

Review of Agricultural Land Take to Development

Appendices B-E

January 2025

Natural England Commissioned Report NECR578

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Appendix B4
Appendix C10
Appendix D22
Appendix E27

Appendix B

Local Planning Authority Interviews

Methodology

For this area of research, ADAS Planning and Natural England agreed to contact 12 LPAs to participate in structured interviews.

As part of the data gathering process, ADAS Planning and Natural England firstly produced a questionnaire for LPAs, to review how BMV land was affected by LPA planning decision-taking and plan-making. This comprised a combination of 12 open and closed questions and was produced in a user-friendly manner to allow ease of use by LPAs. The questions focused on LPA staffing, resources on BMV land decision-making, notable planning case studies (including refusals) and BMV land monitoring.

ADAS Planning also prepared a cover letter and accompanying cover email. The cover letter outlined the project's title, purpose, research methods, and other pertinent details. The email was a concise message attaching the cover letter, emphasising key points, and extending invitations to the LPAs to participate in the interviews.

The list of LPAs was determined in agreement with Natural England. This was influenced by LPAs across the study area with high likelihoods of BMV land and urban areas. It was thought that LPAs with these high concentration areas may face higher amounts of pressure to develop on BMV land within their administrative areas than LPAs with less BMV land and greater urban areas.

To create the list of LPAs, the ADAS GIS team produced a spreadsheet of LPAs with data including the square metre and percentage areas of "high likelihood of BMV land" and "urban / industrial" land (as measured by the Natural England Likelihood of Best and Most Versatile Agricultural Land dataset). The spreadsheet calculated a total score, where the percentage area of the LPA mapped as high likelihood of BMV land was multiplied by the percentage area mapped as urban / industrial. This identified LPAs with high proportions of both categories. The LPAs were subsequently ranked by this score, with the highest scoring being filtered and then added to a table to ensure that the study was applied evenly throughout the study area to avoid bias. The LPAs were then divided into categories based on their regions:

- North West
- North East
- Yorkshire and Humber
- West Midlands
- East Midlands
- South West

- South East
- East

The London region was excluded as the mapping showed low quantities of BMV land.

Given the likelihood that some LPAs would inevitably be unable to participate, ADAS Planning created a list of 24 LPAs to be contacted, with 12 LPAs listed as reserve.

The LPAs were all initially contacted via email, using the cover email, on 15th January 2024 to seek participation in the interviews and given a target response date by 19th January 2024. This email contained the cover letter. Two LPAs did not have an email address published online, and so ADAS Planning completed their respective online enquiry forms. Six LPAs immediately issued automated acknowledgement emails as a receipt of the email.

Each LPA was subsequently contacted via telephone on 17th/18th January 2024 as a follow up to ascertain whether they had received the email and the likelihood of participation. The telephone calls led to a mixture of responses, and several LPAs requested the original email be resent. No LPA provided a response by the initial target date.

ADAS Planning then made follow up telephone calls to each LPA for a response on 25th January and 30th January 2024 respectively, with a varying degree of success once again.

During the calls, several LPAs transferred ADAS Planning directly to Development Management and/or Planning Policy staff, whereas others refused to direct calls to their planning department as the enquiry was not related to a planning application or case. It was evident at this stage that some planning departments were more difficult to get hold of than others, with some even admitting that staff were facing high volumes of enquiries/workloads and that there could be delays in responding to the participation request.

Whilst the telephone call work took place, LPAs began to respond to the participation invite via email. Between 24th January and 18th March 2024, there was contact between ADAS Planning and LPA planning staff to secure participation and organise interview dates. The questionnaire was sent to the LPAs that responded to the original email purely to enable staff to gain an understanding of the study and prepare for the potential interview. It was not mandatory for the LPA to complete the questionnaire before the interview.

Generally, the majority of the 24 LPAs were unable to engage. Notably, several LPAs were interested in the study, however, did not have sufficient resource and/or capacity to participate. Some LPAs who generally had a low quantity of BMV land and a high quantity of urban areas questioned the value they would provide for the study and subsequently

declined. Ultimately, of the 24 LPAs contacted, six agreed to participate in an interview, four declined and 14 never confirmed participation or agreement to the interview.

Questionnaire and Interviews

The questionnaire was used as the format of the interview, where the LPAs were asked each question in turn and then prompted to elaborate on these where required.

Providing the questionnaires to each LPA that participated in the study enabled the respective LPA staff time to prepare, understand the topics to be discussed and potentially gather information to support the study. This added value and subsequently fostered an in-depth discussion between ADAS Planning and LPA respondents.

ADAS Planning coordinated all interview appointments, scheduling each a one-hour slot and extending invitations to the respective participants. All interviews were conducted virtually via Microsoft Teams and were recorded using video, live transcription, audio, and note-taking features. Two members of ADAS Planning staff attended each interview. Prior to commencing the recording, interviewees were asked to consent to the recording, to which all agreed. Additionally, before starting the recording, ADAS Planning reiterated the question to confirm that consent had been obtained and recorded before proceeding with the interview.

Each LPA interviewee was then asked whether the audio and video were working to an appropriate level within the interview. This was then followed by introductions for the participant(s) and interviewers where ADAS Planning provided a brief overview of the project, the purpose and aims. Each LPA was notified that ADAS Planning and Natural England would have full access to the data and responses provided and that any other questions from the LPA would be answered at the end of the interview.

