

Loss of Agricultural Land Rebuttal

Lower Rainham Pump Farm – Ref: MC/19/1566

25/03/2020

Dear Sir

As requested, we set out our response to the issues raised by the Local Planning Authorities rural consultant as follows;

1. This short reply has been prepared on behalf of the applicant in brief response to the horticultural operations and land specific aspects the representation made by Mr Lloyd Hughes (Rural Planning) dated 28 October 2019. This reply does not seek to address any other matters raised within this representation which are more appropriately addressed elsewhere, or are already addressed in the application. The representation was made available in January 2020 following a meeting held between the applicant and the Council.
2. Mr Lloyd Hughes has outlined his understanding that the applicant's approach has been to 'modify' paragraph 170 of the NPPF by seeking to incorporate a 'test' regarding *"the ability of the land concerned to function as a modern Farming Unit"*. This is incorrect. Rather, the point simply made is that this will of course form a material consideration. Mr Lloyd Hughes nonetheless observes that the 'loss' (as he purports to characterise it) of agricultural land at the site will be *"outweighed here by the development bringing enhanced benefits to ecosystems and natural capital."* We also highlight the multiple agriculture/site-specific benefits (other benefits of the proposed scheme are explained elsewhere) not apparently considered by Mr Lloyd Hughes, including (but not limited to):
 - focusing farming operations at a greater distance from a built-up area, which will result in reduced disruption to residents and residential amenity (e.g. night time spraying, mud on roads etc.);
 - removing sizeable fruit lorries and other large agricultural equipment off the local road network;
 - reducing farm vandalism and inherent insurance premiums. Eliminate claims made for crop loss, fruit bin damage, etc. (the extent of which does not occur on any comparable level on the applicant's other farms which are not located adjacent to a large conurbation, unlike the application site);
 - present difficulties with operating procedures and farm health and safety would be overcome. The current difficulties with the proximity of the farm to an urban area increases the likelihood of trespass and unauthorised access creating informal pathways across the orchards. Farm machinery operators will often not be aware of any unauthorised entrants to the farm whilst carrying out mechanised procedures which presently creates conflict and at times puts the public in danger.
 - enabling continued re-investment in the locality by the applicant;
 - removing operations that have historically resulted in residential (amenity based) complaints arising from modern intensive farming practices undertaken on the site;
 - wider benefits in the form of re-investment and employment expansion (as identified on page 29 of the Farm Issues and Constraints document).
3. Mr Lloyd Hughes recognises that there is no requirement as such to use areas of poorer quality land for development set out in paragraph 170 of the NPPF (2019), but he proposes that *"the policy does indicate that it is incumbent on LPAs to at least seek such an alternative to the significant loss of BMV land"*. This is not the advice under paragraph 170. Footnote 53 of paragraph 171 advises only that *"Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality"*.
4. Notwithstanding there being no requirement for the review of alternative sites within the Council's administrative area, this has nonetheless been undertaken on behalf of the applicant for completeness.

It is apparent that planning applications have been approved on similar quality agricultural land to that of Pump Farm, the Council by virtue of these decisions have emphasised the overall benefits that such schemes do bring forward. In related officer reports to committee, the myriad benefits of schemes have been appraised and agreed by the Council in approving applications. In related officer reports to committee, these benefits have similarly been appraised and agreed by the Council.

5. The Council has also given an early indication for what would amount to significant releases of Grade 1 and 2 agricultural land as part of its emerging Local Plan work.
6. AC Goatham and Son (and the previous occupier, Mansfield) which are both within the top five largest growers in the UK are unable to justify reinvestment on this site. Albeit AC Goatham and Son have been able to invest in other sites. No such future investment or use is proposed for this farm. Indeed, continued investment by AC Goatham and Son elsewhere, after appropriate appraisal, provides a clear illustration that other orchards attract investment. Unfortunately, Pump Farm and similar locations adjacent to urban areas will not attract such future investment.
7. Mr Lloyd Hughes explains his concerns over the transporting of harvested fruit via HGV, in contrast to farming machinery, which he wrongly suggests cannot make use of motorways. It is confirmed that farm machinery is brought in by low-loader (as per 3.12 of the Farm Issues and Constraints document) which does use the motorway network. All farms of this and similar scale are serviced from a main hub, meaning that Individual machinery is not stored onsite. It is also suggested by Mr Lloyd Hughes that the route from Pump Farm to Flanders Farm *“appears no more urban than many of the other routes that other off lying farms have to employ”*. We respectfully disagree as these orchards are closer to the urban area than any other farm. To add, the proximity to a residential area is an important consideration relevant to assessing the suitability for investment in a farm (as confirmed in the letter of Alan Mummery MRICS FAAV, Head of the Rural Agency and Farm Sales department of Lambert and Foster). This factor is not related to productivity. It relates to external influences of other potential uses of the land.
8. Mr Lloyd Hughes recognises that *“relative proximity to a large urban area can clearly generate problems of trespass and vandalism”*. He suggests such proximity provides for a *“ready market for farmers who can capitalise on the increasingly important need to offer produce that has been grown locally”*. When having regard to the premium land value demand (as reported by Mr Mummery) and noting the capital outlay required to develop any enterprise, it is wholly unrealistic to expect that a farmer may rely exclusively on what are known as ‘gate sales’ to support the value of the farm. Gate sales are where customers come directly to the farm to buy produce. The wholesalers / retailers are by passed, thus shorting the supply chain. This is a common type of activity for small traditional farming business. Indeed, the AC Goatham and Son (and similarly, Mansfields) model, which benefits from established supermarket contracts, farm on extensive economies of scale. Such scale does not afford the opportunity of a gate sales type of outlet. The advent of the loss of the Basic Payment Scheme will only reinforce this reality. Gate sales do not offer a viable and appropriate alternative to the modern commodity production, they are a niche market for specialists.
9. Mr Lloyd Hughes also appears not to have considered the Lambert and Foster (DEFRA-based) expert analysis on the various scenarios. His concerns simply do not reflect this careful analysis and clearly have no evidential basis.
10. It is acknowledged the Council’s SLAA does not *allocate* land for development nor indicate that sites will gain approvals. The SLAA does however provide some illustration of the Council’s own (if early) consideration of broad locations for growth. There are sites included within these locations are Grade 1 and 2 agricultural land.

Yours faithfully, Tom Ogden