Submission ID: S85343450

These comments are made on behalf of Fenland District Council (FDC) and relate to Environmental Health matters, Loss of Agricultural Land and impact on the Fenland Peat Soils.

Environmental Health

FDC's Environmental Health Team raise no objections to this application.

The application does not demonstrate that residents in the Fenland area will be impacted by noise, vibration, air quality, or light pollution.

The Environmental Statement demonstrates no air quality or noise issues for construction or operational use. The Environmental Statement demonstrates that there will be negligible impact beyond the host district. The nearest development sensitive receptors within Lincolnshire will be representative of Fenland residents for the control of noise, air quality and light.

FDC does not perceive any construction or operational impacts, however the following requests are made.

1 - The Outline Construction Environmental Management Plan specifies that a Control of Pollution Action, section 61 prior consent, will be obtained where work outside of the specified working hours is required. In these incidents this prior consent will be obtained from the host authority. Due to the close nature of the development area to the Fenland district boundary, we would ask that where prior consent is requested, that FDC's Environmental Health Team are notified along with out of hours contact information.

2 - It is noted from the outline construction management plan that piling works will be undertaken. Although the construction management plan explains that this should not impact Fenland residents, as part of the piling risk assessment, we would request that FDC's Environmental Health Team are provided operator contact information should and noise complaints or issues arise.

Loss of Agricultural Land

The Fens contains extensive areas of high-quality agricultural land, including areas of Grade 1, Grade 2 and Grade 3a land. Much of this resource lies on peat soils, which are of significant importance for food production, soil health, carbon storage and the wider environment.

From the East Midlands Region Plan hosted on the Natural England website the solar farm sites and associated infrastructure fall within a mixture of Grade 1 (Excellent) and Grade 2 (Very Good) agricultural land which are acknowledged as being the Best and Most Versatile (BMV) in the country. Agricultural Land Classification Map East Midlands Region - ALC005

The National Planning Policy Framework (NPPF) recognises BMV agricultural land as a valuable and finite national resource. It requires local planning authorities to avoid the unnecessary loss of high-quality agricultural land and, where development is needed, to locate it on lower-quality land wherever possible.

The NPPF does not prescribe how alternatives must be assessed, but it requires decision-makers to prefer poorer-quality agricultural land where reasonable.

A proportionate Area of Search is essential to demonstrate that the applicant has meaningfully engaged with the national policy requirement to avoid unnecessary loss of BMV land. As a National Strategic Infrastructure Project (NSIP) which is to form part of an extensive and linked nationwide grid it would seem reasonable for the search to be on at least a regional if not a national scale.

Avoidance on BMV agricultural land is the preferred outcome and reflects the NPPF's requirement to steer development away from high-quality agricultural land. FDC would expect the applicant to demonstrate that they have considered reasonable alternatives within the defined Area of Search, with a focus on previously developed land, lower-quality agricultural land or sites with fewer environmental constraints. Where realistic alternatives exist that would avoid or significantly reduce the use of BMV land, these should be selected.

Where complete avoidance is not possible, applicants should demonstrate how the extent of BMV land affected has been reduced. This may include adjusting the site boundary and alignments and locations of associated infrastructure, altering access arrangements or redesigning the site layout to minimise land-take on the most sensitive areas. This reflects national policy expectations around efficient use of land and protecting natural assets.

Mitigation measures should only be considered once avoidance and minimisation have been clearly addressed. Mitigation may include soil protection and handling measures, drainage and hydrology safeguards, construction management plans or restoration and aftercare proposals. For peat soils, more detailed mitigation may be necessary due to their sensitivity and the potential for irreversible degradation. While mitigation can reduce residual harm, it cannot replace the need to fully explore alternatives or minimise impacts.

FDC considers that alternative locations which do not comprise the Best and Most Versatile land have been assessed in detail and consider this exercise needs to be undertaken to enable a proper and full evaluation of the scheme.

Fenland Peat Soils

Large parts of the Fenland area sit on deep peat, which is highly productive but extremely sensitive. Development on peat soils carries additional risks, including oxidation, carbon loss, land subsidence, and irreversible damage to soil structure. These impacts can reduce agricultural productivity well beyond the footprint of the proposal.

Solar development on peat soils requires particular care. The assumption that solar panels and agriculture can co-exist on peat soils is not supported by the characteristics of the local soil structure. The installation of piles, tracks, cable trenches, service roads and security fencing can fundamentally alter drainage, compact soils and reduce long-term agricultural potential. In many cases, the land cannot return to its previous productivity at the end of the solar scheme's operational life.