Some LPAs completed the questionnaires prior to their respective interviews and returned them to ADAS Planning, and these were used as the basis of discussion.

Given that ADAS Planning was unable to secure the full participation of 12 LPAs within the time allocated, the project scope was amended midway with Natural England where it was alternatively agreed to analyse six LPA decisions where BMV land was a contributing reason for refusal. This part of the study is in Chapter 2.

Limitations

Question 4 required the LPAs to rank the list of available information resources used to inform planning decisions involving BMV land (Question 4; Appendix C).

LPAs 1, 3, 4 and 6 did not provide answers in the correct ranked format to this question. For example, one LPA provided percentages as opposed to numbers. As a result, the data for these LPAs is not directly comparable to the other LPAs that answered this question correctly. Therefore, only data provided by LPAs 2 and 5 was discussed. This

inconsistency in responses has provided a challenge in drawing conclusive and accurate evidence for Question 4.

Follow up questions to Question 9 were triggered if the LPA had used BMV land as a reason for refusal. These questions asked for details on the refusal, including (9a) whether the refusal was appealed by the applicant, (9b) whether the planning appeal was dismissed in favour of the LPA, (9c) if the LPA pursued a costs application against the appellant, (9d) if the appeal succeeded, and (9e) if the appellant pursued an application for an award of cost against the LPA and if this were successful.

One LPA provided three appeal case studies, one pending, one allowed and one dismissed. The interviewee was asked if the appellant pursued an application for award of costs against the Council and how many planning applications and how many hectares of BMV land had been developed where the planning appeal was granted by the Inspector. The interviewee was unable to answer these during the interview and provided information at a later date. However, they did not include answers to the follow-up questions for Question 9, and rather provided the case studies for these appeal studies.

In order to provide clarity to the LPA responses, certain questions within the interview process could be expanded to provide LPAs with opportunities to elaborate further. This would require a further review of the questionnaire.

Other relevant/additional Matters

At the end of the interview, each LPA was asked to provide any additional comments on BMV land. Table B1 shows the pertinent comments raised by each LPA.

Table B.1: Other comments from LPAs

Comments
BMV land should receive funding from the Environment Agency for sea defences. If the sea defences fail and BMV land is flooded, it becomes sterile for 5 years. The changes caused by climate change have added pressure to this concern.
No clarity on the weighting of BMV land.
Style of farming is changing where the need for BMV land is reduced.
Natural England should produce an online “best practice” document setting out BMV land practices for LPAs.
Difficulty in applying Paragraph 181 Footnote of the NPPF and the recent changes to NPPF (December 2023) do not help with this.

Comments

NPPF should be clearer on the status and protection of BMV land.

Local Planning Authority Decision Case Study Review

Methodology

In agreement with Natural England, it was decided to select six LPAs (chosen from the 18 that did not undertake an interview) and review their administrative areas to locate planning application decisions with BMV land cited as a reason for refusal.

For this task, [Landstack](#) was identified as the most suitable search tool due to its comprehensive planning and development data. ADAS Planning started by selecting the 'Map' tool from the Landstack homepage. Once the map was loaded, the administrative area of the LPA was searched, and the mapping layers containing ALC data were then activated and overlaid. Subsequently, ADAS Planning were able to investigate LPA planning applications that had been refused that were located on BMV land.

Each search result included a link to the respective online Public Access page for that planning application. ADAS Planning then reviewed the planning files for each planning application, including the LPA decision report and decision notice, to determine whether BMV land had been cited as a reason for refusal in each decision. As a result of this process, six planning decisions were selected for further analysis.

Limitations

There were certain challenges during the methodology for this research area. Throughout the investigation process and at the time of the search, it was discovered that half of the 18 LPAs from the list above did not have any planning applications that had been refused on BMV land. In some cases, when an LPA decision that met the search criteria above had been located, the decision report was absent from the planning application document list on Public Access, thereby preventing a review of how the BMV land matter had been assessed. It became evident that certain LPAs did not publish their planning application reports, with the reasons for this omission remaining unclear. Consequently, these LPAs were promptly excluded from the methodology.

The final list of six LPAs for this research area that met the search criteria above were located in the following regions:

- East Midlands
- South East
- East

Planning Inspector Appeal Decision Case Study Review

Methodology

For this research area, the online [COMPASS Appeals Search](#) database was analysed. From this database, five planning appeal decisions were identified and selected from various locations across England where BMV agricultural land was a determinative factor that led to refusal of planning permission by the respective LPA.

The search was centred on LPAs with adopted planning policies affecting BMV agricultural land. In this search, the method of planning appeal determination and the type of proposed development were not influencing factors in the selection criteria. As a result, the identified case studies pertain to planning appeals determined through all methods such as written representations, informal hearings, and public inquiries, and specifically relate to major residential, mixed use, and renewable energy developments situated on BMV land.

Appendix C

ADAS Covering Letter



ADAS Planning
4205 Park Approach
Leeds
West Yorkshire
LS15 8GB
Tel: 0113 2321632

Planning Services,

Sent by email.

