

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
Planning Inspectorate Ref: APP/A2280/W/20/3259868

Medway Council Ref: MC/19/1566

Land Off Pump Lane, Rainham

APPEAL by A C Goatham & Son against the refusal of a planning application for residential and associated developments

Evidence of Richard John Lloyd-Hughes
BSc Est. Man. (Hons) MRICS, Rural Planning Limited

Comprising:

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Section 1: Qualifications and Experience

1. I hold a Bachelor of Science Degree (Hons) in Estate Management (Rural Option) and I am a Member of the Royal Institution of Chartered Surveyors. I also hold a City and Guilds Certificate in Farm Business Management.
2. I established my own consultancy in agricultural surveying and rural planning in October 2001. Since 1 May 2002 the consultancy has operated as the company Rural Planning Limited, in respect of which I am a Director, and the Company Secretary.
3. I was previously employed as Senior Land Agent in Kent Estate Management, Kent County Council, and I have over 40 years' experience in agricultural surveying and estate management in Kent and also North Yorkshire.
4. Rural Planning Limited provides Planning Authorities in the South-East with specialist advice on the agricultural aspects of planning applications including agricultural and equestrian dwellings, buildings, and changes of use, including development impacting on agricultural land. Over the years I have personally advised on numerous such cases, and given evidence for many appeals involving related issues.

Section 2: Scope of Evidence

5. My evidence in respect of this appeal addresses the 8th reason for refusal relating to the irreversible loss of best and most versatile agricultural land, having regard to the guidance in the NPPF (2019) paragraph 170 and footnote 53. The Inspector has determined that this issue is to be summarised as “(the effect of the development proposed on)...**the availability of best and most versatile agricultural land, including the loss of the orchards**”.
6. I note that the Appellants have acknowledged that the land concerned has inherent agricultural potential to continue growing high value fruit crops and that “**the Development will have a direct, permanent, substantial adverse effect on BMV agricultural land which would be significant**” (from Paras. 13.76 and 13.77 of the Appellants’ Environmental Statement).
7. Notwithstanding that acknowledgement of significant adverse impact, the Appellants argue that the orchard land concerned is essentially financially unviable. My evidence examines, and disputes, the arguments proffered in support of that claim.

Section 3: Site Details

8. Pump Farm was purchased by the Appellants in 2011, and Bloors Farm, immediately to the east, was purchased by the Appellants later, in 2016. The effective cropping area within the site comprises some 21.75 ha apple orchards at Pump Farm of which 20.19 ha are dessert apples (Gala, Braeburn and Discovery), plus 1.56 ha Conference pear orchard; Bloors Farm has some 21.56 ha dessert apple orchards (Gala and Braeburn). There is also an area of 4.2 ha of rented orchards (apples and pears) at Pump Farm, making an overall cropped area of some 47.51 ha.
9. As indicated in my Section 5 following, aerial imagery shows that the Bloors Farm orchards were planted, or re-planted, between 2011 and 2015; the Appellants have confirmed that this took place in 2012. The imagery shows that some 9.0 ha of the Pump Farm orchards (just under half) have been re-planted since 2013; the Appellants have confirmed that this partly took place in 2014 and partly in 2017.
10. Aerial imagery also indicates that at least as far back as the 1940s, the land has been largely in continuous use as orchards, with the exception of parts of Bloors Farm which appear to have been in arable or grassland use from some time after 1990 until the current orchards were planted as indicated above.
11. The orchards, which benefit from borehole water used for trickle irrigation, are now largely intensively planted, higher yielding modern dessert apple varieties, and since acquisition they have continued to be farmed by the Appellants as part of their much wider fruit farming business, essentially as a “satellite” holding, also serviced, in terms of husbandry operations, by one of their “hub” farms at Howt Green, Bobbing (about 7 miles to the east by road), and in terms of fruit storage and packing, by Flanders Farm, Hoo, (about 8 miles to the north-west by road).
12. The Pump Farm land includes a limited range of older farm storage buildings and a seasonal workers’ caravan camp, (about 8 caravans at the time of purchase in 2011, since increased to about 14).