FDC would request that the applicant should demonstrate:

a) why the solar scheme cannot be located on lower-grade land or previously developed land

b) how layout and construction have been designed to minimise disturbance

c) how peat hydrology will be maintained

d) how soils will be protected during construction and operation

e) how the land will be restored in a way that maintains or enhances soil health

It is the Council's view that schemes that cannot demonstrate long-term protection of peat soils or that risk irreversible soil degradation should not be supported.

Mitigation measures should be proportionate and directly related to the impacts identified through the assessment process. Once avoidance and minimisation have been fully explored, applicants should demonstrate how any remaining impacts on BMV land—whether permanent or temporary—will be managed. Measures may include reducing soil compaction, adopting low-impact installation systems, maintaining existing hydrology, providing buffer zones around sensitive areas, and implementing soil protection and management plans during construction. Longer-term monitoring may also be required where soil condition or land functionality may change over time.
FDC has produced an Interim Planning Guidance Note (IPGN) in relation to Best and Most Versatile Agricultural Land. Whilst produced for the district the issues are relevant throughout the Fens area which includes the Meridian Solar Farm site and associated infrastructure. The IPGN can be found at this link: Best and Most Versatile Agricultural Land IPGN - Fenland District Council
FDC considers there has been insufficient assessment and evaluation of the five points (a to e) set out above and that this needs to be undertaken to enable full understanding and a comprehensive evaluation of the scheme.

INTERIM PLANNING GUIDANCE NOTE IPGN:

BEST AND MOST VERSATILE AGRICULTURAL LAND

This Interim Planning Guidance Note explains how Fenland District Council will assess development proposals that affect Best and Most Versatile (BMV) agricultural land. The district contains some of the most productive soils in the country, and it is important that these resources are protected and used responsibly.

The guidance sets out a clear and proportionate framework based on avoiding, minimising and mitigating impacts on BMV land. It also explains when additional measures, including contributions to local agricultural productivity initiatives, may be appropriate. Applicants are expected to provide evidence that development on BMV land is necessary, justified, and designed to reduce harm as far as possible.

Fenland
CAMBRIDGESHIRE
Fenland District Council

1 INTRODUCTION AND PURPOSE

1.1 This Interim Planning Guidance Note (IPGN) explains how Fenland District Council will assess planning applications that involve the loss or potential loss of Best and Most Versatile (BMV) agricultural land. BMV land is a nationally important resource, and its protection is a key planning consideration. The guidance provides clarity for applicants, landowners, developers and the public on how proposals will be assessed, what information is required, and how the Council will weigh impacts in decision-making.

1.2 Fenland contains extensive areas of high-quality agricultural land, including areas of Grade 1, Grade 2 and Grade 3a land. Much of this resource lies on peat soils, which are of significant importance for food production, soil health, carbon storage and the wider environment. Development that would result in the loss or long-term degradation of this land has the potential to cause harm that may not be reversible.

1.3 This IPGN seeks to ensure that development proposals fully consider the implications of using BMV land and provide appropriate evidence, justification and mitigation. The document is a material consideration in the determination of planning applications.

2 WHEN PLANNING ASSESSMENT IS REQUIRED

2.1 Any planning application that may result in the permanent or long-term loss of agricultural land must consider whether the land affected is BMV. This includes proposals for housing, commercial development, solar farms, infrastructure, minerals, and changes to land drainage or ground conditions.

2.2 Where a proposal involves the use of agricultural land, applicants are expected to identify the Agricultural Land Classification (ALC) grade at an early stage. Development that would take Grade 1, Grade 2 or Grade 3a land out of agricultural use is subject to closer scrutiny, and applicants will be required to justify the need for development on such land.

2.3 Development on peat soils also triggers additional assessment requirements, owing to the sensitivity of these soils and the potential for long-term or irreversible damage through drainage changes, compaction or disturbance.

2.4 Different regulatory regimes apply to agriculture, drainage, environmental permitting and land management. These do not override or diminish the importance of BMV land as a planning consideration. Compliance with these regimes does not reduce the weight given to the loss of BMV land within the planning balance.