12/01/2024

[NATURAL ENGLAND RESEARCH STUDY: REVIEW OF AGRICULTURAL LAND TAKE TO DEVELOPMENT](#)

Dear Sir Madam,

We at ADAS planning wish to cordially invite you to take part in an exciting new research project on behalf of Natural England on the amount of agricultural land take occur in as a result of development, and an assessment of the recent loss of Best and Most Versatile (BMV) agricultural land.

Please take your time to read the following sections the set out the nature of this project should you require further information please contact us using the details at the top of this letter.

[Purpose of this Study](#)

The project title is: 'Review of agricultural land take to development'.

The National Planning Policy Framework (NPPF) recognises the importance of soil natural capital and ecosystem services, and the protection of the best agricultural land. BMV land is a prominent planning consideration that forms part of the NPPF and is graded from grade one to grade 3(a). Managing the loss of high quality agricultural land is becoming increasingly important as pertinent issues such as the loss of sealing,

concerns of climate change, global soil degradation, rising world populations, changing diets and future availability of food become increasingly prominent. The Government's 25 year Environment Plan (2018) confirmed support for agricultural land and states the government will support turning “over fields to meadows rich in herbs and wildflowers, plant more trees, restore habitats for endangered species, recover soil fertility and attract wildlife back”.

This research project will build upon previous Defra reviews of policy on the protection of BMV land [Application of Best and Most Versatile Land Policy by Planning Authorities - SP1501](#) (2010) and [Effect of BMV on planning decisions - LE0217](#) (2004), and will evaluate the extent to which the current planning framework has protected BMV land in England since these reviews, and analyse pressures and circumstances leading to decisions that allow or prevent development on BMV land. It will feed into work to ensure that appropriate consideration continues to be given to the protection of BMV land in the light of changing pressures of future land use priorities.

Our overall aim is to conduct a review of a select number of Local Planning Authorities (LPAs) across England to explore pressures identified on agricultural lands and implications for agricultural land protection. This will also investigate how pressures to develop BMV land have changed since the last DEFRA review, linking temporal trends in rates of land take to changes in planning policy and guidance (if any).

We intend to select major planning applications on BMV land and explore the planning process that led to these being permitted or refused. The study will also explore how BMV land is assessed at appeal and in local planning development plan making. The data will then be analysed to explore patterns at any factors that affect the decision-making process by LPAs and Inspectors.

Research Methods

I will be the day-to-day lead on this project with assistance from my colleague [REDACTED] (graduate planning consultant). Our directors, [REDACTED] and [REDACTED] will be responsible for overseeing the management of the project.

[REDACTED] and I will conduct the interview which is anticipated to last an hour. It will be recorded via note taking, audio recording and voice to text transcription. The interview will take place at a time, date and location suitable for yourselves. Should you wish for the interview to be conducted online (Microsoft Teams) or face to face, we would be grateful if you could confirm this when providing confirmation of your participation.

The questionnaire will be emailed directly to you two weeks before the agreed date for interview.

Please note that your participation in this study is entirely voluntary and you are free to opt out from the study at any time and without reason. In the event of this, we would politely request you provide written confirmation by e-mail all emails should be directed to [REDACTED] with [REDACTED] copied (cc) in, in the event of any absence.

The Results of the Study

The processes, methods, analysis and conclusions of the research will be reported on in a final report, and all data collected to support the project will be supplied to Natural England. Natural England will then publish its findings online.

The results and conclusions will be used to make recommendations for any changes and updates in the current policy or procedures that are in place to protect the best most versatile agricultural land in England.

Confidentiality

The data supplied by respondents will be presented in a collated form, where appropriate, or as relevant extracts from free text fields. The answers provided will be anonymised in the published report by removing any data that can be used to link the response to the respondent or the authority that they are employed by.

However, it must be noted that ADAS planning and Natural England will have full access to all data and responses provided and their sources and would be required to supply this detailed information (if requested) under a Freedom of Information request, unless the information is protected by GDPR such as the name of the individual respondent.

Further information

We look forward to discussing this with you and hope you will work with us on this project.

Should you have any questions about this research or require further information please do not hesitate to contact us at anytime.

Yours faithfully



Senior Planning Consultant

ADAS Planning

ADAS BMV Land Questionnaire

Please note that this questionnaire is for the purpose of undertaking a research project into the review of how Best and Most Versatile (BMV) agricultural land is affected by planning decisions. It has been commissioned by Natural England.

For official use by ADAS Planning	
ADAS Staff Name	
Date & Time	
Name of Council / Local Planning Authority	
Head of Development Management	
Head of Planning Policy	
Name of respondent(s) / Job title(s)	

1. How many full time Development Management and Planning Policy Officers does your department have?
2. How many of your planning staff from Question 1 are chartered members of the Royal Town Planning Institute (RTPI)?
3. How would you rate the LPA's overall understanding of the significance of Best and Most Versatile (BMV) land?

