

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**

Evidence of Richard John Lloyd-Hughes

Appendix RLH 08

Appellants' Agents' submissions from other planning applications, explaining demand and need for more UK home-grown apples, comprising:

- increasing demand for home-grown apples, found at **paras 2.12. to 2.13** in Statement supporting 20/501645/FULL, Gore Farm Upchurch
- Brexit and increased need for home-grown apples found at **paras 2.2 to 2.9** in Agents' Additional Statement supporting 18/501312/FULL, Swanton Farm, Bredgar



SUPPORTING PLANNING STATEMENT

Gore Farm, Oast Lane, Upchurch

April 2020

SUPPORTING PLANNING STATEMENT

In support of an application for the

Erection of an agricultural building for secure storage alongside the provision of an area of hardstanding and concrete for access and bin storage

at

Gore Farm, Oak Lane, Upchurch, Sittingbourne, Kent, ME9 7BE

On behalf of

AC Goatham & Son

ISSUE DATE / REVISION	COPY REVIEWED BY	DATE COPY HAS BEEN REVIEWED
Supporting statement v1	BW	30/03/20
Supporting statement v1	TWO	01/04/20
Supporting statement (1.4.20)	TWO	01/04/20
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Bloomfields is the trading name of Lambert & Foster (Bloomfields) Ltd (company no. 08278915) an owned subsidiary of Lambert & Foster Ltd a Limited Company registered in England and Wales, No 10574225. Registered office 77 Commercial Road, Paddock Wood, Kent TN12 6DS.

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1. Introduction

- 1.1. This application for full planning permission is being submitted on behalf of AC Goatham & Son for the erection of an agricultural building and the provision of an area of hardstanding and concrete for access and bin storage at Gore Farm, Oak Lane, Upchurch, Sittingbourne, ME9 7BE.
- 1.2. This application follows a prior notification for the provision of an area of concrete at Gore Farm for the storage of apple bins. This area of concrete will be adjacent to the proposed location of the agricultural building and will be used, alongside the hard standing, in conjunction with the building. For clarity it has therefore been included within this application.
- 1.3. The proposal site is situated south of Upchurch, which is located between the towns of Sittingbourne and Rainham. Gore Farm extends to 50.4 hectares and is owned by AC Goatham & Son.
- 1.4. The orchards are currently split between a number of variety of apples comprising of Gala, Braeburn, Reuben and Bramley covering a total of nearly 36 hectares. These varieties provide a total of just over 6000 bins, with the newly planted orchard stock expected to take this to nearly 7000 in 2020. The approximate area of the holding at Gore Farm is shown in figure 1.
- 1.5. This application is accompanied by:
 - Site location plan ACG&S-GFGB-30
 - Existing block plan ACG&S-GFGP-31
 - Proposed block plan ACG&S-GFGB-32
 - Proposed site detail ACG&S-GFGB-33
 - Proposed floor plan ACG&S-GFGB-34
 - Proposed elevations ACG&S-GFGB-35

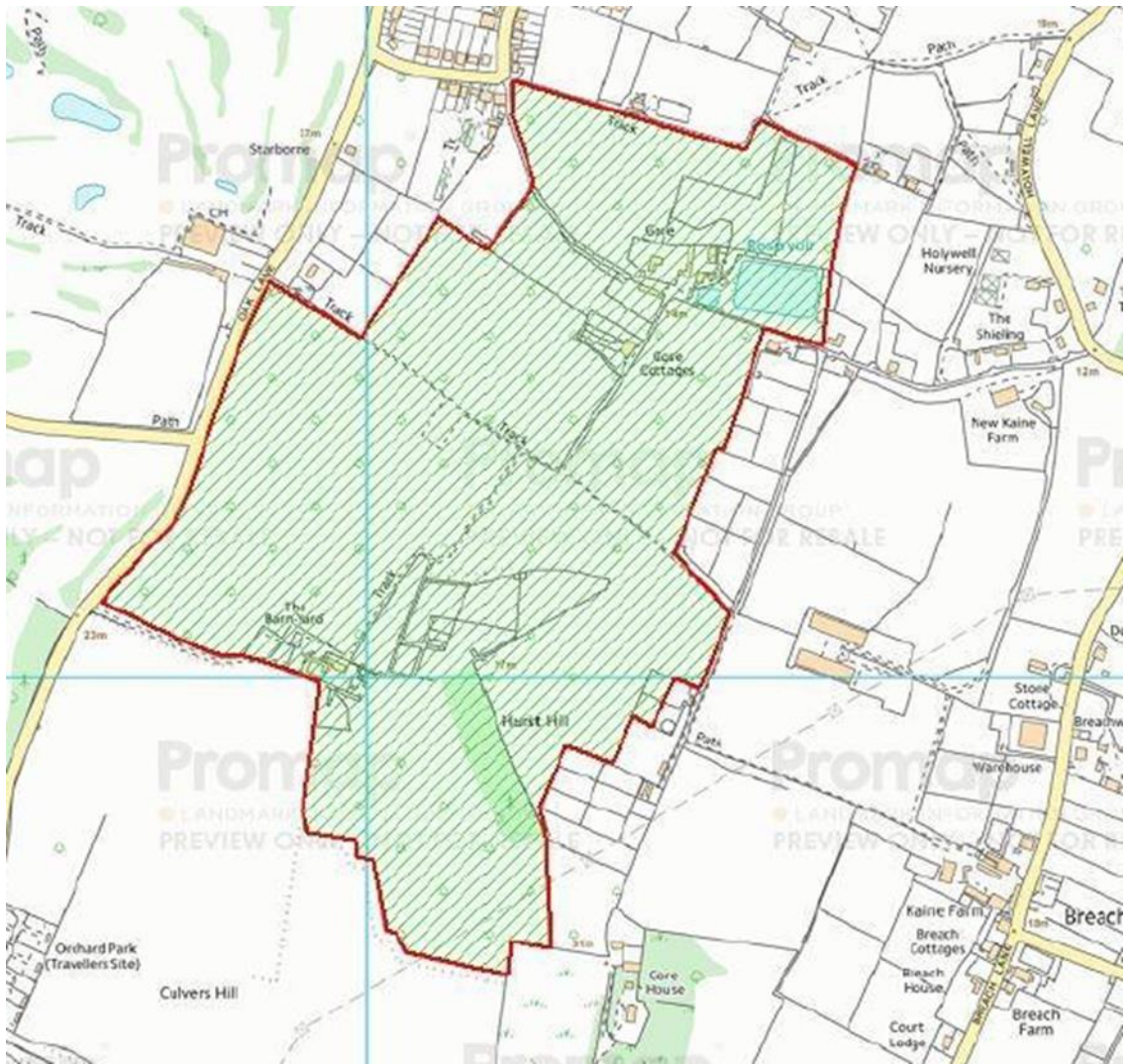


Figure 1 Approximate Extent of holding at Gore Farm

- 1.6. The orchards are stocked with a mix of modern, high yielding strains of apples which currently do and will provide high yielding crops together with some older varieties that are in the process of being replaced.
- 1.7. Gore Farm is serviced by a historic farmyard which contains four traditional buildings and one early modern barn. Some photos of these buildings are provided in Figure 2.
- 1.8. The buildings are not well suited to modern agricultural practices and do not have the necessary height or security to accommodate a large amount of agricultural machinery. A new purpose built agricultural building is required to therefore serve this purpose.



Traditional Farm Building 1



Traditional Farm Building 2



Traditional Farm Building 3



Traditional Farm Building 4



Traditional Farm Building 5

Figure 2 Photos of Gore Farm's existing buildings

As can be seen from these photographs, the buildings have low eaves and ridge heights and are not readily securable.

2. Background

General Industry Overview

- 2.1. The vast majority of top fruit handled in Kent and the UK, perhaps in the order of 75%, is done so by a small number of companies. This includes AC Gotham and Son.
- 2.2. These businesses have all had to adapt their growing techniques in recent years to replant orchards on new rootstocks at closer densities. This is to meet the demands of their customers (the supermarkets) who in turn are seeking to meet the demands of the general public (the consumer) for an increased volume of home-grown apples and pears, whilst maintaining an affordable pricing structure. As well as increasing volume by planting at higher densities, orchards are being replaced with higher yielding clones, whilst the introduction of wire networks encourages fruit growth upwards to better utilise space and allow fruit to be picked at two levels (top and bottom – the latter being done with specialist picking platforms). Again, increasing volume production per tree.
- 2.3. As a consequence, low yielding orchards (even if they are relatively young in the lifecycle of a fruit tree) are quickly becoming unsuitable and require replacement with more modern, higher yielding stock.
- 2.4. Similarly, consumer trends in variety preference has meant planting different varieties such as Gala from those previously favoured e.g. Russets and Cox. This has seen growers replacing orchards that have again not necessarily served a full life cycle in order to maintain contracts and meet the changing needs of the consumer.

