



## RESPONSE REPORT

Land off Pump Lane, Rainham

October 2019

**Lambert  
& Foster**

# Response Report

---

Application MC/19/1566

*relating to*

**Land off Pump Lane, Rainham**

Lambert & Foster is the trading name of Lambert & Foster Ltd a Limited Company registered in England and Wales, No 10574225. Registered office 77 Commercial Road, Paddock Wood, Tonbridge, Kent TN12 6DS.

## CONTENTS

1. Introduction .....	3
2. Rebuttal Statement .....	3
3. Conclusion .....	14

**Appendix 1** – Extract from Natural England BMV Land Assessment Map

**Appendix 2** – ACG&S Routing Terrier

**Appendix 3** - Article from the Fresh Produce Journal by Mr T Chambers

**Appendix 4** – Photographic evidence of vandalism and trespass at Pump Farm

**Appendix 5** – Newspaper articles reporting issues.

**Appendix 6** – Letter from Mr A Mummary MRICS FAAV

## 1. Introduction

- 1.1. This response report has been prepared on behalf of the applicant, AC Goatham and Son following the letter provided by Mr Lloyd Hughes dated 15 August 2019 and the Planning Policy response provided by Tom Gilbert dated 15 July 2019 in respect of application MC/19/1566.

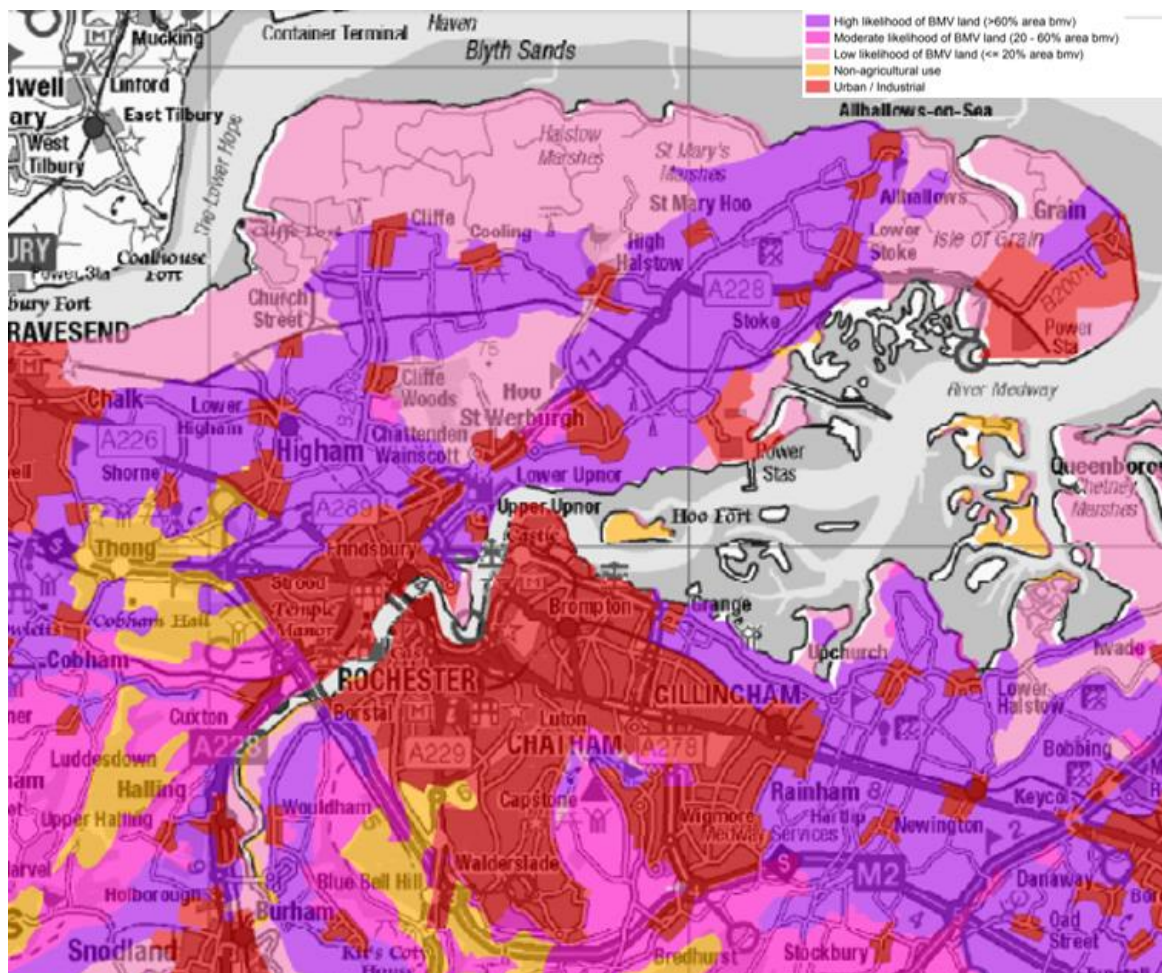
## 2. Rebuttal Statement

- 2.1. As part of this submission we will not respond in detail on matters of planning policy raised by Mr Lloyd Hughes and full representations on this matter will be dealt with by the applicant's planning agent for this case, Rapleys.
- 2.2. However, we would comment, in respect of the reference to paragraph 170 of the NPPF (2019) that the use of land for agricultural purposes does not necessarily ensure wider benefits from natural capital and ecosystem services over non-agricultural land uses; indeed it can be widely argued that there is enhanced benefit to natural capital and ecosystems where there is a particular dedication to providing specialist land areas for ecosystems, even if it relates to a smaller area of land