Section 4: Advice on Planning Application

13. I advised Medway Council on the application concerned in letters dated 15 August and 28 October 2019, the latter including the three attachments : a plan of detailed Agricultural Land Classification (ALC) studies in the locality; a Kent Online article regarding the extent of the Appellants' orchard planting in recent years; and a 2018 aerial image of the site also showing the adjoining agricultural land outside the site boundaries) – see **Appendix RLH 01**.
14. As noted in that advice, the detailed ALC study from Reading Agricultural Consultants of December 2018, submitted with the planning application, found that the site includes 8.6 ha Grade 1 land (excellent quality) and 40.6 ha Grade 2 (very good quality) land, and 2.3 ha Grade 3a (good quality). All these grades (totalling 51.5 ha) fall into the "Best and Most Versatile" (BMV) category.
15. ALC is assessed under the guidelines set out by the former MAFF in "Agricultural Land Classification of England and Wales, October 1988".
<http://publications.naturalengland.org.uk/publication/6257050620264448>
These guidelines state:
16. "The Agricultural Land Classification provides a framework for classifying land according to the extent to which its physical or chemical characteristics impose long- term limitations on agricultural use. The limitations can operate in one or more of four principal ways: they may affect the range of crops which can be grown, the level of yield, the consistency of yield and the cost of obtaining it. The classification system gives considerable weight to flexibility of cropping, whether actual or potential, but the ability of some land to produce consistently high yields of a somewhat narrower range of crops is also taken into account".
17. "The principal physical factors influencing agricultural production are climate, site and soil. These factors together with interactions between them form the basis for classifying land into one of five grades; Grade 1 land being of excellent quality and Grade 5 land of very poor quality. Grade 3, which constitutes about half of the agricultural land in England and Wales, is now divided into two subgrades designated 3a and 3b".
18. The guidelines also explain that: "The grading does not necessarily reflect the current economic value of land, land use, range of crops, suitability for specific crops or level of yield. For reasons given in the preface, the grade cut-offs are not specified on the basis of crop yields as these can be misleading, although in some cases crop growth may give an indication of the relative severity of a limitation.

19. **“ The size, structure and location of farms, the standard of fixed equipment and the accessibility of land do not affect grading, although they may influence land use decisions”.**
20. Regarding the two latter points, I noted arguments submitted on Messrs Goatham’s behalf by their agents Lambert and Foster (L &F) as to the land having limited economic value and functionality due to the age of the orchards, the cost of replanting, the management of the orchards as land off-lying to the main farm hub, and lack of alternative viable farming options, but as indicated in my letters I considered those points to be overstated and unsubstantiated . These matters are further addressed in detail in my Section 5.
21. L &F claimed that the general area was limited in terms of alternative lower quality land suitable for development, but I pointed out that this was based on generalised mapping, too small scale to make conclusions as to individual sites, and that where detailed ALC studies had been undertaken locally they showed various areas of land with lower quality than the applicant site.
22. L &F also referred to problems as to the site being in an urban setting, describing it as densely populated on three sides and with the sea to the fourth side: I disagreed with that as an accurate description of the site, and the extent to which, in any event, local urbanisation should be seen as a factor that can remove Planning policy protection from BMV land.
23. Natural England advises in its Technical Information Note 49 (2012) that BMV land (appended) **“is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non food uses such as biomass, fibres and pharmaceuticals”**. In this regard I advised the Council that a potential need for more self-sufficiency in UK farming and crop production, in respect of which better quality land makes a valuable contribution, has been brought into the foreground as a result of the uncertainties regarding Brexit; to which I would now add the uncertainties regarding the impact of Covid-19, or any future crisis of this nature.
24. In summary, therefore, I advised the Council that the applicants had not shown this BMV land to be of limited economic value, now or in the future, nor had the applicants shown that its permanent loss was not a significant consideration.
25. I also advised that whatever the differences in professional views as to the agricultural prospects for the site, it remained the case that no clear evidence had been presented that it could not be farmed profitably, were it to remain in agricultural use and farmed by the applicant or by another party or parties.