1. Full Understanding	2. Very Knowledgeable	3. Good to Average	4. Needs Improvement	5. Don't Know

4. What information sources does your Local Planning Authority (LPA) use to inform planning decisions involving BMV land? Please rank the following in order of most used (1 – Most Used, 10 – Least Used, or leave blank for Not Used At All):

a) Natural England Regional Agricultural Land Classification (ALC) Maps (PDF)	
b) Provisional ALC Maps for England (online interactive maps)	
c) Post-1988 ALC for England Maps (Magic Maps)	
d) Site-specific surveys undertaken by applicant and developer	
e) National Planning Policy Framework and Planning Practice Guidance	
f) Local Planning Policy and Supplementary Planning Document(s)/Guidance	
g) Natural England advice – consultation responses to planning applications that affect BMV land over 20	
h) Specialist ALC consultants	
i) Planning Inspectorate appeal decisions reports since 2010	
j) Planning officer decision reports since 2010	
k) Other (please specify)	

5. Does the LPA have all the information needed to make decisions consistently on planning applications that affect BMV land? YES / NO

5.a) If the LPA answered NO to Q5, what is missing in your opinion and what are the additional needs for the LPA?

6. Are you aware of the Footnote to Paragraph 181 of the National Planning Policy Framework with regards to site allocations? YES / NO

6.a) Do you consider BMV land when devising your spatial strategy and site allocations document?

6.b) What is the stage of your Local Development Plan?

1. Inspector's Report & Adopted (Regulation 24)	2. Submission & Independent Examination (Regulation 22)	3. Pre-Submission, Consultation and Publication Stage (Regulation 19)	4. Evidence Gathering & Early Stage Consultation (Regulation 18)

6.c) If your LDP is out of date, does your LPA have a 5 year housing land supply?
YES / NO

6.d) What level of weight is given to BMV land in departure cases?

1. Full Weight	2. Substantial Weight	3. Less than Substantial Weight	4. Moderate Weight	5. Limited Weight	6. No Weight

6.e) Does your LDP have a planning policy(ies) which relate to BMV land? YES / NO

6.f) If there is no planning policy relating to BMV land, will the LPA propose to include one in their LDP? YES / NO

7. What are the determining factors and priorities in the application of the BMV land policy by yourself as the LPA?

8. Please list any notable case studies where BMV land was a material planning consideration in the determination of a planning application?

9. Has the LPA used BMV land as a reason for refusal on a planning application? YES / NO

If NO, proceed to Question 10.

If YES;

a) Was this refusal appealed by the applicant? YES / NO

b) Was the planning appeal dismissed in favour of the LPA? YES / NO

c) Did the LPA pursue costs against the appellant? YES / NO

d) Did the planning appeal succeed? YES / NO

- e) Did the appellant pursue an application for award of costs against the Council and were they successful? YES / NO
- f) How many planning applications and how many hectares (if known) of BMV land have been developed where the planning appeal was upheld and granted by the Planning Inspector?

10. Does your LPA monitor loss of BMV land? YES / NO

10.a) If YES, how does your LPA monitor, record and report loss of BMV land?

11. How much BMV land has been lost to permanent built development in the LPA administrative area since 2010?

1. Over 80%	2. 79% - 60%	3. 59% - 40%	4. 39% - 20%	5. Less than 20%	6. Don't Know

12. If there re any other relevant matters related to the loss of BMV land to development in your LPA, please add these below:

Please provide your details below if you are happy to be contacted with follow up questions in relation to his project:

Name	
Email	
Contact Number	

Thank you for your time and cooperation with this questionnaire.

ADAS Cover Email

Dear Planning Services,

We write to you on behalf of Natural England to formally invite you to participate in an exciting new research project titled 'Review of agricultural land take to development' that aims to explore the pressures identified for development on Best and Most Versatile (BMV) agricultural land in England and the subsequent implications for agricultural land protection.

As part of the research ADAS planning would like to interview your Local Planning Authority (online or in person) to establish how BMV land is assessed in the Council's Development Management and Planning Policy department's.

Please see the attached Covering Letter for information.

We would be grateful if you could confirm whether you would like to participate in this research study via e-mail or phone call by Friday the 19th of January.

Your participation would be much appreciated and would help shape the understanding of BMV land for the future.

Should you have any queries then please feel free to contact [REDACTED].

Kind regards,

[REDACTED]

ADAS BMV Land Questionnaire Results

1. How many full time Development Management and Planning Policy Officers does your department have?

LPA	Number of DM and Policy Officers (Range)
LPA 1	45 - 60
LPA 2	0 - 15
LPA 3	15 - 30
LPA 4	45 - 60
LPA 5	15 - 30
LPA 6	0 - 15

2. How many of your planning staff from Q1 are chartered members of the RTPI?

LPA	Number of RTPI Chartered Members (Range)
LPA 1	30 – 45
LPA 2	0 - 15
LPA 3	0 – 15
LPA 4	15 – 30
LPA 5	0 – 15
LPA 6	0 - 15

3. How would you rate the LPA's overall understanding of the significance of BMV land?

Level of understanding	Number of LPAs
1 (full understanding)	1
2 (very knowledgeable)	2
3 (good to average)	2
4 (needs improvement)	1
5 (don't know / no understanding)	0

4. What information does your LPA use to inform planning decisions involving BMV? (1 – Most Used, 10 – Least Used, or leave blank for Not Used At All):

	Frequency of resource used by LPA 2	Frequency of resource used by LPA 5	Combined ranking of use of resources by LPA 2 and LPA5
a) Natural England Regional Agricultural Land Classification (ALC) Maps (PDF)	1	8	9
b) Provisional ALC Maps for England (online interactive maps)	9	3	12
c) Post-1988 ALC for England Maps (Magic Maps)	2	6	8
d) Site-specific surveys undertaken by applicant and developer	3	1	4
e) National Planning Policy Framework and Planning Practice Guidance	6	5	11
f) Local Planning Policy and Supplementary Planning Document(s)/Guidance	5	2	7
g) Natural England advice – consultation responses to planning applications that affect BMV land over 20 ha	4	4	8
h) Specialist ALC consultants	-	-	-
i) Planning Inspectorate appeal decisions reports since 2010	7	-	7
j) Planning officer decision reports since 2010	8	-	8
k) Other (please specify)	-	-	-

5. Does the LPA have all of the information needed to make decisions consistently on planning applications that affect BMV land?