- 2.5. The size, shape and colour of apples is also increasingly important to consumers and specific “grading” demands are put on growers by the supermarkets to grow particular classes of fruit; with optimum classes (e.g. Class I) commanding higher prices. Again, this puts added pressure on growers to, as far as possible, control the growth of apples on the trees. One of the main ways of doing this, is by controlling the level of water that can be available to a tree at certain times of the year and to achieve this, modern orchards require drip feed irrigation systems to be installed. Notwithstanding cost, this puts added pressure on the businesses labour to install these systems and to closely monitor them.
- 2.6. Another way of controlling the growth of apples on the tress is to significantly increase labour levels in an orchard to thin trees more regularly and “train” fruit on the wires and to ensure orchards are harvested at optimum times. This improves the grading level of the end product but obviously comes with increased levels of labour demand and cost. Those businesses not giving such attention to their orchards are not being favoured by the supermarkets as the end product is not consistent (which is what ultimately sells with the consumer) and it is therefore becomes increasingly difficult to service and maintain supply contracts. Understandably, this put added pressure on farmers for the requirement for additional labour.
- 2.7. The development of rootstocks, planting at closer densities and using wire networks all mean that yields per hectare are considerably higher than they used to be. However, more trees not only mean there is more stock to plant, thin and harvest (which means more labour), harvest volumes per hectare increase which mean the need for infrastructure to support this consequentially increases. This applies to:
- workers accommodation (where the industry norm is the provision of accommodation for the seasonal period to attract workers);
 - the number of fruit bins;
 - the extent of buildings to store increased levels of equipment;
 - the extend of cold storage;
 - the extent of onsite water storage facilities and irrigation systems; and
 - the extent of grading and packing facilities (and areas associated with storage of packaging).

Home Grown Produce

- 2.8. On the 31 May 2018, DEFRA released their 2017 Horticultural Statistics. Although it is appreciated that this covers various sectors of the horticultural industry, certain elements expressly relate to the top fruit industry.
- 2.9. In the report it can be identified that, despite intentions to increase the quantity of home-grown fruit, the stark reality is this is minimal (17%) when considered as a % of overall consumption. This is a 1% drop on 2016.
- 2.10. On 27 June 2019 further statistics based on 2018 production were released by DEFRA. This reported that “*Home production contributed 16% of the total UK supply of fruit in 2018, a decrease from 17% in 2017*”. As highlighted in the graph below.

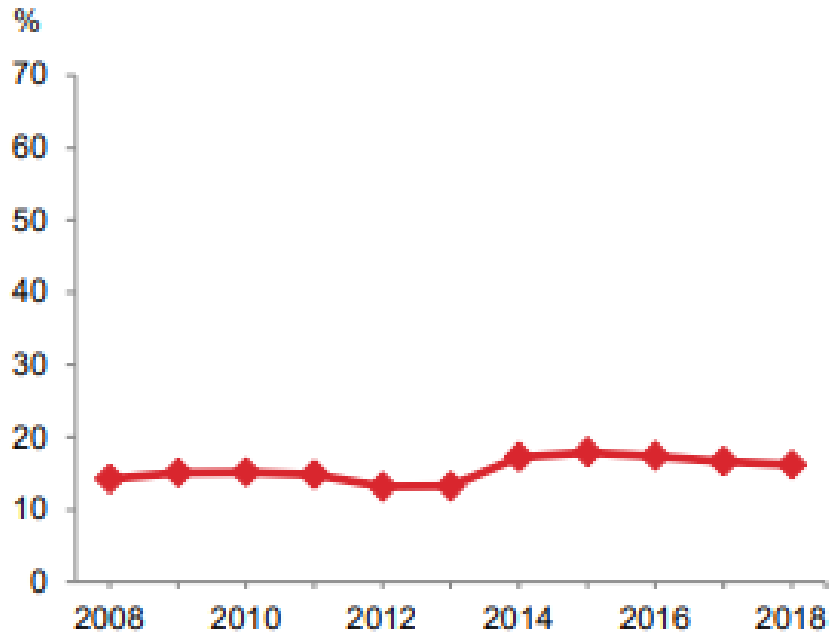


Figure 1 – Graph taken from the Horticultural Statistics released on 27 June 2019

- 2.11. DEFRA's 2018 report observed that *"After a relatively mild autumn followed by a cold start to the year, the mild warm weather in March encouraged rapid bud development so that by early April the season was about ten days earlier than on average. The earliness remained throughout the season to give one of the earliest harvests on record. Late frosts in April adversely affected early blossoming fruit, with the degree of damage varying between regions."* However, the 2019 DEFRA report commented that *"the first four months of 2018 were often very cold with temperatures being below average, which resulted in growth starting at least two weeks later than usual. From June onwards the summer weather was hot and dry which bought forward the normal harvest date of cops. It is very unusual for top fruit crops to start the season with late bud development and then go on to have an early harvest"*. In both cases this showcases the unpredictable and different labour demands that can occur year on year.
- 2.12. The 2018 dataset recognised the increasing demand for home grown produce which increase its share to 43%, compared to 33% in 2017. Whilst it was also recognised that yield of top fruit was higher in 2018 than 2017, although it was also identified that the 2018 hot weather did adversely affect some fruit sizing.
- 2.13. 2018 saw the highest fruit export levels on record, worth £156 million, a 3.7% increase on 2017. In the case of apples, export levels increased by 9,000 tonnes (approximately 29,700 bins), compare with 2017 levels. Not only does this show case that the demand for homegrown produce is high, but there is an increasing demand for British fruit outside of our own country. This puts obvious demands on the supply chain to maintain and advance levels of production, which in turn only emphasises the labour demand to service such provision.

- 2.14. The 2017 dataset shows that apple and pear UK production, excluding cider apples and pears, of some 284,000 tonnes (c.937,200 bins), being dessert apples (c. 181,000 tonnes / 597,300 bins), culinary apples (c. 80,000 tonnes / 264,000 bins) and pears (c. 24,000 tonnes / 79,200 bins). The 2018 datasets show that UK production, again excluding cider apples and pears of some 269,300 tonnes (888,690 bins), being 170,500 tonnes of Dessert apples (562,650 bins), 71,100 tonnes of culinary apples (234,630 bins) and 27,700 tonnes (91,410 bins) of pears; an overall drop in production by 14,700 tonnes (58,510 bins). In a time when the demand for home grown fruit and fruit for export is increasing, whilst production last year evidently decreased, this again puts extra burden on demand for increasing levels of production and therefore associated labour.

The Fruit Growing Season

- 2.15. The fruit growing season commences after harvest period - which is usually completed by the end of November - and will begin with the removal of old/dead or dying trees and their subsequent replacement with new stock through till early February.
- 2.16. The labour requirement during the planting season is high for a couple of months, especially during the early years when trees are being closely monitored to ascertain whether they are taking to their new environment.
- 2.17. Across the business, when new orchards are planted, the opportunity to incorporate the latest technology in drip feed irrigation is now taken; whilst the trees are now planted on a wire network to optimise growth and increase yields.
- 2.18. Pruning will occur post-harvest through to the end of March.
- 2.19. The main spraying cycle then commences from March through to the end of June as does the preparatory work in anticipation of the harvest period commencing in June and ending in November. This can include thinning but also the reinforcement and repair of wire networks.
- 2.20. The harvest period has the greatest labour requirement though the fruit season and it is during this time from June to the end of November that staffing levels will be at their highest both on the farms and in packhouses.

3. AC Goatham and Son's Existing Farm Business

The Company

- 3.1. AC Goatham & Son are one of the largest growers of apples and pears in the UK. They farm over 2,400 acres of land all for top fruit (apples and pears) over 16 freehold farms and 13 farms rented on long term agreements across the south east. It is understood that 1 in 4.5 home grown apples and 1 in 3 conference pears sold in Britain is grown and supplied by one of AC Goatham & Son's farms or partner farms.
- 3.2. AC Goatham and Son have been trading for 67 years (currently spanning three generations of the Goatham family). Over this time, they have focused on extending the fruit growing season to substitute foreign fruit with home grown fruit and producing quality produce at affordable prices. To achieve this, the business has introduced new varieties of apples to allow harvest to start earlier, improved growing methodologies to increase yields and introduced cutting edge cold storage technology to allow for fruit to be stored longer through the year.