Section 5: Appellants' Statement of Case and Environmental Statement

26. The Appellants' Statement of Case includes the Environmental Statement at Appendix 4, which confirms (para. 13.76) that the land concerned has inherent agricultural potential to continue growing high value fruit crops.
27. Para 13.77 then concludes **"the Development will have a direct, permanent, substantial adverse effect on BMV agricultural land which would be significant"**.
28. However the Statement of Case also claims, somewhat paradoxically, that:
- i. The current use for apple production is not viable
 - ii. Alternative agricultural uses would not be viable
 - iii. Significant weight should attach to proceeds from the development being re-invested into more productive orchards elsewhere
 - iv. There is significantly more BMV land in Kent than is needed for orchard production.

I consider these claims to be unfounded, for the reasons set out below.

29. The details of the Appellants' submissions on agricultural land loss are set out in Rapleys' Consolidated Environmental Statement (September 2020) pages 162 to 172. This submission includes references in turn to documents produced by Andersons Midlands (AM) (Technical Appendix 13.2(i)), and Lambert and Foster (Technical Appendices 13.2 (ii) and (iii) sup).
30. The ES confirms (para.76) that the land concerned has inherent agricultural potential to continue growing high value fruit crops. The conclusion (para.13.77 page 171) that "the Development will have a direct, permanent, substantial adverse effect on BMV agricultural land which would be significant" accords with my own advice to the Council.
31. Whilst acknowledging this significant adverse impact, in the ES Rapleys postulate a number of perceived disadvantages with continuing with Pump and Bloor Farms as part of the Appellants' overall farming business (paras. 13.41 to 13.48). 13.44 reports an average yield from the orchards at 6702 bins (equivalent to 2234 tonnes at 3 bins per tonne), equating to 48 tonnes/ha.

32. In comparison, the ES says at 13.44 that a commercial yield requirement is 75 tonnes per ha, and the business “requires” 60 tonnes/ha, reflecting similar assertions in para 5.3 of Lambert and Foster’s report (Technical Appendices 13.2 (ii)) that the Appellants have to replace orchards that produce less, “as they are not considered viable”. No data has been supplied to support these assumed minimum yields for viability.
33. These claimed necessary yield targets of 60 to 75 tonnes/ha are well above those the Appellants have indicated as their own targets for other orchards they are currently developing. For example in a report dated May 2020, submitted in support of an application (20/502074/FULL) for additional seasonal staff recreational facilities at Howt Green Farm Bobbing (Swale Borough Council), the appellants’ agents (Bloomfields) referred to land purchased by A C Goatham and Son at New Green Farm, Shorne being forecast to produce 10,500 bins (approx 3,500 tonnes) from 67.5 ha – some 51 tonnes /ha. – see **para. 4.9** of supporting Statement for Howt Green Farm reproduced in **Appendix RLH 02**.
34. Other examples are the relatively new hub at Swanton Farm, Bredgar where some 16,500 bins (5,500 tonnes) is expected to be produced by 2023 from 105.5 ha (52 tonnes/ha), and Gibbens Farm (35 ha), 1.3 miles north of Swanton, where the expectation by then is 4,200 bins (1,400 tonnes, i.e. 40 tonnes/ha) – from Bloomfields Report on application 18/501312/FULL for cold storage etc. (Maidstone Borough Council) - see **paras 2.14 and 5.5** of supporting Statement for Swanton Farm in **Appendix RLH 02**.
35. At page 15 of the Statement of Case (response to Reason for Refusal 8) Rapleys go further in claiming in effect that neither the Appellants, nor anyone else, could farm this land profitably. This is a somewhat surprising conclusion, for a relatively large area of intensively farmed Grade 1 and 2 land, the loss of which they have acknowledged, at the same time, to be a significant adverse impact. The claim appears to rely particularly on the AM “financial viability” report which I consider below.
36. I should state initially that I have never previously come across an argument, in supporting the potential development of a significant area of BMV land, that such land is not currently financially viable, let alone that intensively planted orchard land, such as applies here, is not viable, nor capable of being so.