3 EVIDENCE REQUIREMENTS

3.1 To support a planning application, applicants must demonstrate a clear understanding of the agricultural quality of the land affected and provide proportionate evidence. As a minimum, applications should include:

3.2 Where peat soils are involved, additional information may be needed relating to groundwater, drainage patterns, soil moisture, and the potential for oxidation or subsidence.

a) ALC maps identifying the grade of land affected
b) A site-specific ALC assessment where national maps are inconclusive or where significant development is proposed
c) Soil structure, peat depth and hydrology information where peat soils may be present
d) An assessment of likely impacts on long-term agricultural productivity
e) A clear description of the area of land required and how this has been minimised
f) For solar schemes, evidence demonstrating why the proposal cannot be accommodated on lower-grade land or non-agricultural land

3.3 Insufficient evidence will limit the Council's ability to properly consider impacts and may justify refusal of planning permission.

Householder Applications

3.4 Householder applications will generally not require detailed agricultural land assessments where the proposal is wholly contained within an existing residential garden. In such cases, the land is no longer in agricultural use and agricultural land classification will not normally be relevant.

3.5 Where a householder proposal extends residential curtilage into adjoining agricultural land or introduces development beyond the existing garden boundary, applicants should provide proportionate evidence, including:

a) identification of whether the land is BMV using published ALC maps
b) a plan showing the extent of land affected
c) a brief explanation of why the development cannot reasonably be accommodated within the existing curtilage

3.6 Detailed ALC surveys or soil investigations will not normally be required for householder-scale proposals unless peat soils are present and the works would involve significant ground disturbance, drainage alterations or long-term soil impacts.

4 ASSESSMENT PRINCIPLES

4.1 The National Planning Policy Framework (NPPF) recognises Best and Most Versatile (BMV) agricultural land as a valuable and finite national resource. It requires local planning authorities to avoid the unnecessary loss of high-quality agricultural land and, where development is needed, to locate it on lower-quality land wherever possible. This section sets out how Fenland District Council interprets these requirements in practice. The aim is to provide a clear and proportionate framework that helps applicants demonstrate whether development affecting BMV land is justified and how potential impacts have been addressed.

Establishing Need and Local Connection

4.2 Before considering where development might be located, applicants must explain the purpose of the proposal and the extent to which it must be situated within Fenland. This reflects the NPPF's expectation that development should be appropriate for its context and that natural resources should be used efficiently. Proposals that serve a clear local function or support an existing rural business may justify a narrower geographic focus. In contrast, developments with flexibility in siting will be expected to demonstrate consideration of a broader range of locations. Establishing this baseline ensures that the subsequent assessment is proportionate and grounded in the specific characteristics of the proposal.

Defining a Proportionate Area of Search

4.3 The Area of Search is the zone within which alternative sites or configurations should be considered. The NPPF does not prescribe how alternatives must be assessed, but it requires decision-makers to prefer poorer-quality agricultural land where reasonable. The Area of Search provides the structure for this consideration. Smaller proposals or those with a strong local operational need may justify a limited search area. Larger schemes—such as solar developments, major commercial proposals or strategic housing—will normally require a wider Area of Search that encompasses multiple potential sites. A proportionate Area of Search is essential to demonstrating that the applicant has meaningfully engaged with the national policy requirement to avoid unnecessary loss of BMV land.

Applying the Avoid–Minimise–Mitigate Hierarchy

4.4 The avoid–minimise–mitigate hierarchy provides a practical way of interpreting the NPPF's expectations. It embeds the assessment of reasonable alternatives directly into the decision-making process and ensures that impacts on BMV land are considered in a systematic and transparent manner.

Avoid: assessing reasonable alternative locations

4.5 Avoidance is the preferred outcome and reflects the NPPF's requirement to steer development away from high-quality agricultural land. Applicants must demonstrate that they have considered reasonable alternatives within the defined Area of Search, with a focus on previously developed land, lower-quality agricultural land or sites with fewer environmental constraints. Where realistic alternatives exist that would avoid or significantly reduce the use of BMV land, these should be selected.

Minimise: refining site boundaries and layouts

4.6 Where complete avoidance is not possible, applicants should demonstrate how the extent of BMV land affected has been reduced. This may include adjusting the site boundary, altering access arrangements or redesigning the site layout to minimise land-take on the most sensitive areas. This reflects national policy expectations around efficient use of land and protecting natural assets.

Mitigate: protecting soil quality and long-term agricultural potential

4.7 Mitigation measures should only be considered once avoidance and minimisation have been clearly addressed. Mitigation may include soil protection and handling measures, drainage and hydrology safeguards, construction management plans or restoration and aftercare proposals. For peat soils, more detailed mitigation may be necessary due to their sensitivity and the potential for irreversible degradation. While mitigation can reduce residual harm, it cannot replace the need to fully explore alternatives or minimise impacts.