The screenshot shows the homepage of 'The Grocer' website. At the top left is the logo 'The Grocer' in a large, bold, white font on a black background. To the right of the logo is a search bar with the placeholder text 'Search e.g. "food to go" AND sandwich'. Below the search bar is a navigation menu with links: 'BUYING & SUPPLYING', 'STORES', 'CHANNELS', 'FINANCE', 'PEOPLE', 'REPORTS', 'EVENTS', and 'JOBS'. Below the navigation menu is a 'HOT TOPICS' section with links for 'Brexit', 'Plastic', and 'Waste Not Want Not'. The main content area features a large banner for 'ORCHARD PIONEERS PREMIUM APPLE CIDER NOW!' with two images of cider bottles and a '330ML' label. Below the banner is an article titled 'Goatham & Son to sell Royal Gala apples in summer for first time' by Kevin White, dated 30 May 2019. The article text states: 'Goatham & Son has invested millions in cold storage technology to enable it to sell the apples in summer'. To the right of the article is an image of several Royal Gala apples in a clear plastic bag, with a pink heart-shaped sticker that says 'LOVELY ROYAL GALA'.

Figure 2 - Extract from The Grocer (May 2019) reporting on AC Goatham and Son's introduction of UK grown apples being available in the summer as a consequence of improved cold storage being erected.

- 3.3. In recognition for it being at the forefront of its industry the business has won a number of accolades in recent years, including, but not limited to:
- in February 2017, the business was once again awarded “Top fruit grower of the year” at the UK Grower awards. The business was also a finalist across categories open to the entire horticultural industry including, “*Best Production Manager*”, “*Edible Grower of the year*” and for the “*Best Business Innovation*”;
 - in March 2017 AC Goatham & Son won the award for Kent Invicta “*Chamber of Commerce’s Business of the Year*”. In October 2017, AC Goatham & Son won the Farmers Weekly *Specialist “Crop Grower of the Year”* award for their work in reviving the fortunes for British Conference Pear; and
 - AC Goatham & Son scooped top prize in the East Kent Fruit Society annual Top Fruit Competition, for “*Orchard of the Year*”, “Best Orchard under 1,000 trees”, “*Most Commercial Orchard*” and for “Best Dessert apple”.
- 3.4. Reinvestment in the business in the eight years ended 2018 has been £63.4 million through their whole business (not just Medway) to ensure they meet the future needs of their staff, growers, suppliers and customers. In Medway alone £10 million was expended on the first packhouse at Flanders Farm, Hoo. This reinvestment continued and following approval in 2015 another £10 million was spent in expanding the facility further. A further 17,010 bins of storage facility were approved at Flanders Farm at the end of 2018 which will see yet more investment amounting to somewhere in the order of £5 million.
- 3.5. The business was granted planning permission for a major development scheme at Swanton Farm in Maidstone in early 2019 for a storage facility capable of storing 20,000 fruit bins and adopting the latest technology. This project in the Borough of Maidstone was recognised as being of national importance. Again this will likely see another £5 million reinvested to support the businesses growing operation.
- 3.6. Chavereys Accountants report that in 2018 actual GVA for the business was £26.8 million. This is forecast to rise to circa £39.9 million by 2028.

3.7. The location of A C Goatham and Son farms (owned and rented) are shown in Figure 3 below.

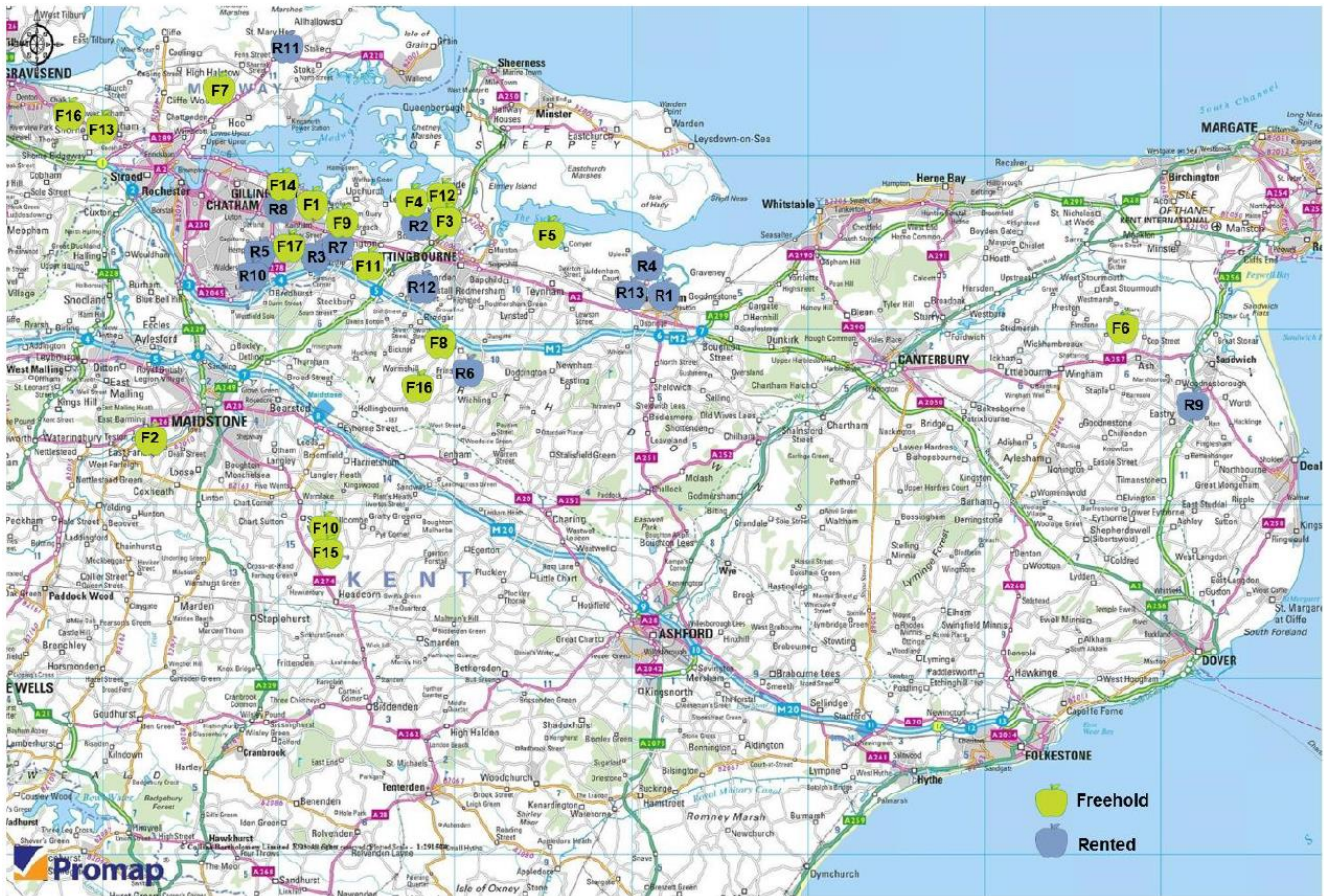


Figure 3 - Plan indicating location of AC Goatham Freehold and rented farms

Fruit handling

- 3.8. Last year the business dealt with a throughput of circa 130,000 bins of top fruit (equivalent to circa 43,300 tonnes).
- 3.9. This spring, 220,000 new fruit trees will have been planted across the business in one season, with further plans for the next 5 years for in the order of 800,000 to 1,000,000 fruit trees to be planted.
- 3.10. Based on existing planting with increased yields and forecast planting, this is set to rise 171,396 bins by 2023.

Staffing

- 3.11. This season, AC Goatham and Son are estimated to employ in the order of 900 - 1,000 staff. Of this there are some 450 full time equivalent staff across the business with the rest being made up of the seasonal labour required to plant and thin trees as well as harvest and pack the apple and pear crops grown across the business.
- 3.12. With developments such as those proposed, derivative employment benefits co-exist with worker education benefits. Conspicuous, indirect employment benefits arise from development analogous to that proposed. In 2017 it was considered that AC Goatham & Son's employment has indirectly influenced the creation of 1,200 jobs in Kent.
- 3.13. In 2018 AC Goatham and Son have continued to support extensive levels of staff training, including; training for 20 first aiders, 56 forklift drivers and/or pump lift handlers, under 40 other plant/specialist equipment handlers and 49 food industry certificates.

4. Planning History

- 4.1. In 2019 prior approval was given for the creation of a concrete pad for the storage and distribution of apple bins with reference 19/504961. The extent of the area approved to be concreted is shown in figure 4. This area of concrete has not yet been provided. It is proposed that this bin pad storage area is extended to the area further south, making access to the new agricultural building easier, whilst also providing a yard area to serve the building.