being allocated for such a focus. It is therefore put forward that it is perfectly plausible for a favourable decision to be reached on this application whilst deriving greater enhancement to the local environment than currently exists. Application MC/19/1566 has been accompanied by comprehensive specialist ecological reports which supports the proposal.
- 2.3. We are aware that specialist consultants Reading Agricultural Consultants provided a specific report of the agricultural land quality concerned over this site. We will not comment on the technical matters of land grade, but would observe that whilst it is accepted that footnote 53 of the NPPF comments on 'preference' to use areas of poorer quality land, it is exactly that; a 'preference' not a requirement.
- 2.4. Similarly, the guidance at footnote 53 is clear that "*local planning authorities **should** seek to use areas of poorer Quality land* [our emphasis]", we would again highlight that the onus



is one of “should” not “must”. Understandably therefore, it will fall upon the Council to consider a range of benefits derived from this proposal whilst also giving due consideration to the site’s ability (or not as is considered to be the case here) to function as a modern farming unit. The latter having of course been addressed in our *Horticultural and Agricultural Issues and Constraints Report*, herein referred to as the ‘*Constraints Report*’.

- 2.5. In his letter Mr Lloyd Hughes highlights that the surveyed area, as shown in the Reading Agricultural Consultants report, is “*Best and Most Versatile (BMV) land*” and that the loss of this land would be significant. As part of this submission we provide extract from Natural England’s *Likelihood of ‘Best and Most Versatile’ Agricultural Land* map published on 4 October 2017 at **Appendix 1**. For ease, extract is also shown below.



Extract from *Likelihood of 'Best and Most Versatile' (BMV) Agricultural Land* map