How the Council Weighs Impacts

4.8 In line with the NPPF, the loss of BMV agricultural land is a significant material consideration. The Council will assess whether the Area of Search has been appropriately defined, whether reasonable alternatives have been meaningfully assessed, and whether the avoid–minimise–mitigate hierarchy has been applied in a logical and robust way. The strength of any local functional need will also inform this assessment. Proposals that artificially restrict the Area of Search, overlook reasonable alternatives, or fail to follow the hierarchy are unlikely to justify the use of BMV land. Where high-quality land would be lost without clear and compelling justification, the resulting harm will carry substantial weight in the planning balance and may lead to refusal.

5 SPECIAL CONSIDERATIONS FOR PEAT SOILS AND SOLAR DEVELOPMENT

5.1 Large parts of Fenland sit on deep peat, which is highly productive but extremely sensitive. Development on peat soils carries additional risks, including oxidation, carbon loss, land subsidence, and irreversible damage to soil structure. These impacts can reduce agricultural productivity well beyond the footprint of the proposal.

5.2 Solar development on peat soils requires particular care. The assumption that solar panels and agriculture can co-exist on peat soils is not supported by the characteristics of the local soil structure. The installation of piles, tracks, cable trenches, service roads and security fencing can fundamentally alter drainage, compact soils and reduce long-term agricultural potential. In many cases, the land cannot return to its previous productivity at the end of the solar scheme's operational life.

5.3 Applicants are expected to demonstrate:

a) why the solar scheme cannot be located on lower-grade land or previously developed land
b) how layout and construction have been designed to minimise disturbance
c) how peat hydrology will be maintained
d) how soils will be protected during construction and operation
e) how the land will be restored in a way that maintains or enhances soil health

5.4 Schemes that cannot demonstrate long-term protection of peat soils or that risk irreversible soil degradation may not be supported.

6 MITIGATION AND DEVELOPER CONTRIBUTIONS

6.1 Mitigation measures should be proportionate and directly related to the impacts identified through the assessment process. Once avoidance and minimisation have been fully explored, applicants should demonstrate how any remaining impacts on BMV land—whether permanent or temporary—will be managed. Measures may include reducing soil compaction, adopting low-impact installation systems, maintaining existing hydrology, providing buffer zones around sensitive areas, and implementing soil protection and management plans during construction. Longer-term monitoring may be required where soil condition or land functionality may change over time.

6.2 Where the loss or degradation of BMV land is unavoidable and justified, the Council may seek a financial contribution towards the Fenland Agricultural Grants Programme, as referenced in the CPCA Local Growth Plan. This programme is

designed to strengthen the long-term productivity, efficiency and resilience of Fenland's agricultural sector. In the context of a development that results in the reduction of high-quality agricultural land—either permanently or temporarily—such contributions can help ensure that the remaining BMV land base continues to function at its highest potential. This aligns with national policy objectives to safeguard soil resources, support food production and promote sustainable land use.

6.3 A contribution to the Fenland Agricultural Grants Programme can meet the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It can be:

a) Necessary, because the loss or degradation of productive land creates an impact that must be addressed to maintain the district's agricultural capacity and soil resilience.
b) Directly related, as the contribution supports targeted interventions that address the specific type of harm caused by the development—namely reduced agricultural productivity or soil functionality within Fenland.
c) Fairly and reasonably related in scale and kind, as the contribution would be proportionate to the extent, duration and severity of the BMV land affected.

6.4 Although such contributions cannot replace the environmental harm caused by the loss of high-quality agricultural land, they can play an important role in supporting the ongoing productivity of the land that remains. By funding measures such as soil improvement, water and nutrient management, regenerative practices and farm innovation, the Fenland Agricultural Grants Programme can help ensure that the district's remaining BMV land continues to operate efficiently and sustainably. In this way, the contribution helps strengthen the resilience and output of the local agricultural sector where land has been taken out of productive use.

6.5 As a general principle, the Council is unlikely to seek contributions for proposals that affect less than 1 hectare of BMV land, unless the land is exceptionally sensitive (for example, deep peat) or the impacts are clearly significant. For larger schemes, or where impacts are more extensive or prolonged, a contribution may be appropriate where residual harm remains after avoidance and minimisation measures. Any viability concerns must be supported by proportionate evidence.