37. AM provides no specific financial evidence as to the actual costs and returns in farming these particular orchards. Rather, it makes observations on generalised industry data relating to historic, current and predicted future orchard farming costs. Whilst the report also refers to a number of factors that could tend to increase costs, or reduce income, for the Pump/Bloors Farm orchards, there are no specific assumed or recorded figures in this regard. Crucially the Appellants themselves, after operating these orchards for between 4 and 9 years, have presented nothing to support AM's contention that their operational costs here exceed, or are likely to exceed, their income.

38. The claims in the AM report that in general:

- individual existing orchard blocks of less than 2 ha in extent are unviable;
- any new orchard block needs to be regularly shaped and 8 to 10 ha in extent to be viable; and
- 60 ha is the minimum size for a farm to benefit from the use of modern mechanised orchard management,

are, again, not supported by any evidence relating to the Pump Lane orchards themselves, nor from any comparable orchards. They are claims that were not identified in the submissions supporting the planning application, and I have not come across them elsewhere in my professional experience.

39. These orchards have been actively farmed, and indeed have been subject to further planting investment by the appellants. As experienced, large scale local growers, the Appellants would have been fully aware of the orchards' beneficial attributes, and constraints, when deciding to initially buy Pump Farm in 2011, and moreover deciding to add Bloors Farm to it in 2016, to operate as a single sizeable satellite holding, forming part of the Appellants' extensive programme of expansion in orchard production in recent years across north-west Kent and Medway.

40. This can be regarded, in my view, as confirmation of the inherent potential of the land and its ongoing viability for top fruit production.

41. Looking at the AM report in more detail, it concludes that Pump/Bloors Farm currently generates little if any profit and that it will become financially unviable in two to three years. It cites the following reasons: I identify which are essentially arguments newly introduced as part of this Appeal, rather than as part of the application.

- **Operation as a satellite to main hub centres (Flanders Farm Hoo, and Howt Green Farm, Bobbing).**
- **Size and layout of the existing orchard blocks.** (*New argument*)
- **Lack of suitable buildings.**
- **Hail damage.** (*New argument*)
- **Increasing costs of production vs “static” prices.** (*New argument*)
- **Orchard age and varieties.**

Taking these in turn:

42. **Satellite farms.** Citing only the disadvantages (mainly transportation costs) of farming land (owned or rented) as satellites to a number of main hubs, ignores the fact that this is how large operations such as the Appellants have been able, and have chosen, to expand in recent years; further land often being unavailable to rent or buy at the main hubs. As indicated above, Pump and Bloors Farm themselves were purchased fairly recently (2011 and 2016) for this purpose.
43. Farming additional offlying land in this way offers economies of scale, helping to spread the overhead costs centred at the hubs (where the main equipment storage, fruit storage, packing and accommodation is located) , thus increasing the efficiency and viability of the overall business. Indeed this approach is explained in **para 2.14** of the May 2020 report submitted by the appellants’ agents Bloomfields, to support application 20/502074/FULL at Howt Green Farm referred to above - see **Appendix RLH 03** (full report is in **Appendix RLH 02**).
44. In para.7, Technical Appendix 13.2 (iii) sup confirms that low loaders are used to transport farm machinery from their hub bases to satellite farms - in this case from Howt Green to Pump/Bloors Farm (about 7 miles). Such an arrangement reduces the need for tractor-driven equipment to follow routes along local roads. Harvested fruit is taken in HGVs to Flanders Farm, about 8 miles away. As I have previously advised, this does not appear a particularly awkward journey; the Appellants farm other satellite holdings at a much greater distance from their respective hubs - see large plan in **Appendix RLH 03** (from full report in **Appendix RLH 02**).
45. Alternatively certain equipment can be stored on site if suitable buildings are provided, as at Gore Farm (see below).