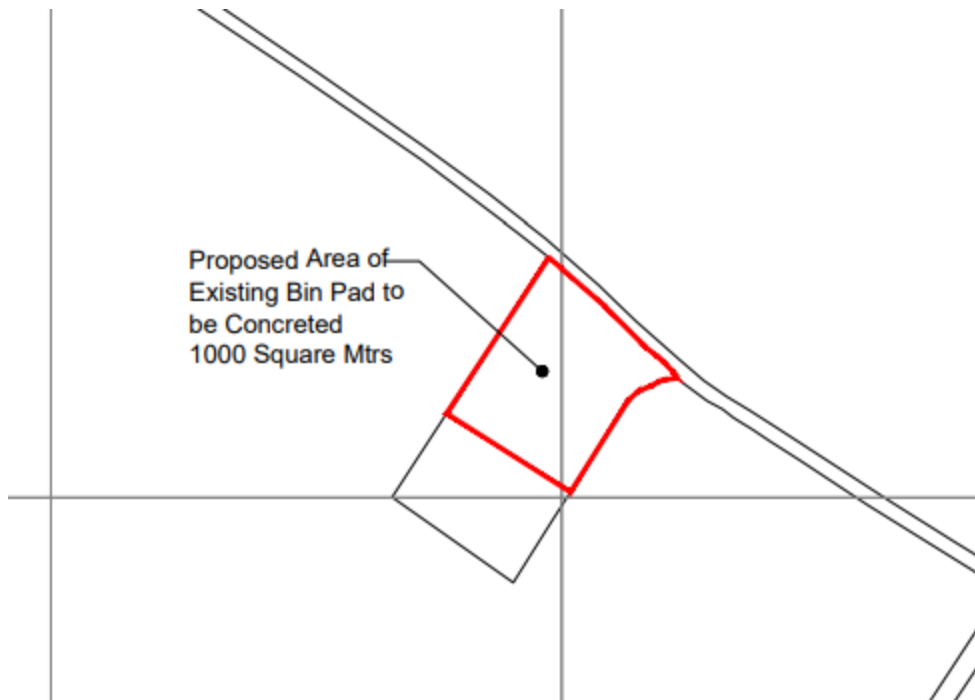


Figure 4 Approved concrete area

- 4.2. In 2019 prior approval was also granted for the change of use and building operations of two of the agricultural buildings at Gore Farmyard (The Dairy and The Dutch Barn) to dwellinghouses with references 19/503095 and 19/501525. Both of these prior approvals remain unimplemented.

5. Proposal

- 5.1. This application seeks full planning permission for the erection of an agricultural barn measuring 19 metres by 45.38 metres to provide secure storage which is purpose built for the holding, alongside the provision of a concrete bin pad and associated hard standing to facilitate access to the barn.
- 5.2. The proposal site is central within the holding area, as shown in figure 5, so that it is easily accessible from the whole of the holding.

Location of proposed agricultural building

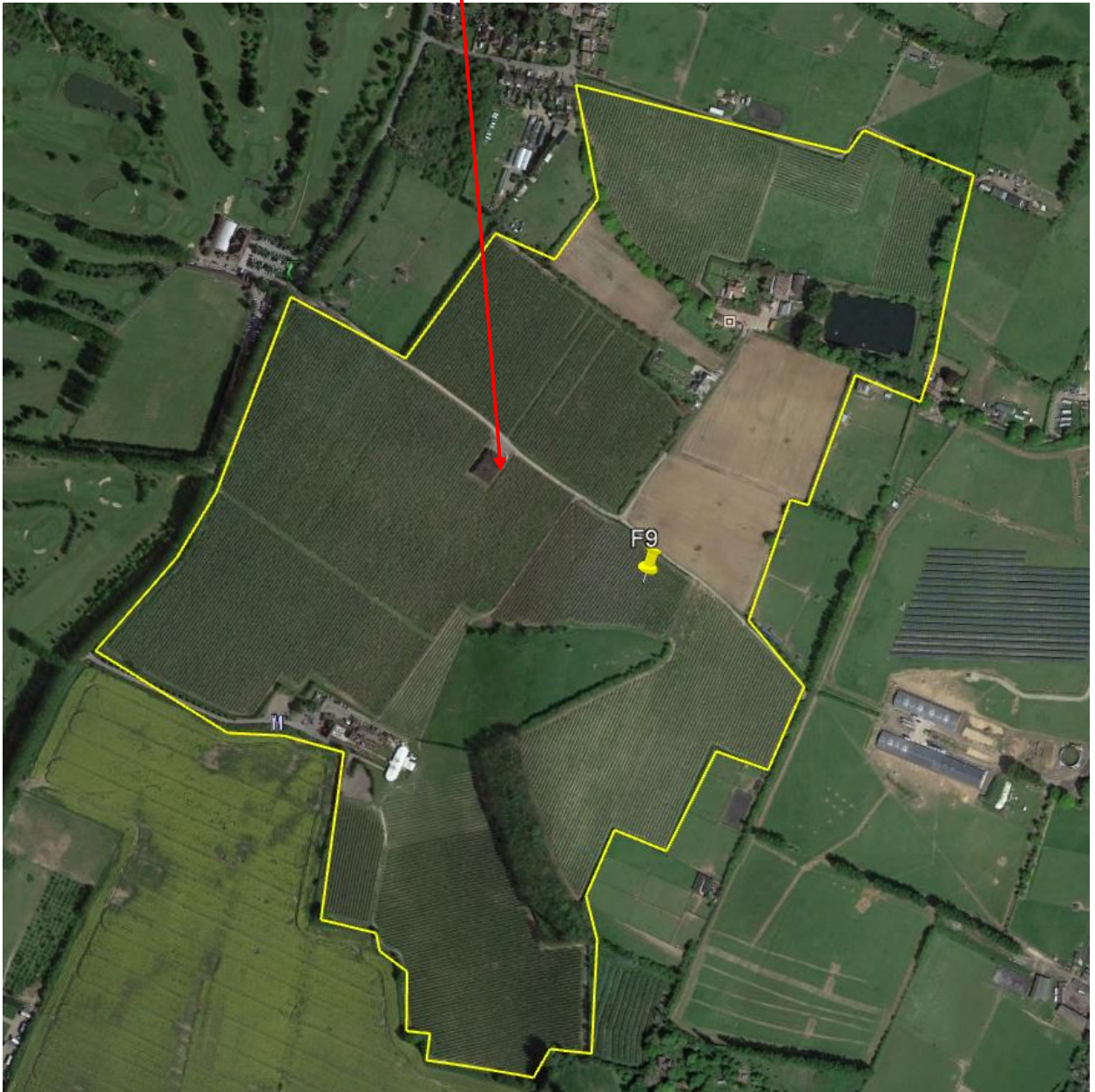


Figure 5 Proposed location of agricultural building

- 5.3. The proposed agricultural building is required to serve as a secure storage building for tractors, fruit trains, sprayers, and mowers required for the running and maintenance of the holding. Alongside this storage, the building will also be used for the secure storage of agricultural fertilisers, insecticides, tree stakes, wire work, fencing equipment that follows the HSE compliance standards.

- 5.4. A section of the barn will also be used for the maintenance of the holding's machinery and equipment. Toilet facilities for male and female workers will also be provided in the building, together with a basic farm workers mess facility for the farm workers to have food and drink between farm activities.
- 5.5. The proposal site area has an existing access leading to it from Oak Lane, as well as internal farm access roads so no additional hard standing is required in this regard. The hard standing that is required will be to provide a yard area for the building as well as to provide an all-weather surface around the perimeter of the building.
- 5.6. Alongside this hard standing, an area of concrete will be provided to store and load up apple bins. The bin pad will be used to store apple bins from Gore Farm when they are not in use. Storage on a concrete base will prevent the premature deterioration of the bins that occurs when they are stored on wet or muddy ground.
- 5.7. Storing the apple bins on concrete also prevents, as far as possible, the bins from becoming dirty and contaminated with mud, leaves or debris which can cause storage issues for the apples or pears. Keeping the bins on a clean base aids good management and limits labour hours having to wash down muddy bins.

6. Design and Access Statement

Use

- 6.1. The building is proposed to be used for agricultural purposes, namely for the secure storage of machinery and equipment, as well as providing an area to work on this machinery and welfare facilities for the agricultural workers.
- 6.2. The hard standing and concrete proposed is required in association with this agricultural use and will facilitate easy access and provide a yard area to store, load and unload bins, as well as to load up lorries for the delivery of fruit for cold storage.

Amount and Scale

- 6.3. The proposed agricultural building will measure 19 metres wide by 45.38 metres long, 6 metres to the eaves and 7.8 metres to the ridge.

- 6.4. There is an area of hard standing proposed to the west of the building which equates to 192 square metres. The existing hard standing area which is used to store apple bins will be retained.
- 6.5. Alongside this there is an area of concrete proposed to west and north of the building to provide an area to store the apple bins, turn and load all lorries and bin trains as well as to facilitate access to the building. This area amounts to 1473 square metres.