7 APPLICANT CHECKLIST

Applicants should provide information proportionate to the scale of the proposal and the sensitivity of the land affected. As a minimum, submissions should include:

Identification of agricultural land quality

- *Confirmation of whether the site contains BMV land (Grades 1, 2 or 3a).*
- *Agricultural Land Classification (ALC) mapping and, where necessary, site-specific surveys.*
- *Soil and peat information, including depth and hydrology where relevant.*

Assessment of alternatives

- *A proportionate Area of Search based on the scale and functional requirements of the proposal.*
- *Evidence of reasonable alternative locations or layouts that would avoid the use of BMV land or reduce its extent.*

Minimisation of impacts

- *A justification of the site boundary and layout, showing how land-take has been reduced.*
- *Identification of any operational components (e.g., access tracks, cabling, compounds) that affect BMV land.*

Mitigation measures

- *Soil protection measures for construction and operation.*
- *Hydrology and drainage safeguards.*
- *Any restoration or aftercare strategy for temporary impacts.*
- *Monitoring proposals where soil condition risks ongoing change.*

Confirm if contributions are required

- *Area of BMV land permanently or temporarily affected.*
- *Duration of temporary impacts.*
- *Soil sensitivity (mineral, shallow peat, deep peat).*
- *Any supporting justification where contributions may affect viability.*

Planning Justification

- *A clear statement explaining why development on BMV land is necessary and how the avoid–minimise–mitigate hierarchy has been applied.*
- *A summary of residual impacts and how they have been addressed through design or management.*

8 CONTRIBUTIONS CALCULATION

Where a contribution to the Fenland Agricultural Grants Programme is sought, it will be calculated in a transparent, proportionate and evidence-led way, reflecting the scale, duration and severity of impact on BMV land.

Contributions are based on:

- *the area of BMV land permanently or temporarily taken out of productive use,*
- *an agricultural productivity value (£/ha/year),*
- *the duration of the impact or agreed impact period, and*
- *a soil-sensitivity factor to reflect risks associated with mineral soils, shallow peat or deep peat.*

Permanent Loss Formula

Contribution = Area (ha)

× Productivity Value (£/ha/year)

× 20 (this figure represents the capped number of years)

× Soil Sensitivity Factor

Temporary Loss Formula

Contribution = Area (ha)

× Productivity Value (£/ha/year)

× Duration of Impact (years capped at 20)

× Soil Sensitivity Factor

Illustrative Worked Examples

Example A – Permanent Loss (Mineral Soil)

2 ha of Grade 2 BMV land permanently lost.

Productivity value (illustrative): £3,000/ha/year.

Impact period: 20 years.

Soil sensitivity factor: 1.0.

Contribution = 2 × 3,000 × 20 × 1.0 = £120,000

Example B – Temporary Loss (Deep Peat)

1.5 ha of deep peat BMV land disturbed for 3 years.

Productivity value (illustrative): £3,000/ha/year.

Soil sensitivity factor: 1.5.

Contribution = 1.5 × £3,000 × 3 × 1.5 = £20,250

Productivity Value

The productivity value is not the market price of the land. It is based on how much food or crop value Fenland's high-quality farmland can typically produce each year, using recognised sources such as DEFRA and AHDB. This makes the contribution directly related to the loss of productive farmland and ensures the calculation is fair and proportionate. The value will be updated over time as farming conditions and markets change.

Soil sensitivity factors reflect the vulnerability of different soil types:

Mineral soils: 1.0

Shallow peat: 1.25

Deep peat: 1.5–2.0, depending on the likelihood of long-term degradation

Contributions should be agreed through pre-application discussions and will be proportionate to the nature of the proposal and the extent of the impact identified.

Viability and Proportionate Application

The Council will apply the contribution approach proportionately to ensure that obligations remain reasonable and do not undermine the viability of development. Contributions will only be sought where the scale and nature of BMV land loss justify it and where the requirement clearly meets the Regulation 122 tests.

As a general principle, the Council is unlikely to seek contributions for proposals that affect less than 1 hectare of BMV land, unless the land is exceptionally sensitive (for example, deep peat) or the impacts are clearly significant. Smaller schemes often have limited effects on agricultural productivity and are therefore unlikely to warrant a financial contribution.

For larger schemes, or where impacts are more extensive or prolonged, a contribution may be appropriate where residual harm remains after avoidance and minimisation measures. Any viability concerns must be supported by proportionate evidence.

This ensures that contributions remain focused on developments with meaningful agricultural impacts while maintaining a fair and transparent approach.