

I refer to my oral submission on 17th March (written version attached). That submission concentrated primarily on my understanding of government policy and, more importantly, the law of the land pertaining to the use of so-called BMV land for solar farms. I concluded that the policy and the law were broadly ad idem and that the current developers had palpably failed to meet the onus set to avoid where possible siting such farms on BMV land.

On 18th March at the Issue Specific Hearing (ISH2) the applicants were represented by one T [REDACTED] [REDACTED] was honest enough to state in terms during his address that the " most straightforward grid connection was the determining factor" in terms of site selection (para 18.15 of the transcript). He then went on to confirm, as stated in the Site Identification Report, that having pre-determined that ease of grid connection was the determining factor the actual site was then picked following a cursory glance through some Brownfield Land Registers which is claimed revealed no suitable alternatives.

So, essentially, the developers embarked on something of a self-fulfilling prophecy - they wanted a site which would provide easy access to the grid point at Eaton Socon and chose the mechanism of a BLR search to fulfil that prophecy. BUT even ignoring the fact that ease of access to a grid point cannot possibly trump taking vast swathes of BMV land out of the equation, the applicant's approach still fails to take account of the fact that BLRs are generally recognised as unfit for purpose. I quoted in my oral submissions the findings by Lichfields on this point. However Lichfields are by no means alone. As another of many examples, in 2021 the regeneration specialists (U&I) held that brownfield register data was "inconsistent, inaccurate and ill-maintained".

It is clear beyond peradventure that if this application proceeds it will occupy a massive swathe of prime agricultural farmland.

It is also self-evident that in order to proceed the application needs to satisfy not just prevailing government policy but also the law of the land.

With respect to the law, I refer to the High Court judgment in the ‘Lullington Solar Farms’ case [2024] EWHC in which His Honour Judge Jarman upheld the Planning Inspectorate’s decision to reject the application. The *ratio* of Milwyn Jarman’s judgment was that the putative developers had failed to show any serious efforts to identify alternative target sites based on non-BMV land.

As to government policy, the revised NPPF published in February 2025 states, on page 54, that “**Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality**”. Chapter 5 of the Introduction to the NPPF confirms that the provisions of the NPPF may “**be a material consideration**” in relation to NSIP applications.

So, both the law of the land and this current government’s planning policies are *ad idem* in that they favour siting, where possible, new solar farms on non-BMV land.

So what have these putative developers done in to meet these requirements and establish that in the current circumstances there is no sensible option but to site the solar farm where they propose. And the answer would appear to be next-to-nothing. Paragraph 7.1.2 of the Site Identification Report (APP-058 in the Library) states “**Search zones have been identified following a desk-bound review**”. And that desk-bound review would appear to amount to a few hours leafing through some Brownfield Land Registers. BLRs are at best a ‘blunt tool’ while in many quarters they are considered as ‘unfit for purpose’.

In my written submission, I cited the findings of the independent planning consultancy – Lichfields – who concluded: **“Our research finds brownfield land data to be lacking in the comprehensiveness, accuracy and detail required to facilitate effective policy and decision-making”**.

I ask therefore whether a cursory desk-bound review four or more years ago of an ill-regarded system is sufficient to meet the goals set by both case law and government policy to try where possible to avoid siting new solar farms on prime BMV land.

[REDACTED]

From: Mark Hodgson on behalf of [REDACTED]
Sent: 18 March 2026 10:33
To: East Park Energy
Subject: Yr Ref: EN010141
Attachments: It is clear beyond peradventure that if this application proceeds it will occupy a massive swathe of prime agricultural farmland.docx

FOR THE ATTENTION OF Mr GRAHAM SWORD

Dear Sir,

I attended and spoke at the Open Hearing yesterday afternoon. Obviously a lot of things were said by a lot of people and I am also conscious that you stressed that the examination of the application would principally constitute a written process. With those points in mind, I hope you do not mind my submitting with this email the text of the points I made yesterday culminating in the question I raised for the putative developers.

Since my oral submission included legal points maybe I should also explain that while I am not, and never have been, a planning lawyer I was for [REDACTED] years a solicitor practising in 'the City' and, variously, Head of Group, Head of Department and Managing Partner of firms including Simmons & Simmons, Taylor Wessing, Howrey LLP and Field Fisher. I also served on a number of professional and government advisory committees,

Yours Faithfully

Mark Hodgson
[REDACTED]

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