Layout

- 6.6. Internally the barn will be split into two main sections; one for the secure storage of machinery and equipment and is marked on the drawing as 'farm area' with the other section being used as a workshop and amenity area for staff.
- 6.7. Externally the barn will be surrounded by hard standing and concrete on 3 sides; to the north, east/southeast and west with the south/south west opening on to the orchard.
- 6.8. These areas provide access to the building, with doors on the north east and south elevations.

Appearance

- 6.9. The proposal building is a steel portal frame building with 2 metre high precast concrete panels around the base of the walls, with the upper parts being olive green single skin cladding. The roof will be anthracite grey fibre cement with 10% roof lights. The roller shutter doors will be 4.5 metres high by 4m wide to allow easy access for machinery and implements.
- 6.10. Just below the ridge line on the south west and north west elevations a vent is proposed for air circulation.

Landscaping

- 6.11. The site is well screened from Oak Lane and the surrounding rural lanes by the intervening wind breaks and orchards.

- 6.12. The proposal site is currently used for the storage of apple bins which generally are stacked 5/6 bins high and has approval for the installation of 1000 square metres of concrete to provide a solid base to store these bins on. The provision of the new building and associated hard standing should therefore be considered in the context of this existing permission as a fallback position.
- 6.13. Should any additional landscaping be considered to be prudent by the Council to further screen the proposal then it is put forward that this can be provided during the course of the application if considered necessary, or secured by way of a condition.

Access

- 6.14. The proposal site can be accessed from Oak Lane or from Oast Lane, through the internal network of agricultural access tracks at the holding. These accesses have served the holding without any problems in perpetuity so it is not considered that there are alterations required for this arrangement.

7. Planning Policy & Analysis

National Planning Policy Framework 2018 (NPPF)

- 7.1. Paragraph 10 of the National Planning Policy Framework says that, at the heart of the Framework is a presumption in favour of sustainable development. This is echoed earlier by Paragraph 7 which states: *“The purpose of the planning system is to contribute to the achievement of sustainable development.”* This proposal comprises sustainable development which is essential to AC Gotham & Son in being able to carry out their business and in a viable manner.
- 7.2. It is recognised that when considering what constitutes sustainable development in accordance with paragraph 11 of the National Planning Policy Framework, the policies in Framework need to be taken into consideration as a whole. It is submitted that the proposed development at Gore Farm constitutes a sustainable development and one which is of benefit to the agricultural enterprise.

- 7.3. Paragraph 83 of the National Planning Policy Framework refers to supporting a prosperous rural economy. Paragraph 83 states *“Planning policies and decisions should enable:*
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
 - b) the development and diversification of agricultural and other land-based rural businesses;”*
- 7.4. The proposed development will provide much needed secure storage to support Gore Farm and the applicant’s expanding agricultural enterprise, helping with their aim to provide British apples and pears to the British consumer. It therefore supports the local and British economy.
- 7.5. It is quite clear that the NPPF places great importance on the contribution that agriculture makes to the rural economy and correspondingly provides support for its growth and expansion. The proposed development at Gore Farm will support the ongoing expansion and improved efficiency of a business which plays a significant role in the rural economy in Kent, the south east and nationally having regard to the top fruit industry.
- 7.6. AC Goatham and Son are one of the largest top fruit growers in the UK and reinvestment in the business in the eight years ended 2018 has been £63.4 million through their whole business to ensure they meet the future needs of their staff, growers, suppliers and customers. £10 million was expended on the first packhouse at Flanders Farm. This reinvestment continued and following approval in 2015 another £10 million was spent in expanding the facility further. Chavereys Accountants report that in 2018 actual GVA for the business was £26.8 million. This is forecast to rise to circa £39.9 million by 2028.
- 7.7. This proposal is therefore hugely pivotal in being able to support the continued reinvestment of the business locally, however, this is impossible if the applicant cannot manage the holding with the machinery kept temporarily on site and provide the trees with the necessary husbandry attention during growth to optimize fruit quality and quantity.

- 7.8. At paragraph 91(c) it is acknowledged that decisions should aim to achieve healthy, inclusive and safe places which support access to healthy food. The provision of an agricultural building to support the growth and harvesting of top fruit would duly support such.
- 7.9. Paragraph 155 of the National Planning Policy Framework advises that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at high risk; flood risk is not of concern in this case.
- 7.10. Recognition of the wider benefits of trees in the form of “natural capital”, “ecosystem service”, beauty, character and economic benefit is acknowledged at paragraph 170 of the NPPF. The proposal enables such support, as they require secure storage and work area associated with the business can ensure not only a managed landscape, but most importantly, a landscape which can be managed in a viable way – without which, management would not occur.
- 7.11. Importantly, paragraph 171 identifies the adoption of a strategic approach to maintaining and enhancing natural capital at “*a catchment or landscape scale across local authority boundaries*”; and that is exactly what this proposal delivers on.

Swale Borough Council Bearing Fruits

- 7.12. It is considered that the relevant policies from Swale Borough Council’s Bearing Fruits local plan include:
- ST1 Delivering sustainable development in Swale
 - CP1 Building a strong competitive economy
 - DM3 Rural economy
 - DM14 General development criteria
 - DM24 Conserving and enhancing valued landscapes

- 7.13. Policy ST1 considers the ways in which development can be delivered in the Borough in a sustainable manner, in accordance with the NPPF. Like the importance that the NPPF gives to the economy, the first point of Policy ST1 requires that all development proposals should “*Build a strong competitive economy by meeting needs for inward investment and indigenous growth on allocated and suitable sites, including meeting the needs of under-represented sectors;*”
- 7.14. The proposed barn, bin pad and hardstanding will allow AC Goatham & Son to store some the necessary machinery and equipment securely at their holding whilst also having an area to load and unload vehicles and to store apple bins. This investment will ensure that AC Goatham & Son can manage the holding as efficient as possible and thereby continue to make an important contribution to the local economy.
- 7.15. Core Policy 1 also considers the importance of the economy in the Borough. Specifically, CP1 point 8 states that development proposals should: “*Address future challenges to the agricultural and woodland/forestry industries with sustainable and appropriate proposals to create new markets and greater resilience;*”
- 7.16. One of the current challenges facing the top fruit agricultural industry, as well as other sectors, is Brexit. The threat to labour supplies, alterations in imports and potential shifts in market trends are all challenges that the agricultural industry are already facing. In order to overcome these challenges, the efficiency of the holding and yields is even more profound. Importing certain machinery and equipment from other holdings to temporarily serve this holding and being able to securely store it overnight at various times of the year is crucial to improving efficiency. It also means that jobs can be undertaken as soon as the need arises. An onsite maintenance area located centrally within the holding enables certain work to be done on equipment during the day.
- 7.17. The ability to provide welfare facilities for workers as well as ensuring that there is a designated placed for food and rest to be undertaken in all weathers also adheres with modern welfare policies and ensures that the workplace is attractive.

- 7.18. Alongside this ‘new’ threat, the industry is also facing challenges in terms of food transparency, cheaper imports, changing legislation and a general decline in pollinators. In order to ensure that the production of top fruit remains profitable and competitive, growers have to produce high yields, with little waste on as cheaper margin as possible as well as keeping up with demand. To achieve this, alongside the new high yielding strains of fruit, efficient machinery and technological advancements there has to be backbone of reliable labour to work the machinery, as well as the facilities in place to facilitate the efficient management. This proposal would provide the ability to house this machinery and equipment to improve this efficiency, whilst also ensure that there is an adequate area for deliveries and fruit trains to be loaded, unloaded and turned.
- 7.19. Policy DM3 specifically considers the rural economy, with specific reference to the agricultural sector being given in the preamble to the policy at paragraph 7.1.17 which states: *“For the agricultural sector, the industry has highlighted the need for it to keep pace with the changing context brought about by climate change, food security, food miles, the decline in pollinators, global markets, major food retailers and changing legislation/guidance. These may bring about demands for facilities such as large scale crop storage facilities and new growing techniques. Policy DM3 supports farmers to respond to these challenges.”*
- 7.20. Policy DM3 then goes on to say *“Planning permission will be granted for sustainable growth and expansion of business and enterprise in the rural area.”* As considered above, this proposal would facilitate the sustainable growth of AC Goatham & Son’s business at Gore Farm, as well as across its wider holdings. The ability to store machinery, equipment and apple bins in situ, with the appropriate facilities, will ensure that Gore Farm can contribute to points b. and d. of policy DM3; namely *“extend the growing season or improve the reliability and availability of local crops; ...increase the availability of locally grown food sold direct to the consumer...”*
- 7.21. Policy DM14 is Swale Borough Council’s policy which covers general development criteria. It is considered that this proposal accords with these criteria fully, in that this development would accord with all policies contained within the development plan; specifically those relating to agriculture and the rural economy (point 1). The proposal also contains the necessary information for the Council to consider the application, in accordance with point 2.