46. **Size and layout of the existing orchard blocks.** AM argues that orchard blocks here that are under 2 ha in size are not financially viable. This claim is not supported by further evidence, and in any event only refers to Pump Farm, not the larger orchards at Bloors Farm.
47. I would observe that smaller orchard blocks of this sort have continued to be cropped, and indeed re-planted here (as indicated below), as well as on the Appellants' other holdings, for example at Gore Farm - see plans at **Appendix RLH 04** . Gore Farm is referred to further below.
48. Whilst it is true that the more modern production techniques may favour larger areas, and that the row alignments of some orchards (about 29% of the overall total) are closer to east/west than the preferred north/south, these are factors that can be altered on replanting, and indeed already have been here as indicated below.
49. AM's submitted aerial imagery for the Pump Farm orchard layout is dated 2013. Later aerial imagery (see **Appendix RLH 04**) shows how Blocks 06 (approx. 1.3 ha), 11 (1.7 ha), 13 (3.1 ha) and 15 (2.9 ha) have all been replanted since that time - a total of some 9.0 ha. Block 13 has been re-aligned for the rows to run more north-east/south-west rather than north-west/south-east.
50. Further aerial imagery (see **Appendix RLH 04**) also shows that all the Bloors Farm orchards (which total some 21.5 ha) were planted, or replanted, after 2011, with various smaller areas put together to make the enlarged blocks now in production.
51. AM suggests (para.7.8) that a minimum individual farm unit of 60 ha is needed to justify the advantages of modern three-row sprayers, because they are relatively expensive and can't be moved on roads. This 60 ha minimum is not evidenced. These sprayers are tractor drawn and have retractable booms to allow road transportation (and to allow turning on a narrow headland at row ends); alternatively, as previously indicated, such machinery can be carried by road on low loaders.
52. AM also claims newly planted orchards need to have a regularly shaped block size of 8 to 10 ha to be financially viable, but again this is not evidenced, and such a requirement would seem to rule out viability on several of the Appellants' new orchards on their other farms, such as at Gore Farm as already indicated above and at Meresborough, referred to below - see **Appendix RLH 04**.

53. AM also claims Pump Farm cannot be sufficiently organised into an improved layout, but again this is not properly evidenced or explained. As indicated above, Bloors Farm itself underwent such a reorganisation relatively recently.
54. Extensive orchard planting has taken place since 2013 on land rented by the Appellants at Meresborough, about 2 miles south of the appeal site, despite the irregularly shaped layout of parts of the land - see **Appendix RLH 04**.
55. There would appear to be ample opportunity at Pump Farm, on replanting, to change row alignment, and increase block size, if required.
56. **Lack of suitable buildings.** As indicated above, the need for the most comprehensive and costly fruit storage and packing buildings does not arise at satellite farms because those facilities are centred at the hub farms.
57. Where satellite farms require a degree of secure storage, and existing farm buildings are inadequate, it is clear that the Appellants are prepared to invest in suitable modern alternatives.
58. For example, as mentioned above, the Appellants have another satellite holding at Gore Farm, Upchurch, of a similar size (50.4 ha, with 36 ha orchards currently) about 3 miles east of Pump/Bloors Farm by road, and 5 miles from Howt Green. Here a new 45m x 19m building has recently been permitted by Swale (20/501645/FULL) for tractors, fruit trains, sprayers, and mowers needed for managing the orchards as well as a fertilisers, insecticides, tree stakes, wire work, fencing equipment, a maintenance area for the machinery and equipment, and welfare facilities for the farm's workers - see **Appendix RLH 05**.
59. A similar building proposal was approved at New Green Farm, Shorne, Gravesend under 20181247-SCON3 to serve a parcel of 67.5 ha of land, previously in vegetable and arable cropping, and purchased by the Appellants in 2018 in order to plant orchards - see **Appendix RLH 05**.
60. Prior to the sale to the Appellants, another such building was approved (MC/13/1091) at Bloors Farm itself, but this was not implemented -see **Appendix RLH 05**.

