ii) whilst there is no bar on the use of BMV land for solar, and there is no requirement to follow a sequential best in site selection, the Appellants have not demonstrated adequately that they could not use poorer quality land further away, including potentially out of the Borough.

S4 Statements of Common Ground have been agreed separately with NWBC and FPC. It is clear that the following matters are agreed:

- the land quality assessment (items A and B);
- the site is in arable farming use (item C);
- with the panels in place, the land cannot be used for arable but it can still be used for sheep grazing (items G and H);
- soils will not be adversely affected (item I) and should benefit from being rested (item J).

S5 NWBC agree, following the conclusions of Natural England, that only small areas of agricultural land will be physically disturbed, but these can be restored (items E and F). FPC take the view that the disturbance could be wider, and they have not seen evidence of successful restoration following decommissioning (items E and F).

S6 NWBC agree that planning policy does not place a bar on the use of BMV, and does not require a sequential approach to site selection (items K and L). FPC agree, but point out that policy expresses a preference for the use of poorer quality land (items K and L).

S7 Neither NWBC nor FPC disagree that policy does not require agricultural land to be used for food production, or that Government has not set out a food security problem, but FPC point out that they consider this a relevant planning policy matter (items N and O).

S8 Accordingly the issues not agreed are:

- the extent to which agricultural land quality will be adversely affected;
- whether the availability of poorer quality land has been adequately considered.

Planning Policy

S9 It is common ground between all parties that:

- (i) planning policy does not place a bar on the use of BMV land;
- (ii) planning policy does not require agricultural land to be used for food production, nor does planning policy identify any particular preference for using land for food production;
- (iii) planning policy, in the context of plan making, expresses a preference for the use of poorer quality land, but it does not set out a sequential test.

The Effect of the Development

S10 It is common ground between the Appellant, NWBC and Natural England that:

- (i) the agricultural land of the Appeal Site will not be lost as a result of the Proposed Development. This is a temporary and reversible proposal;
- (ii) nor will the land quality be downgraded as a result of the Proposed Development. The land and soil resource are unaffected. There is no harm to the BMV resource, therefore.

S11 Whilst FPC are cautious about impacts on land quality, the adverse effects that the Parish Council raises relate mostly to the use of the land. In short, does the use of the land for arable production carry more weight than its use for solar and grazing, and should lower quality land even outside the Borough be considered instead?

S12 The land is used for arable cropping, with the majority of the produce used to feed beef cattle or sold for animal feed, with the farmers periodically achieving a milling quality with the wheat which does go direct into the human food chain.

S13 The agricultural produce implications of refusing development on BMV, and requiring instead that poorer quality land be used, are negligible in a local and national context. The incremental difference is of the order of 65 tonnes of wheat, barley and beans, compared to UK production annually of circa 20+ million tonnes.

- S14 Planning policy and Government incentives do not require or support agricultural production. As a comparison, at 1st June 2024 there was 305,000 ha of arable land across England in agri-environmental management.
- S15 Farm economics are also poor. Whilst weather may have influenced the amount, at 1st June 2024 a further 276,000 ha of arable land was simply not being cropped.
- S16 The Appeal Site will continue to produce agricultural produce as it will be used to graze sheep in conjunction with the panels.
- S17 Therefore as regards to FPC's charge that BMV land should be used for arable cropping and that using it for sheep grazing is a waste, policy takes no such position. Nor is there any evidence that such a position is required.
- S18 The land quality resource is not harmed, and the land use as arable is not required nor is it a policy preference. Therefore the requirement from FPC to identify poorer quality land, potentially via smaller parcels of land or beyond the boundaries of the Borough, is not a reasonable one. It is not required by policy.
- S19 Further, the evidence indicates that the developer would need to look very much further afield if they were to be likely to find sites of poorer quality.

Conclusion

- S20 NWBC was right, in my opinion, to not refuse the proposals on the basis of agricultural land use impacts.
- S21 Those impacts are minor and will need to feed into the overall planning balance, alongside the recognised benefits for soils, and the wider environmental and economic benefits.



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