Does the LPA have all of the information needed to make decisions consistently on planning applications that affect BMV land?	
Yes	50%
No	50%

Are additional needs required for the LPA to make decisions consistently on planning applications that affect BMV land?	
Yes	67%
No	33%

Additional needs for LPAs to make decisions consistently on planning applications affecting BMV land. Number of LPAs providing the same response in brackets.

- More involvement from Natural England (2)
- Clearer identification between ALC Subgrade 3a and 3b (2)
- Greater guidance on the weighting of BMV land (2)
- Up to date / accurate mapping (1)
- Statutory consultation to clearly identify BMV land on sites <20 ha (1)
- Site selection guidance for BMV land (1)
- Tracking of percentage of BMV land lost (1)

6. Are you aware of the Footnote to Paragraph 181 of the National Planning Policy Framework?

Percentage of LPAs aware of footnote 62 to Paragraph 181 of the NPPF	
Yes	100%
No	0%

What is the stage of your Local Development Plan?

	1. Inspector's Report & Adopted (Regulation 24)	2. Submission & Independent Examination (Regulation 22)	3. Pre-Submission, Consultation and Publication Stage (Regulation 19)	4. Evidence Gathering & Early Stage Consultation (Regulation 18)
Number of LPAs	5	0	0	5

What level of weight is given to BMV land in departure cases?

	1. Full Weight	2. Substantial Weight	3. Less than Substantial Weight	4. Moderate Weight	5. Limited Weight	6. No Weight
Number of LPAs		2		1		

Does your LDP have a planning policy which relates to BMV land?	
Yes	100%
No	0%

9. Has the LPA used BMV land as a reason for refusal on a planning application?

Has the LPA used BMV land as a reason for refusal on a planning application?	Number of LPAs
Yes	2
No	4

10. Does the LPA monitor loss of BMV land?

Does the LPA monitor loss of BMV land?	Number of LPAs
Yes	1
No	5

11. How much BMV land has been lost to permanent built development in the LPA administrative area since 2010?

How much BMV land has been lost to permanent built development in the LPA administrative area since 2010	Number of LPAs
Don't know	5
Less than 20%	1

Appendix D

Table D.1: LPA case study overview table 1.

No and Region	Local Planning Authority	Map No	Case Ref	Site Address	Development	Refusal Reasons	Policies	Decision and Date
1. East Midlands	Bolsover	20	15/00562/OUT	Land Approximately 300M To The West Of Hall Leys Farm Broad Lane Hodthorpe	Residential development (maximum 70 dwellings) and community building (Class D1/D2) with means of access off Broad Lane and Green Lane.	1. Unsustainable location for residential development and loss of Grade 2 BMV land 2. Traffic and highway impacts	Bolsover District Local Plan (February 2000) Policy ENV2 and NPPF Paragraph 112 (27 March 2012)	Refused 30 March 2016
2. South East	Arun	3	Y/62/18/OUT	Clays Farm North End Road Yapton BN18 0DT	Outline application with some matters reserved (appearance, landscaping, layout & scale) for 33 No. residential dwellings, access, landscaping & associated works.	1. Loss of Grade 1 BMV land	NPPF Paragraph 170 (19 February 2019) Policies SO DM1 of Arun Local Plan, H1 of Yapton Neighbourhood Development Plan	Refused 28 June 2019

No and Region	Local Planning Authority	Map No	Case Ref	Site Address	Development	Refusal Reasons	Policies	Decision and Date
3. South East	Fareham	94	P/17/0681/OA	Land east of Posbrook Lane, Titchfield, Fareham, Hampshire PO14 4EZ	Outline planning application for scout hut, up to 150 dwellings, community garden, associated landscaping, amenity areas and a means of access from Posbrook Lane.	1. Loss of Grades 1 and 2 BMV land 2. 11 other reasons for refusal	NPPF Paragraph 112 (27 March 2012) Policy CS16 of Fareham Borough Core Strategy and Policy DSP40 of Development Sites and Policies	Refused 14 December 2017
4. East	Great Yarmouth	104	06/20/0562/O	Highfield Equestrian Centre, Newport Road, Hemsby	Construction of up to 150 no. residential dwellings, new vehicular access, and associated infrastructure and landscaping.	1. Loss of Grade 1 BMV land 2. 5 other reasons for refusal	Policies CS11 and CS12 of Great Yarmouth Core Strategy (24 July 2018)	Refused 3 February 2021
5. East	King's Lynn and West Norfolk	133	22/01987/FM	Land SE of Poplar Farm Harps Hall Road Walton Highway PE14 7DL	Installation, operation, and decommissioning of solar farm comprising an array of ground mounted solar PV panels and battery storage system with associated infrastructure including inverters and a substation compound as well as fencing, security cameras, cabling and biodiversity enhancement measures.	1. Loss of Grades 2 and 3A BMV 2. Landscape impact	NPPF Paragraph 174b and Footnote 53 (20 July 2021) Policy DM20 of Site Allocations and Development Management Policies Plan	Refused 24 April 2023