61. **Hail damage** Whilst hail can have a serious affect on orchard crops in particular, it is a random occurrence, and not one (as far as I am aware as a non-meteorologist) that depends on any specific local physical land attributes, or that can be predicted in terms of incidence, timing or intensity on any one site - indeed as noted by AM it is variable and highly localised which is why it forms no part of an ALC assessment. It is also a risk that is insurable - see **Appendix RLH 06**.
62. Whilst AM records various incidences of hail at Pump Farm since 2012 no comparative data is provided in terms of the generality of damage elsewhere on those occasions, and there is nothing tangible presented to suggest that these particular orchards, as opposed to the many other orchards near the north coast of Medway and Kent, are uncommonly susceptible to hail, for some reason.
63. The incidences of hail damage at Pump Farm that AM records during the years 2013, 2014 and 2015 did not deter the Appellants from purchasing Bloors Farm, adjoining, in 2016. For a large scale producer, having the widest possible range of sites, in different locations, has the benefit guarding against the random effect of hail damaging a particular crop on one of the sites, effectively spreading the risk.
64. AM does not substantiate the assertion that any damage beyond 10% is likely to make the whole crop loss-making, nor that the use of hail nets, as employed by other growers, makes orchard replanting unviable. Another grower in Kent has judged that the cost of such a system could be paid for by avoiding the effects of just one hailstorm in 10 years - see **Appendix RLH 06**.
65. **Costs of production and prices.** Whilst AM present some “actual grower data” as to the rise in costs of production over the years, this is generalised and not based on the Appellants’ own costs, either overall, as a very large producer benefitting from economies of scale, or relating to Pump/Bloor Farms in particular. No evidence is presented for the claim that wholesale apple prices, including Gala varieties (either in general, or as achieved by the Appellants) have been “static”.
66. In fact available DEFRA statistics indicate a steady overall rise in both UK dessert apple production volumes, and wholesale prices, in recent years; from some 125,000 tonnes, valued at £63.5m (£508/tonne) in 2010, to 206,500 tonnes, valued at £140.8m (£682/tonne) in 2019: a price rise of some 34 % - see **Appendix RLH 07**.

67. For Gala apples, specifically, average recorded prices have risen from some 67p/kg (£670/tonne) for the year to the end of October 2011, to £1.05/kg (1050/tonne) in the year to the end of October 2020 (see **Appendix RLH 07**), an increase of some 57%.
68. Nothing has been presented to show the actual level of profitability of the Appellants' top fruit business, nor of these particular orchards, since their purchase by the appellants.
69. In contrast to the pessimistic general line taken by AM here, the Appellants' own agents, in promoting 20/501645/FULL at Gore Farm, referred (in April 2020) to a high and increasing demand for home-grown apples, as well as increasing exports of British apples – see **paras 2.12 – 2.13** in supporting Gore Farm supporting Statement reproduced in **Appendix RLH 08**.
70. If this were not the case, and if apple growing had poor prospects, one would wonder why the Appellants (and other growers) are continuing with substantial new planting and replanting programmes across Kent and Medway.
71. **Orchard age and varieties.** As indicated above, the overall current yields from the Pump/Bloor Farm orchards appear favourably when compared to the yields achieved and predicted for the Appellants' other farms.
72. AM gives the age of the oldest apple orchard here at about 18 years, but this only relates to 4.8 ha. AM does not refer to the newer orchards already replanted by the appellants at Pump Farm between 2013 and 2018 (some 9.0 ha) nor the complete replanting of Bloors Farm (21.5 ha) since 2011.
73. Whilst it may be the case that a combination of age, and latest preferred varieties, would favour a degree of progressive replanting over the coming years, there is nothing to indicate that this would not be practicable or viable, whether in terms of orchard layout and size (as discussed above), or for any other reason.