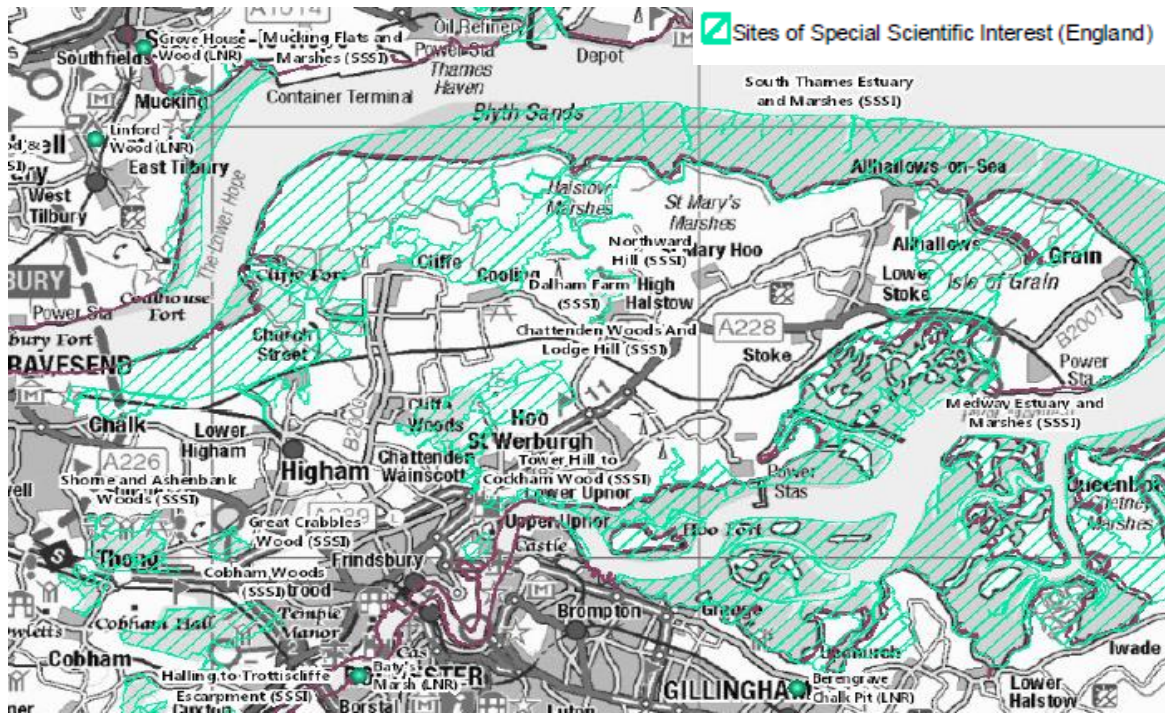
- 2.6. Those areas identified as being a low likelihood of BMV land are identified as being north of Cliff and Cooling on the north side of the Hoo Peninsula, around Lodge Hill and to the west of the Isle of Grain. Excluding those existing built up areas (which cannot realistically be expected to accommodate the forecast housing requirements for Medway), the rest of the land is considered likely to be best and most versatile.
- 2.7. Understandably, there will be other issues for the Council to consider in weighing up such matters rather than just the identified BMV classification of the site, but we would duly draw attention to the fact that those areas identified as being a low likelihood of BMV land coincide with large areas of land within Flood Risk Zone 3. This is illustrated on the plan below taken from the government's website, with the applicant's site shown by the yellow marker.



Extract taken from [www.flood-map-for-planning.service.gov.uk](http://www.flood-map-for-planning.service.gov.uk)

- 2.8. Additionally, we would observe that this very same area of lowest BMV agricultural land value largely coincides with areas which are identified as Sites of Special Scientific Interest (SSSI) and indicated on the plan below. The site being promoted by the applicant is not in a SSSI or high Flood Risk Zone.





Extract from [www.magic.defra.gov.uk](http://www.magic.defra.gov.uk)

- 2.9. We note Mr Lloyd Hughes's observation that the applicant has invested considerably in recent years. This only seeks to highlight AC Goatham and Son's primary drive for supporting its agricultural business in Medway and beyond (a point evidenced by all of the applications submitted to this authority and others over the last ten years). As opposed to being a business whose principal goal is land development.
- 2.10. Respectfully however, we would further comment that this does not mean further investment in the application site is warranted just because investment in this agricultural business is taking place elsewhere. Understandably, AC Goatham and Son must focus its investment in economically viable parts of the business in the right place and at the right time. The recent purchase of New Green Farm near to Flanders Farm and its replanting (F13 in paragraph 3.11 of our *Constraints Report*) and the recent applications at Flanders Farm to develop the facilities being further examples of this.
- 2.11. Mr Lloyd Hughes comments on the location of the other off lying farms in relation to Flanders Farm and their need to travel though "heavily populated areas". Whilst we would accept that not all the off lying farm sites are ideal in terms of navigating their respective

local road networks due to their isolated locations (which is not best reflected in figure 3.11 of the constraints plan – which was for the benefit of showing the approximate location of the farms and hub farms owned and rented by the business, as opposed to illustrating true proximity to urban areas), no other site, with comparable orchard areas has to navigate such a densely populated area as Rainham (albeit for circa 1.5 miles of road) before reaching a more accommodating highway network. **Appendix 2** details the routing arrangements for various farms.