No and Region	Local Planning Authority	Map No	Case Ref	Site Address	Development	Refusal Reasons	Policies	Decision and Date
6. East	Bedford	14	19/01974/MAO	Land East Of Hookhams Lane Renhold Bedfordshire	Outline application for the demolition of a dwelling and the erection of up to 28 dwellings with all matters reserved except for access	1. Loss of Grades 2 & 3A BMV 2. 8 other reasons for refusal	NPPF Paragraph 174b & Footnote 53 (19 February 2019) Bedford Borough Local Plan Policy 46S	Refused 24 June 2020

Table D.2: LPA case study overview table 2.

Local Planning Authority	Development	BMV land take to development (ha)	Assessment	Information used by Council
1. Bolsover	Residential and community building	3.53	<p>Issue with principle, all land around Hodthorpe on higher grade agricultural land (grade 2). Development could only be deemed to be necessary provided that it is deemed to be sustainable, deliverable, it would contribute to the 5 year supply and provided that the Council is satisfied that a proportion of the housing land it needs to obtain a 5 year supply must be developed on grade 2 land owing to a lack of available brownfield and other lower grade agricultural land.</p> <p>Council currently does not have 5 year supply of deliverable housing and so considerable weight must be given to granting consent on a site if it is considered to be sustainable. Sustainability of site is considered to be poor.</p>	<p>NPPF Paragraph 112 & Local Planning Policy</p> <p>Natural England Consultation (no comment on BMV land)</p>

Local Planning Authority	Development	BMV land take to development (ha)	Assessment	Information used by Council
2. Arun	Residential, access, and landscaping	1.67	Development would lead to loss of grade 1 agricultural land and there are no site constraints that could be set against a future agricultural use. Officer recommended approval but committee refused.	NPPF Paragraph 170 & Local Planning Policy
3. Fareham	Scout hut, residential, community facilities	6.6	Review Natural England consultation and appeal decision, agree that development is not significant and does not trigger the sequential approach of Paragraph 112. Permanent loss of BMV agricultural land contrary to local plan policy weighs against granting planning permission in the balance of issues.	NPPF Paragraph 112 & Local Planning Policy Applicant's Agricultural Land Considerations Report (2017) Appeal decision (Cranleigh Road and west of Wicor Primary School APP/A1720/W/16/3156344) Natural England Consultation (no comment on BMV land)
4. Great Yarmouth	Residential	8.35	Larger part of site is designated Grade 1 agricultural land. Given a sufficient housing supply is deliverable elsewhere in the borough including in Hemsby, it is not necessary to sterilise this current asset.	Local Planning Policy Natural England Consultation (no comment on BMV land)
5. King's Lynn and West Norfolk	Solar farm	48.5	Natural England do not object and consider that the proposed development, if temporary is unlikely to lead to significant permanent loss of BMV agricultural and, as a resource for future generations.	NPPF Paragraph 174B/Footnote 53 & Planning Practice Guidance

Local Planning Authority	Development	BMV land take to development (ha)	Assessment	Information used by Council
			<p>Site accounts for approximately 0.001% of the agricultural land within the Borough. Given this, be difficult to argue that the proposal would have a significant impact on agricultural production within the Borough. Consideration of Site Selection but regardless, the option of agricultural use would be removed for a temporary period of 30 years, after the solar infrastructure is installed</p> <p>Proposal would result in loss of agricultural land, including some land classified as best and most versatile, however it is of a temporary nature, that includes a small proportion of hardstanding for infrastructure. Incorporates approximately 54 hectares for BNG, including 0.9ha to be retained for bramble scrub. Loss of agricultural land will need to be carefully considered by Members, and balanced against other benefits of the proposal, particularly the provision of renewable energy and biodiversity. Officer recommended approval but committee refused.</p>	<p>ALC Report (2022)</p> <p>Planning Statement (Site Selection)</p> <p>Appeal decision (Rose and Crown Farm solar farm APP/V2635/W/14/3001281)</p> <p>Natural England Consultation</p>
6. Bedford	Residential	19.65	Lack of ALC Report. Site almost 20 hectares and proposal represent 'significant' development of agricultural land. Delegated decision.	<p>NPPF Paragraph 171 / Footnote 53 & Local Planning Policy</p> <p>Natural England Consultation (no comment on BMV land)</p>

Appendix E

Table E.1: Appeal Case Study Overview table 1.