- 7.22. It is also put forward that the proposal will contribute towards the response to the constraints of climate change, as it will reduce the reliance on transport of machinery, in accordance with point 4. It is also considered that the proposal is well sited and is of a design, scale and appearance that is sympathetic to the locality as it is situated within an area that has already been approved for the creation of a concrete bin pad. It is also important to note that a building of 1000 square metres could be provided at the holding without requiring full planning permission but rather utilising the Prior Notification procedure.
- 7.23. Furthermore, the proposal site is well screened and is not in close proximity to any residential properties to impact upon amenity or any listed buildings so that heritage is not impacted upon. The proposal building could have been proposed closer to or on the main farmyard which supports Gore Farm, but this would potentially have an impact upon residential amenity and heritage assets. The location of the main farm yard is not central to the holding like the proposed location is, so is not as easily served by internal farm tracks.
- 7.24. The proposed agricultural barn is akin to a wide range of agricultural buildings across the borough and wider landscape. The darker and green colouring of the barn will ensure that it will blend in with the landscape which is already well screened.
- 7.25. With regard to aspects of design, it is important to note that the concrete bin pad could be provided here in line with the previously approved prior notification with reference 19/504961. As this hasn't been implemented 1000 square metres of building for machinery storage could still be provided within this prior notification procedure. These are material considerations that hold weight as a 'fall back' position that should be given deliberation during the tilted balance and decision making process.
- 7.26. In 2013 a High Court challenge to the grant of planning permission for a new out-of-town retail development offered some judicial explanation of when a planning authority can take a fallback position into account when deciding to grant planning permission for a new development.

- 7.27. In the Case of *Zurich v North Lincolnshire Council* one of the grounds of Zurich's challenge was that the Council had wrongly taken into account the potential for a fallback open retail scheme. While Zurich argued that the committee should only have been advised that they could only take a fallback into account if it was a realistic prospect, the Court rejected this. The Court held that in order for a fall back to be a material consideration, it has to have a "more than a theoretical prospect". Therefore, while the weight that is to be attached to the fallback may be decided by the likelihood of its occurrence, the Court did not feel that it affected its status as a material planning consideration.
- 7.28. The strength of the fallback position has been acknowledged at various similar appeals. Whilst each case is considered on its merits, it is worth noting that, under appeal reference APP/B4215/W/15/3135001 for example, in granting the change of use of three office units to six self-contained flats, the Inspector stated that "*there is a strong likelihood that, even if the appeal was to be dismissed, a change to residential use and the resultant loss of employment space would occur in any event. The fallback position is, therefore, a material consideration of very considerable weight.*"
- 7.29. In 2016, a High Court judgement was made between Mansell and Tonbridge and Malling Borough Council regarding a residential development on the outskirts of East Malling, for four, five-bedroom houses. Within this judgement, the Honorable Mr Justice Garnham considered the fallback position of a Class Q permission for the site and the weight that should be attributed to it. Judge Garnham considered that "*In my judgement therefore, it would have been unrealistic to have concluded that, were the present application for permission to be rejected, the interested party would do nothing to develop this site. On the contrary it was plain that development was contemplated and that some development could have taken place pursuant to class Q. The Council was entitled to have regard to the fact that there might be separate applications for permission in respect of some elements of the scheme and to advise that appropriate regard must be had to material planning considerations including the permitted development fallback position.*"
- 7.30. It is therefore submitted that it is quite clear that should this application be refused either the concrete bin pad or an 1000 square metre agricultural building for machinery storage etc. could be provided here. This permitted development fallback position is a material planning consideration that therefore must be given appropriate regard.

8. Other material considerations

- 8.1. The proposal site is not located in an area which is at risk from either surface or fluvial flooding according to the governments flood map for planning as shown in figure 6.

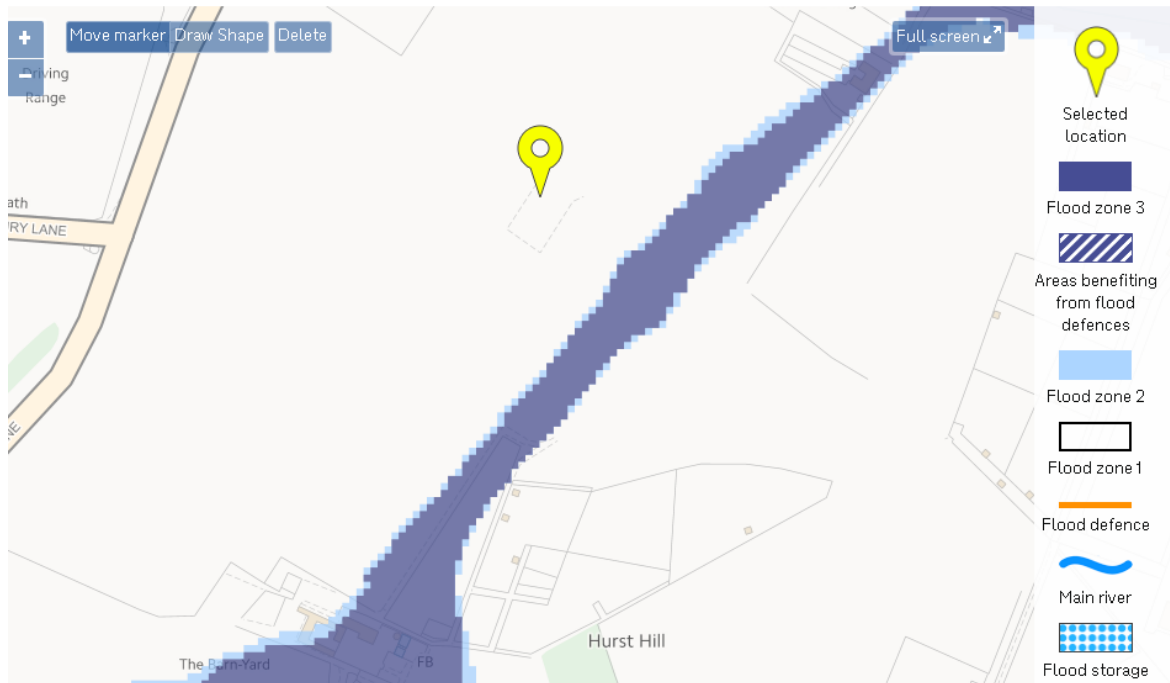


Figure 6 flood map for planning

- 8.2. The proposal site will make use of an existing access on to Oak Lane and will make use of the internal access tracks associated with the farm. The access has good visibility and is currently in use for agricultural traffic, so there will not be an increase in the amount or type of traffic that use this access. The site is already used for the storage of apple bins so all traffic associated with this and access to the holding for agricultural purposes will not alter.
- 8.3. The proposal site is also located more than 220 metres away from any residential properties. Such a distance will ensure that there will not be any impact upon residential amenities in terms of noise, overlooking or overshadowing. The provision of an internal workspace and amenity facilities will ensure that any potential noise from machinery repairs can be undertaken in an enclosed space.

9. Conclusion

- 9.1. This application for the provision of an agricultural building for storage and workshop, concrete hardstanding, and associated engineering operations supports AC Goatham and Son's growing business needs to manage the holding and apple bins efficiently.
- 9.2. This proposal site is well placed to host the building; it is well screened, central to the holding as well as being at a considerable distance away from any residential properties to ensure that there is no impact upon residential amenities.
- 9.3. The proposal accords with and gains significant support from local and national planning policy. It is respectfully requested that this application be approved.