Other arguments

74. **Alternative enterprises** AM considers a variety of other farming options for the land, and regards them as either unprofitable or at least unlikely to be attractive to potential users.
75. Of course the need to contemplate other farming systems would only really apply if the current use were not viable, which has not been demonstrated, or if a change to other farming systems were likely to prove significantly more profitable than the current intensive orchard production.
76. I agree that other options appear less likely to be attractive than orchard cropping, at least at present. However this is essentially speculation based on relatively short-term considerations, and would not be provable without market testing.
77. **Re-investment.** On page 15 of the Statement of Case (response to Reason for Refusal 8) Rapleys suggest that the capital gained by the Appellants from the development would be re-invested into more productive orchard cropping elsewhere, a factor which should be given very significant weight.
78. However no specific alternative orchard investment proposal is cited, and I am not aware of any process (whether by condition or legal agreement) that could stipulate how released funds would be spent so as to ensure such an outcome. Whereas the immediate, certain effect of the development would be for a large area of commercial orchard to be taken out of production.
79. In any event no re-investment on other farm land could mitigate what would be an intrinsic net loss of some 51.5 ha of BMV land, which is irreplaceable as a natural asset. The Appellants have acknowledged (*Effect on Agricultural land, Environmental Statement (Main Text) para. 13.60*) that “there are no universally acceptable measures available to mitigate the direct loss of agricultural land”.
80. **Availability of BMV land in Kent** . The AM report (page 21) suggests that there is significantly more BMV land in Kent than is needed for orchard production. (Presumably the intent was to include the same argument for Medway).

- 81.** This is a speculative point that does not properly allow for longer-term requirements, including the possibility of needing more BMV land for a larger proportion of home-grown orchard fruit (and other crops) in the future. Also there is no Planning policy, to my knowledge, to the effect that BMV land may warrant less protection from development because of the prevalence of BMV land locally or because of the proportion currently planted with orchards (or any other crops).
- 82.** Indeed, other considerations aside, the NPPF guidance on using “areas of poorer quality land in preference to that of higher quality” would suggest favouring available open, non-orchard BMV land for development, rather than productive existing BMV orchard land that is now yielding significant fruit as a result of considerable earlier investment in planting, and associated operational infrastructure.

Section 6: Summary

83. Whilst the Appellants have determined that the land concerned has inherent agricultural potential to continue growing high value fruit crops and that **“the Development will have a direct, permanent, substantial adverse effect on BMV agricultural land which would be significant”**, they somewhat paradoxically appear also to be arguing the opposite, in asserting the non-viability of the land as part of their Statement of Case.
84. The AM report, in my view, underestimates the value of the production achieved, and achievable, from the Pumps Farm and Bloors Farm orchards. Its summary, at para. 7.15, refers to supposed disadvantages of these orchards in terms of smallness of area, unattractive and irregular layout, lack of buildings and other facilities, susceptibility to hail, and “satellite” status.
85. However, as explained herein, all these claims can be seen variously to be without evidence, or exaggerated, or relate to matters that are reasonably remediable.
86. The orchards continue to be intensively and productively farmed and have been the subject of significant investment in replanting by the Appellants.
87. The AM report is largely generalised in nature and does not include any specific data on the costs incurred, and returns gained, from these orchards.
88. The Appellants themselves have provided no financial data to support AM’s broad assumptions of non-viability.
89. In conclusion, therefore, the Appellants have not demonstrated that the use of the appeal site as a commercial orchard unit is unviable.
90. The application submissions and the appellants’ Statement of Case do not properly recognise that the protection afforded to BMV land in Planning policy derives from its long-term value as a National resource, which is irreplaceable once developed. Natural England explains that “This is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non food uses such as biomass, fibres and pharmaceuticals”.

91. A potential need for more self-sufficiency in UK farming and crop production, as well as a general desire for more locally produced food, in respect of which better quality land makes a valuable contribution, now arises as a result of the uncertainties regarding Brexit (as the Appellants' own agents argued in promoting the development of Swanton Farm - **see paras 2.2 to 2.9** in Swanton Farm additional supporting Statement reproduced in **Appendix RLH 08**), as well as the impact of the current Covid -19 pandemic.
92. None of the disadvantages supposedly identified on behalf of the Appellants alter the status of the land concerned as "best and most versatile", or the protection afforded to such land under Planning policy, or the significance of the permanent loss of the land, and the orchards, to agriculture as a direct, permanent, substantial adverse effect.