No and Region	Local Planning Authority	Map No	Appeal Ref	Appeal Type	Site Address	Development	Main Issues	Decision and Date
1. East Midlands	South Holland / Kings Lynn and West Norfolk	230	APP/A2525/W/22/3295140	Joint Appeal – Written Representations	Gunthorpe Road Solar Farm, land south of Gunthorpe Road, Walpole Marsh, Wisbech, PE14 7JH	Installation of solar farm and battery storage facility with associated infrastructure	Use of Grades 1 & 2 BMV land	Allowed 29 September 2023
2. East Midlands	South Derbyshire	226	APP/F1040/W/22/3313316	Hearing	Land North of Lullington, Swadlincote, Derbyshire, DE12 8EW	Installation of ground mounted solar photovoltaic panels with associated infrastructure and works, including substations, converters, inverters, access tracks, security fencing, boundary treatment and CCTV	Use of Grades 2 and 3A BMV land Landscape and Visual Impacts on Heritage Assets	Dismissed 21 July 2023
3. North West	West Lancashire	288	APP/P2365/W/15/3132594	Public Inquiry	Land to east of Prescott Road, Aughton, Ormskirk, Lancashire L39	Hybrid – full planning application for erection of 50 dwellings and associated works, and outline application	Provision of housing	Allowed 19 August 2016

No and Region	Local Planning Authority	Map No	Appeal Ref	Appeal Type	Site Address	Development	Main Issues	Decision and Date
						including details of access for up to 100 dwellings plus 295m2 of D1 uses	Use of Grades 2, 3A and 3B BMV land Sustainable form of development	
4. East	Great Yarmouth	104	APP/U2615/W/20/3262258	Written Representations	Site off Martham Road, Hemsby, Great Yarmouth NR29 4NQ	Outline application for proposed residential development of site	Location of the development Use of Grades 1 & 2 BMV land Provision for affordable housing	Dismissed 2 July 2021
5. Yorkshire & Humber	North Yorkshire	183	APP/G2713/W/23/3315877	Hearing	Land south of Leeming Substation, part of Low Street and Feltham Lane, DL7 0RG	Installation of a solar photovoltaic array/solar farm with associated infrastructure.	Use of Grade 2 BMV land	Allowed 27 June 2023

Table E.2: Appeal case study overview table 2.

No and Region	Local Planning Authority	Planning Application Reference	Development	Council BMV Policy	Natural England involved Y/N & response	BMV land take (ha)	Weight given to BMV land and policy and other issues	Information used by Inspector
1. East Midlands	South Holland / Kings Lynn and West Norfolk	H-18-0741-21/21/01442/FM	Solar Farm & Battery Energy Storage	Policy DM20 of KLWN's Site Allocations and Development Management Policies Plan & Policy 31 of SHDC's South East Lincolnshire Local Plan 2011-36	Unclear on South Holland as no consultation/report on Public Access. Yes on Kings Lynn and West Norfolk application. Raised no objection.	78 ha	<p>Significant weight - national and local climate emergency and solar energy generation, Biodiversity Net Gain and landscape enhancement (environmental benefits).</p> <p>Limited weight - long-term benefit to agricultural production.</p> <p>Moderate weight - conflict of proposal with development plans in respect of loss of BMV land.</p> <p>Significant benefits – proposed design of 39MW, with potential to generate up to 49.9MW, enough to power approximately 10,150 homes,</p>	<p>National and local Climate Emergency</p> <p>Council's Site Allocations and DM policies</p> <p>NPPF Paragraph 158</p> <p>NPPG Para 013, Reference ID: 5-013-20150327</p> <p>Written Ministerial Statement</p> <p>Consideration of total area of agricultural land within each Council administrative areas</p> <p>Appellant's Site Selection Report (amongst other documents e.g. LVIA) and justification on the loss of BMV land to</p>

No and Region	Local Planning Authority	Planning Application Reference	Development	Council BMV Policy	Natural England involved Y/N & response	BMV land take (ha)	Weight given to BMV land and policy and other issues	Information used by Inspector
							<p>reducing potential implications of CO2 pollutants generated by equivalent electricity produced from fossil fuels by 8927 tonnes each year of operation.</p> <p>Moderate significance - benefits to the economy from the labour market and procurement of materials and equipment, and some long-term employment through management, maintenance, monitoring and security of the site</p>	<p>development individually and cumulatively</p> <p>Temporary loss of BMV land (35 years)</p> <p>Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990</p> <p>NPS (EN-1)</p>

No and Region	Local Planning Authority	Planning Application Reference	Development	Council BMV Policy	Natural England involved Y/N & response	BMV land take (ha)	Weight given to BMV land and policy and other issues	Information used by Inspector
2. East Midlands	South Derbyshire	DMPA/2021/1014	Solar Farm	Policy BNE4 of the South Derbyshire Local Plan Policy BNE5 of the South Derbyshire Local Plan	Unclear as no information on application on Public Access. Submitted request for information 30/01/2024.	Under 50% of BMV land	<p>Significant positive weight - implementation of substantial renewable energy scheme that would provide clean electricity for some 17,300 homes.</p> <p>Moderate weight - Biodiversity Net Gain, long-term landscape benefit and job creation.</p> <p>Significant negative aspect of appeal proposal which weighs heavily against the development - loss of just under 50% of BMV land.</p> <p>No harm to historic assets and this would not weigh against the appeal development.</p>	<p>NPS (EN-1 & EN-3)</p> <p>National Climate Emergency, UK Energy White Paper, Powering our Net Zero Future (2020), Sixth Assessment Report of the Intergovernmental Panel on Climate Change and Written Ministerial Statement 2015</p> <p>NPPF Para 152, 153, 155, 158 and 174b</p> <p>NPPG Para 005, Ref ID: 5-005- 20150618 and 013, Ref ID: 5-013- 20150327</p> <p>Policy BNE4 and BNE5</p> <p>Derbyshire County Council's 'The Landscape Character of Derbyshire' (2014)</p>