ADDITIONAL SUPPORTING INFORMATION

Swanton Farm, Bicknor

August 2018

Additional Supporting Information

In support of

Application 18/501312 - Provision of a cold store, concrete hardstanding, irrigation lagoon and associated engineering operations and the upgrading of an existing track and access

at

Swanton Farm Bicknor Road Bicknor ME9 8AT

On behalf of

AC Goatham and Son

To be read in conjunction with the Supporting Planning, Design and Access Statement and the Supplementary Supporting Statement submitted to Maidstone Borough Council on 6 June 2018

ISSUE DATE / REVISION	COPY REVIEWED BY	DATE COPY HAS BEEN REVIEWED
Further Supporting Information (Aug 18)	TWO	9 August 2018
Further Supporting Information (Aug 18)	JL	14 August 2018

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1. Introduction

- 1.1. In order to refine consideration of this application (18/501312) this statement has been produced in order to consolidate how the application satisfies paragraph 172 of the NPPF 2018. This statement explains how it may properly be considered that the proposed development (“the Development”) does not amount to “*major development in the AONB*”. In circumstances where the development is considered to amount to major development, this statement further explains how “*exceptional circumstances*” are nevertheless demonstrated and the Development is also in the public interest. This further statement has been produced following a meeting held with the Council following on 17 July 2018.
- 1.2. Paragraph 172 is to be read subject to footnote 55 of the NPPF 2018. This footnote provides for the exception, intended to apply in respect of this paragraph, from the Glossary definition of “*major development*”. This question is one of fact, taking account of the nature, scale and setting and whether it could have a “*significant adverse impact*” [our emphasis] on the purposes for which the area has been designated. Footnote 55 does not signpost any relative significance as between these three criteria. Ultimately, how these criteria fall to be considered in respect of any given development and the AONB will be intimately associated with the overall assessment of whether the development gives rise to a significant adverse impact. This impact must also be taken to be residual, being one that takes account of any mitigation forming part of the development.
- 1.3. Many of the matters that are capable of amounting to exceptional circumstances under paragraph 172 overlay with the public interest. This Statement turns to consider subparagraphs (a), (b), and (c) of paragraph 172 NPPF 2018 together with the public interest.
- 1.4. As the application illustrates, taken together with the updated landscape and visual assessments forming part of the application, it has been robustly assessed that the Development does not have a “*significant adverse impact*” taking into account the nature, scale and setting of the Development within the AONB. More particularly, the summary statement prepared by the Landscape Architect (Ref hla 283R02 10-08-18) confirms that the Development would not temporarily or permanently alter the landscape character and views of the AONB, let alone in a manner which is perceived to cause a “*significant adverse impact*”.

- 1.5. The Development is therefore one which could properly be defined as *not* amounting to major development. In the result, there is no requirement for the application to go on and demonstrate exceptional circumstances or the public interest.
- 1.6. Nevertheless, for completeness, this Statement proceeds to outline *alternatively* the exceptional circumstances that exist in respect of the development and to show that the Development is strongly in the public interest.

Discussion

- 1.7. In terms of paragraph 172 of the NPPF 2018, when viewed as a whole, the Development must be seen in the context of the established and sizeable farmstead owned by the applicant and of the holistic operation at Swanton Farm (including the 20 mobile homes, agricultural barn, and approval for a further barn, amenity building for the workers and additional 15 mobile homes, together with the extent of hardstanding already at the site).
- 1.8. Furthermore, this Development must also be considered in the context of the well-established and sizeable built form sited immediately opposite the proposed footprint for the Development, and which has originally formed part of the farmstead.
- 1.9. In the locale also, there is existing examples of this type of infrastructure within the AONB. The site at Fourayes, which is similarly used in connection with a top fruit farming operation, highlights a not dissimilar scale of development in keeping with its landscape setting.
- 1.10. This same report actually identifies that not only are the requirements of the Kent Downs ANOB Unit Landscape Design Handbook met, but also with regard to the Maidstone Landscape Character Assessment Supplement 2012 and the specific landscape character for the area (Bicknor and Hazel Street Orchards) and the requirements to “*Conserve and Reinforce*” this character area (which is not substantially different from the ‘conserve and enhance’ emphasis of paragraph 172 NPPF 2018), the Development materially enhances the area with the addition of planting (orchards and hedgerows) and respective management. Reaffirming therefore that there would be no harm, let alone “Significant adverse” to warrant the proposal constituting ‘Major Development’ in the context of footnote 55.

1.11. Section 4.1 of the Supplementary report submitted on 6 June 2018 [doc Ref May 18] considers many of the conspicuous benefits (many of which go directly to sustainability) arising from the Development, including, but not limited to:

- the proposal will reduce net lorry movements to/from Swanton Farm by over one half (given that lorries will be full when departing the site);
- the proposal will spread the concentration of the overall reduced HGV movement at Swanton Farm throughout the year;
- the proposal will prevent the concentration of increased HGV movements to another site or farm at harvest time increasing pressures on the road network and inevitably the rural lanes if going to another farm;
- the proposal will remove any need for HGVs to visit another site/farm to pick up fruit that has been grown at Swanton Farm;
- the proposal provides a working yard and site entrance further from local residents than is currently the case;
- without the proposal, yard activity is increased and centred at the existing yard which is smaller and closer to local residents;
- preventing the fruit being moved to another site reduces food miles and CO2 emissions;
- the proposal prevents the double handling of the fruit and preserves its quality, giving every chance of the fruit filling the market void;
- the proposal prevents further depleting the availability of modern cold storage; and
- the site at Swanton Farm is ideally placed for road access to distribute the produce for packing, as well as inward access for the seasonal pickers which can monitor the stores for health and safety purposes and well as for stores breakdowns;

1.12. Section 4.2 of the Supplementary report submitted on 6 June 2018 identifies considerable accolades obtained by the applicant. These demonstrate clear sector accomplishments highlighting the applicant's position and importance within the top fruit industry.

2. Public Interest

2.1. In considering sub-paragraphs (a), (b) and (c) 172 of the NPPF, and “*exceptional circumstances*” as well as the public interest, the following matters may not least be considered:

I. Supply Chain (whether or not in a “*No deal*” Brexit)

2.2. AC Goatham and Son currently provide Sainsburys with 60% of their English apples and pears. Additionally, the business is providing Aldi with 20% of their English topfruit, Lidl with 11% and Iceland with 9%. Cumulatively, this amounts to a very considerable and important share in the national supply chain, with AC Goatham and Son understood to be one of the largest, if not the largest, grower of top fruit in the UK. This also signifies a trusted, constant and high quality supply meeting an increasing national demand. Disruption to this supply, which would indirectly result through a refusal of the Development, would plainly not meet with the public interest. This is also a clear national consideration that holds much significance for the national, regional and local economies.

2.3. In order to ensure continuity of such supply, maintain contracts and meet the increasing national demand to replace otherwise foreign fruit in the market, the applicant has been required (which is not untypical within the horticultural market, to ensure basic business viability) to invest in a long-term planting program, which includes the purchase and planting of Swanton Farm. This means that by 2023, Swanton Farm will be producing the greatest quantity of fruit on a single farm owned by AC Goatham and Son and which will account for 14% of the topfruit grown by the business. This is significant for the business in being able to support four major supermarkets in their bid to supply the general public with more British fruit to be able to compete with foreign imports. Absent storage, such as that proposed, means the 14% target cannot be met and this domestic product will become less competitive within the domestic market.

- 2.4. It is crucial that in able to deliver the prices for fresh British fruit demanded by the public and grown across AC Goatham and Son's entire business it is imperative given the characteristically fine and vulnerable margins for production, that each farm can prove self-sustaining. Where one farm cannot contribute to overall production, this exposes to serious jeopardy established and planned contracts. For arguably the single largest supplier of topfruit within the UK, this would have a very detrimental impact on national top-fruit supplies and prices in the fruit market.
- 2.5. The importance of the supply chain is no less so in the event of a "no deal" Brexit. Whilst it must be observed that matters remain fluid, businesses of national significance such as that of the applicant must responsibly plan and insulate, so as to be well-positioned to be able to maintain national supply, especially in the event that international supply is disrupted or reduced. It is forecast that import tariffs will be imposed in a "no deal" Brexit world. This is by no means unduly speculative. This will in turn resound the importance of British grown top-fruit, and will heighten the national importance of AC Goatham and Son to meet its contractual obligations. As above, in order to do so, the ability to store 14% of its businesses fruit adequately becomes even more evident. Without this 14% provision, not only is supply of British fruit considerably reduced, but a greater proportion of foreign fruit cannot fairly be competed with, which will inevitably have the adverse effect of rising prices for the general public in being able to purchase fresh fruit. With greater levels of import tariffs, it is also not unreasonable to expect an adverse impact on international supply to the country as the British market becomes more uneconomically attractive to those in the international supply chain.
- 2.6. The above therefore points strongly to the development being in the national (regional, and local) and public interest.

II. Supply Chain in a "Good Brexit"

- 2.7. As identified above at figure 2.2 AC Goatham is one of, if not the, largest topfruit grower in the UK, supporting four major supermarkets, with Sainsbury's having a clear outright dependence on AC Goatham and Son's ability to provide topfruit.

- 2.8. In the event that a “Good Brexit” (or more cooperative transition from EU membership) is structured, this has the effect of increasing reliance of AC Goatham and Son in fulfilling market demand as dependence of EU imports is reduced. This only makes the reliance on home grown produce all the more crucial.
- 2.9. Despite Government driven initiatives to promote an increase the quantity of home grown fruit (which is a clear direction of national policy travel with which this Development sits very well), the stark reality is British apples decreased their share of the market to 33%, being a 22% fall on the 2016 figure of 42% (taken from the DEFRA Horticultural figures released on 31 May 2018). This only highlights that a further dent in ability of AC Goatham and Son to deliver its fruit to market would have a greater impact on an already declining situation. This only puts a greater level of public interest in one, if not the, largest topfruit growers in being able to store its produce to displace foreign produce. Again, the national, regional and local economies and public interest will therefore be served by the Development.