- 2.12. **Appendix 2** shows that the accessibility of the main A2/M2 and M20 routes available to the business to avoid densely populated areas. Boughton Mount Farm (which only has 4.5 hectares of orchard on site but also has onsite storage facilities), is the only farm which has to navigate an urban area comparable to Rainham (in this case Maidstone before reaching the M20). However, the business recognises and accepts the limitations of this site, and as a consequence the business has similarly taken steps toward onsite diversification – this comes in the form of Maidstone Borough Council having recently recognised that four dwellings can be erected on site. Site F5, East Kent Storage is located on the periphery of an urban area (rather than having to navigate into the urban area) but is not used for any fruit growing or farming activity, but rather as a storage facility. Notwithstanding this, the proximity of this site to the built-up area of Faversham shares similar issues or trespass etc that Pump Farm has. Pictured below, is a recent example of trespass by children captured by a contractor working on site F5.



*Image taken 14 September 2019 by a building contractor and showing children trespassing*

- 2.13. As Mr Lloyd Hughes observes, Highway matters will no doubt be considered by the Council's Highway department. For the avoidance of doubt the constraints report was seeking to highlight the detrimental impact on residential amenity brought about by large farm vehicles requiring access to the site at unsociable hours (see figures 5.14 to 5.17 of the constraints report). The suitability of the highway network in terms of proximity of local services, transport links, numbers, types of vehicles etc. and relating to a residential use is understandably not given adequate due consideration in our report, but rather the report carried out by David Tucker Associates which accompanies the application. Notwithstanding this, our conclusions in respect of Pump Farm (as per figure 5.16 of the *Constraints Report*) remain in so far as given its urban proximity, it is unrealistic and unreasonable to expect additional investment in buildings and machinery to service this holding when the pooling of resources can occur elsewhere. Significant investment is required in the orchard; and the site has had significant problems in respect of social matter (discussed further below).
- 2.14. Turning to Mr Lloyd Hughes comments in respect of "*Other farming/cropping operations are not viable*". Whilst comments may be perceived as pessimistic, they are considered realistic and based on the wider experiences of many Lambert and Fosters qualified rural surveyors; with further input from John Pelham of Anderson's Agricultural consultants, the applicant's senior management team and importantly supported by evidence in the form of DEFRA's Farm Business Survey results.
- 2.15. Mr Gilbert similarly comments that "*another landowner or producer may be able to make the site work economically due to different methods*". Respectfully this is an unqualified assumption having no regard to various sections of the *Constraints Report* submitted. More specifically, paragraphs 6.1 to 6.12 of the *Constraints Report* consider Orchard Replacement on site (whether by the applicant or another). However, the *Constraints Report* highlights not only the extent of infrastructure required on the site, cost associated with this, the limitations of the land in terms of altitude for growing and proximity to an urban area, it also highlighted the findings of DEFRA's Farm Business Survey which showed a net loss of £161 per hectare when only being reliant on income generated by growing top fruit across the site.