No and Region	Local Planning Authority	Planning Application Reference	Development	Council BMV Policy	Natural England involved Y/N & response	BMV land take (ha)	Weight given to BMV land and policy and other issues	Information used by Inspector
								<p>and National Character Area 72 (Mease/Sence Lowlands)</p> <p>Appellant Site Selection Assessment</p> <p>Natural England Explanatory note for Likelihood of Best and Most Versatile (BMV) Agricultural Land – Strategic scale maps – ALC021</p> <p>South Derbyshire, Lichfield and East Staffordshire District Councils brownfield land register</p>

No and Region	Local Planning Authority	Planning Application Reference	Development	Council BMV Policy	Natural England involved Y/N & response	BMV land take (ha)	Weight given to BMV land and policy and other issues	Information used by Inspector
3. North West	West Lancashire	2015/0335/HY B	Residential and D1 Uses	Policy EN2(4) West Lancashire Local Plan 2012-2027	Yes but on ecology matters. Quoted	12.26 ha out of 17 ha	<p>Significant weight in favour - Provision of market and affordable housing and affordable units ('D1' uses) would yield social benefits that meet Framework objectives.</p> <p>Economic growth through provision of construction jobs and sale of construction materials, and expenditure during occupation of houses.</p> <p>Executed planning obligations by unilateral undertaking and agreement for bus subsidy, travel plan contribution, secondary education contribution; open space, affordable and specialist housing.</p> <p>Locally significant – loss of Grades 2 and</p>	<p>NPPF Paragraphs 7, 11, 14, 19, 28, 32, 47, 49, 85, 112, 118, 140, 143, 144, 204 and Footnotes 11, 20</p> <p>NPPG Paragraph 021 Reference ID: 2a-021-20160401</p> <p>ADAS ALC report (1995) for land that included the appeal site</p> <p>ES Figure 12.1 shows the area of BMV in the locality, and it is extensive Magic Map of Provisional ALC grading map (Liverpool 1988)</p>

No and Region	Local Planning Authority	Planning Application Reference	Development	Council BMV Policy	Natural England involved Y/N & response	BMV land take (ha)	Weight given to BMV land and policy and other issues	Information used by Inspector
							<p>3A BMV land of sufficient scale (listed as adverse impact).</p> <p>Less than significant weight against - sterilisation of mineral reserves.</p> <p>Adverse impacts of granting planning permission would not significantly and demonstrably outweigh benefits of appeal scheme when assessed against development plan, and Framework, taken as a whole.</p>	

No and Region	Local Planning Authority	Planning Application Reference	Development	Council BMV Policy	Natural England involved Y/N & response	BMV land take (ha)	Weight given to BMV land and policy and other issues	Information used by Inspector
4. East	Great Yarmouth	06/17/0540/O	Residential	Policies CS6 and CS12 of Great Yarmouth Core Strategy 2015	Yes but on ecology matters/ Not quoted within appeal decision.	1.2 ha	<p>Significant weight – conflict with Policies CS6 and CS12 in unjustified and harmful loss of Grades 1 and 2 BMV land. These policies were important for determining the appeal, and were considered consistent with the Framework.</p> <p>Significant weight - appeal site, being outside of defined settlement boundary, would not be appropriate location for development proposed with regard to development strategy for area. Would undermine Council's plan-led approach to delivery of housing and would not contribute to any identified shortfall in supply.</p>	NPPF Paragraph 11, 78, 84, 170

No and Region	Local Planning Authority	Planning Application Reference	Development	Council BMV Policy	Natural England involved Y/N & response	BMV land take (ha)	Weight given to BMV land and policy and other issues	Information used by Inspector
							<p>Moderate weight for - economic benefits, including creation of employment during construction and local expenditure by future occupiers. Social benefits including engagement by future occupiers in community activities and groups.</p> <p>No weight – planning permission for 7 dwellings which appellant considered offers support to acceptability of appeal proposal</p>	
5. Yorkshire & Humber	North Yorkshire	21/01362/FUL	Solar Farm	Policy S5 of Hambleton Local Plan (2022)	Yes but not quoted	77.5ha of land surveyed 71.7ha (92%) is Grade 2 and 5.85ha	<p>Substantial weight - renewable energy benefit</p> <p>Significant – biodiversity enhancements</p>	<p>NPPF Paragraph 56, 158</p> <p>Written Ministerial Statement on Solar Energy (2015)</p> <p>Draft National Policy Statement for</p>

No and Region	Local Planning Authority	Planning Application Reference	Development	Council BMV Policy	Natural England involved Y/N & response	BMV land take (ha)	Weight given to BMV land and policy and other issues	Information used by Inspector
						(8%) is Grade 3b		<p>Renewable Energy (EN-3) (March 2023)</p> <p>NPPG Renewable and low carbon energy Paragraph ID:5-013-20150327</p> <p>National Agricultural Land Classification map</p> <p>Amet Agricultural Land Classification report (Appellant) and ADAS Agricultural Land Classification report (Council)</p> <p>National and local Environmental and Climate Change Emergency</p>