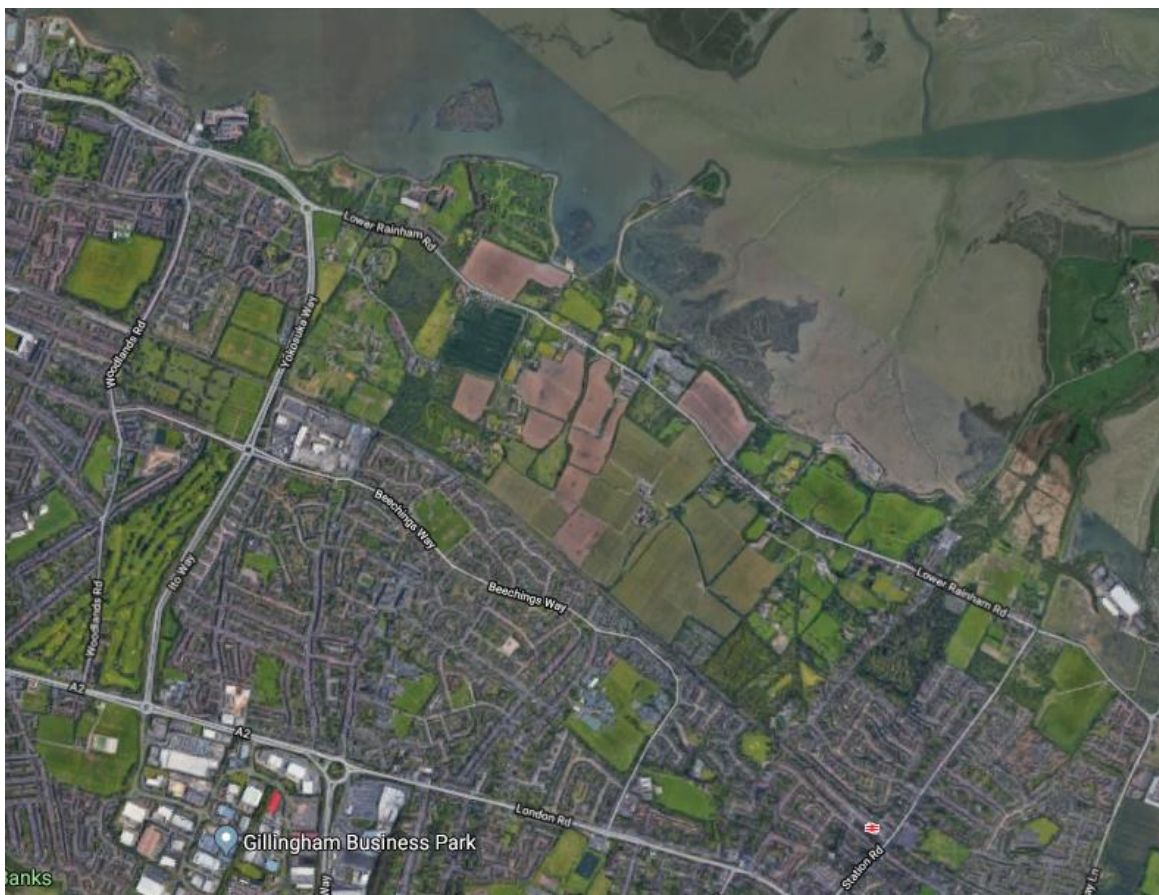


- 2.16. In the same regard the Constraints report considers Soft Fruit Farming at paragraphs 6.13 to 6.17 of the Constraints Report. Again, the extensive level of capital outlay is detailed to show how the site, together with its proximity to an urban area make it unattractive to any soft fruit grower. Most pertinently, Mr Tim Chambers, Managing Director of W.B.Chambers recently wrote an article in the Fresh Produce Journal (copy attached at **Appendix 3**) highlighting the exact concerns identified in the Constraints report and reaffirmed in this submission. Namely recognises the lack of capital available to businesses, the upscaling of business needed, the “consolidation and amalgamation” required of resources and the need for diversified forms of income to support the principle agricultural activity of agricultural businesses.
- 2.17. Paragraphs 6.18 to 6.27 of the Constraints Report consider the potential for establishing an arable farming operation on the site. Again, costs are shown to inhibit any likely investment as is the location of the site given its proximity to an urban area. During this year’s apple harvest, complaints have been received about mud being taken onto the local road network, a picture sent to the applicant with a complaint is shown below. Other complaints were received this season detailing how issues like this are considered a Health and Safety concern to locals. Given the nature of operations carried out during arable rotation it is not unreasonable to assume that events like these would be far more frequent. Highlighting another reason why the site is likely to be unattractive to an arable farmer.



**Picture sent by complainant about mud on the road coming from farming operations on Pump Farm**

- 2.18. Paragraph 6.26 of the *Constraints Report* provides a review of anticipated income generation for an arable farmer (whilst having no regard to the extent of capital outlay needed on a site like this), to demonstrate that if only the arable production element on the holding is considered then a net loss of £194 per hectare, based on DEFRA figures is shown.
- 2.19. When considering the possibility of developing a livestock enterprise on the site, the *Constraints Report* from paragraphs 6.28 – 66.43 highlight the likely significant threat to livestock from trespassers and dogs in an urban area. The supplement at **Appendix 4** (discussed below), shows a range of photos on record which demonstrates the very realistic threat in this case. Notwithstanding this, the *Constraints Report* again details how various livestock enterprises require significant investment in infrastructure (including fencing) to operate from this site and despite this DEFRA figures are unable to show how a viable business could be established.
- 2.20. Poignantly, we note Mr Lloyd Hughes’s observation that pessimistic observations “*might be applied to many tracts of high quality farmland close to residential areas*”, a point we would not dispute. However, when seen in the wider context, such sites are seldom surrounded on three sides by such densely populated areas (albeit not immediately adjoining), with the fourth side being the sea to the north, as in illustrated in the Google Map extract below.



*Extract from Google maps showing highly populated areas to the east, south and west with the sea to the north.*

- 2.21. We recognise Mr Lloyd Hughes' observation that there is no express planning policy prioritizing the long-term protection from development of the best quality farmland which has urban property nearby. Respectfully though this point only serves to highlight the logical approach that should be taken to such and of course the wider issues surrounding the proposal. Similarly, it is not logical to assume that a use of land should remain, despite that use being unsuitably located and unviable. The claim that such a policy may create a domino effect is of course unrealistic given that every case must be judged on its own merits and must of course be seen in the context of its wider surroundings – in this case being surrounded by a large urban population and the sea.
- 2.22. Turning to other disadvantage in terms of proximity, our original constraints report highlighted many concerns relating to residential amenity in relation to the existing



operation (paragraphs 5.13 – 5.19), with Section 6 touching on other concerns relevant to specific enterprises.

- 2.23. To supplement this, we provide as part of this submission at **Appendix 4** further photographic evidence below showing typical occurrences of trespass and vandalism the business has to deal with over the years. This does not include many minor events, that were not previously recorded at the farm.
- 2.24. On separate occasions dated 2 February 2019, 23 April 2019, 4 May 2019 members of the public contacted AC Goatham and Son to query the use of pesticides used on apples.
- 2.25. On the 9 July 2019, AC Goatham and Son was contacted by Sarah Rushton of Medway Council's Environmental Protection Team following complaints received from the public relating to late night spraying on the farm undertaken on 2 July 2019.
- 2.26. Enclosed at **Appendix 5** are copies of newspaper articles that have featured recently relating to Pump Farm, and again highlight the problems of farming adjacent to an urban area. These highlight use of the farm by off road bikers, the article featuring in the Medway Messenger on 15 August and in Kent online on 17 August 2019 quoted comments made by the Community Safety Officer for Medway Council who reported that *"Together with Kent Police, I have been trying to deal with numerous reports of anti-social behaviour, caused by a number of off-road bikers, who are accessing your land and racing around the orchards. This is occurring on a regular basis, mostly at weekends, and residents in the neighbourhood are extremely distressed [our emphasis]"*. This highlights the frequency of occurrences on Pump Farm and indeed the sensitivity of local residential neighbours given their proximity to the Farm.
- 2.27. When giving regard to the extent of repeat acts of vandalism and trespass we do not consider these comparable to what may otherwise occur on other farms in proximity in an urban area, and even if this could be evidenced, which it is not, if the same were to occur this does not mean it is acceptable. This must of course be taken in the context of all other matters.

- 2.28. Paragraph 4.5 of our *Constraints Report* sets out the history of how the applicant came to occupy the application site. This highlights the previous ownership by a large-scale commercial grower and a comparably small former topfruit grower. Whilst paragraphs 2.1 to 2.7 of the *Constraints Report* highlight the change in industry. Respectfully, purported “speculation” on demand is not speculation but rather based on the experience of Lambert and Fosters active involvement in the agricultural land sales market. Additionally, we provide at **Appendix 6**, a letter from Alan Mummery MRICS FAAV, Director of Lambert and Foster and head of the rural land agency and farm sales department supporting this point.
- 2.29. Mr Lloyd Hughes’s recognition that there is a need for more self-sufficiency from UK crop production is wholly supported, and all of the applicant’s previous applications to Medway Council and other LPAs are very clear on this point. Not least the latest submissions to Medway Council in respect of Flanders Farm. However, such investment must be in the right place, and crucially this depends on the viability of production. Ultimately it cannot be expected that those who its hoped will continue to maintain and indeed increase the level of production in home grown produce should do so in an unviable manner.
- 2.30. In the same paragraph Mr Lloyd Hughes refers to Natural England’s value on BMV land in the context of national resource. As highlighted above in respect of SSSI and Flood Risk locations (which are largely designated on the areas identified as low likelihood of BMV land), it cannot be concluded that Natural England would priorities such development within these designations when compared to the other factors demonstrated in support of this case.
- 2.31. In his summary paragraph we note Mr Lloyd Hughes recognition of the “*limited economic value*” associated with the site (albeit that he does not consider it such to amount to a ‘significant’ loss given land quality); whilst we would respectfully identify that such a contrary opinion is lacking in supporting evidence.
- 2.32. We note Mr Gilbert’s comment in relation to the Medway Landscape Character Assessment 2011, but making several observations in this regard. Firstly, in a recent

appeal involving the applicant and the determining LPA (Reference APP/A2280/W/17/3181443), the Inspector noted:

*“The policies of the Medway Local Plan 2003 (LP) .... substantially pre-date the Framework with the work on the ALLI’s dating back to 1992 when local landscape designations were a standard approach. Policies BNE25 and BNE34 are more restrictive than the Framework which limits the weight I can accord them.”*

- 2.33. Notwithstanding this, Mr Gilbert purports that the proposal brings limited economic benefit in the long term. Having regard to the agricultural benefits alone (other economic benefits are dealt with by Rapleys), paragraph 7.2 of the *Constraints Report* illustrates a case study of economic benefit derived from a similar case the applicant was involved in. In this example, after a residential permission was issued reinvestment in the agricultural business took place to increase employment, increase levels of investment in the landscape to plant more trees and to increase the amount of British fruit being grown. Mr Gilbert gives no regard to this point when considering the matter of sustainability.

### 3. Conclusion

- 3.1. In conclusion we would most respectfully comment that, despite a difference in professional opinion and notwithstanding our view that the proposed site should be released for development we would of course recognise that BMV land value alone should not form the basis of this decision and, as correctly observed by Mr Lloyd Hughes, the agricultural land grade should form *“part of the Council’s decision based on the overall Planning balance”*, not least having regard to:

- land designations on other sites identified as being of a lower BMV land value than the subject site;
- practical ability to farm the site (as highlighted throughout the original report both in terms of logistics and viability but most notably addressed in Sections 5 and 6);



- impact derived on the holding arising from proximity to an urban area (as further evidenced in this report at **Appendix 4**);
- likelihood of reinvestment from other agricultural enterprises from the applicant or others (as evidenced in the original constraints report at Section 6);
- lack of housing land supply (addressed by others elsewhere in the planning application submission);
- benefits derived from the proposal in terms of infrastructure provision (addressed by others elsewhere in the planning application submission);
- benefits derived from improved natural wildlife gain (addressed by others elsewhere in the submission); and
- the not unreasonable conclusion of the reinvestment to be made by AC Goatham and Son to:
  - support increased levels of employment;
  - support additional planting of orchards;
  - support industry advancement in new fruit varieties;
  - support cold store technologies;
  - improve industry planting methods;
  - increase levels of production of home grown produce; and
  - extend the British fruit season.

All of which is evidenced in previous planning application submissions made to this authority and others over the last 10 years. This of course not just offers benefit within AC Goatham and Son but as has been demonstrated by Chaverey's accountants in the past this has conspicuous economic benefits for Medway and the wider geographic.

3.2. We respectfully hope therefore that this Council will be able to support this proposal.