III. Freshness in provision

- 2.10. Apples must be stored in order to make them available to the market for as long as possible and the industry demands have and are changing to reflect this. Historically, supermarkets have been able to displace foreign fruit with British fruit where the demand was for stretching the availability of produce for a few months in the year was the norm. In the past, this could largely be achieved with off-site storage providing facilities were modern. Now however, displacement alone isn't good enough for a couple of stretched months, the drive is for all year-round displacement and retained quality in produce freshness at the same time.
- 2.11. In order to achieve a greater degree of freshness, produce needs to get into store without undue delay, whilst in order to improve the chances of longer period of storage the fruit also needs to be put into storage as quickly after picking as possible. Points supported in the Apple Best Practice Guide [See **Appendix 1**] produced by the Agriculture and Horticulture Development Board (AHDB) working with DEFRA.

- 2.12. As a minimum, AC Goatham and Son aims to get their produce into storage within four hours of picking. The reality is though that this is still short of what has now been identified in the Apple Best Practice Guide. This is best practice which must be taken to serve the public interest. It is a driver for best quality. It is one that will not be relaxed, but if anything, will become refined over time and become a mandatory Industry standard before too long. It is effectively mandatory now, given that national growers are required to be competitive with international imports. It is therefore a paramount driver which the applicant must realistically meet, but which may only be accommodated through infrastructure mechanisms such as the Development. AHDA and DEFRA identify that storage should be within 2 hours of picking to prevent temperature build up in the fruit, and to allow longer storage and retain marketable quality. This is simply unachievable through off site storage, even if due regard is given to the land within the applicant's ownership (irrespective of an AONB).
- 2.13. Therefore, accommodating the store in the proposed location at Swanton Farm (which is central in the holding) gives the applicant the optimal opportunity of meeting the guideline 2 hours window, which is already tight when it takes approximately one person two hours to fill one fruit bin (and fruit trains attached to tractors are capable of holding only 6 fruit bins). Logically therefore it can be seen it gives the applicant little, if any, allowance for travel time of the fruit to store (let alone having to be loaded into an HGV to be taken off site) without already compromising quality. The idea therefore of locating a store on a site owned by the applicant outside the AONB is not therefore possible, even before considering such matters of logistics, cost etc. as highlighted in the supplementary report provided in June. The provision of the store on site can therefore be seen as a public benefit both in terms of produce freshness and longevity of storage but also a reduced carbon footprint (which is also recognised by AHDB in Appendix 2 at the first paragraph), as well as the providing the obvious logistical benefits to the applicant.
- 2.14. Notwithstanding the view of requirement on site, Maidstone BC have asked that the applicant explore the possible availability of some storage space at Fourayes. Ignoring the fact that it would not be possible to store all of the fruit required for storage at Fourayes, a response from the Managing Director is enclosed at **Appendix 2**. This confirms that there is no space.

IV. Jeopardy to necessary funding

- 2.15. Given the large capital costs to the business in providing the proposed facility (in the order of £5,000,000) and given consideration for the businesses committed expenditure, the applicant is seeking an EU grant – the last understood to be available and issued on a ‘first come first served’ type basis for successful applicants. This requires a decision notice to be issued imminently in order for the applicant to capitalize accordingly. The impact of refusing the proposal (even if subsequently then allowed on appeal) will preclude such highly important and strategic funding being available.
- 2.16. This makes the provision of the store even more important, as it is not unreasonable to assume that investment in other areas such as growth, research, further employment and development will all need to be re-considered if funding is not obtained. This will reduce other investment opportunities offered by the business, a point considered at the hearing in allowed appeal APP/A2280/W/17/31814 and noted at paragraph 23 of the appeal (copy enclosed at **Appendix 3**).

V. Employment

- 2.17. In direct terms we are advised by the applicant that 250 people in the main packhouse at Hoo would have their employment position extended by a further month from 9 to 10 as the seasonal availability of the produce is extended and the quantity increased. This creates two benefits, first it obviously effects those employed by strengthening their employment position and offering them additional revenue and secondly, it increases the security of the existing workforce to the applicant in an already unknown employment market as they would understandably be less likely to seek employment elsewhere.
- 2.18. If the proposal is not supported, there would be a reduction in the number of people who will be directly associated with the running of the cold stores and their continued maintenance. This could involve two/three full time, at least – a loss (albeit modest).
- 2.19. Arguably, there could be a net loss of direct employment by 140 workers per annum directly at Swanton Farm, if, it is unviable to harvest the crop as the extra logistical costs and storage costs generate no greater degree on return than otherwise just leaving the fruit on the tree.

2.20. Without this facility, there is no public benefit to local businesses involved in the erection of the building and site preparation. Given the nature of the building required and the county of Kent being widely known for its topfruit production this would see a significant investment removed from local businesses which are both involved in the erection and ongoing maintenance of such buildings. This comes at a time when one of Kent's leading cold store provider's (ICA Storage) went into administration last year (highlighting the existing industry pressures) and at a time when there are already questions being asked of the construction industry in light of Brexit.

VI. Shortfall in stores and smaller growers being driven out

2.21. The supplementary report provided on 6 June highlighted (at figure 1.11) the already limited availability of cold stores across the county which is deficient by over 300,000 bins. Worse still, when you take out old inadequate storage this is more like a deficit of 500,000 bins worth of storage.

2.22. Before AC Goatham and Son purchased their store, it is understood that the former site owners were sending some of their overall fruit to Hampshire into rented stores. This only serves to highlight an already existing shortfall in local third party storage. A problem which will only increase as the recent planting come into fruition and without further stores being provided.

2.23. Whilst it cannot be confirmed by anyone other than the previous land owner it would not be unreasonable to identify that it was unlikely that the AHDB target of 2 hours was met. Similarly, it is not unreasonable to assume that the previous land owner may well have foreseen the industry changes on storage time from picking and the shortfall in storage at Swanton to help support their position to sell Swanton Farm.

2.24. With a shortfall in storage, the competition for storage is then extremely high, driving up the prices that can be commanded by third party storage providers with the reality being that smaller growers serving more local outlets (who are heavily reliant on third party storage given the capital costs of building modern cold stores themselves and long payback periods) are unable to compete in the market given the tight financial margins and this leads to the potential of some not being able to even get their fruit to market. This position will only see the demise of local growers, and as a consequence the logical demise in the landscape's character being retained as orchards. Neither of which benefit the local economy, countryside of the general public.

VII. Costings

2.25. Notwithstanding the Councils' agricultural advisor recognising the functional requirement and the industry change in "freshness" provision and foreign fruit displacement attached at **Appendix 4** is a letter from Chavereys Chartered Accountants which considers both the capital costs and revenue costs associated with cold storage provision away from Swanton Farm.

2.26. Not only does this reaffirm our previous position that banks will not support lending on a leasehold basis (para 3.3), identifies the capital cost associated with purchasing an additional site to provide a new facility, which are estimated to be in excess of £2 million. The Council enquired as to whether an approach had been made to the owners of the site just to the north of the application site and behind Captain's farmhouse. Notwithstanding that identified by Chavereys in terms of capital cost, there would be further demolition costs to factor in as the existing site would not warrant conversion.

- 2.27. This of course assumes that AC Goatham and Son could afford the site outside the already committed expenditure by the business and assumes the owner would be a willing to sell. On the basis that the owner was not prepared to assist the applicant in negotiating a commercial arrangement to assist in the delivery of an electricity supply, it is not unreasonable to assume a reasonable and timely arrangement could be agreed even if additional capital could be found by the applicant. Which is currently not understood to be the case. Despite being a disingenuous excuse on the grounds of cost, the applicant, at the request of the Council has made enquires to Mr Butler of Lambert and Foster, the applicant's agent with regard to the site potential being available. It has been confirmed that the site is not available.
- 2.28. In the case of the latter however, the letter from Chaverey's does not have any regard to specific site capital costs which might for example include the provision of an adequate electricity supply (which we are informed is likely to cost in excess of the that already available at Swanton Farm, which we are advised, already comes at a "reasonable" cost of £100,000).
- 2.29. Similarly, there are other site-specific costs to consider and which further justify the location provided. This includes the capital cost associated with drainage. The building needed to store the identified quality of fruit generates a large amount of run-off water, meaning that a reasonable size irrigation lagoon is needed. This can be provided at Swanton Farm and of course the orchards at this site are significant enough to then use the water for irrigation purposes. If however, the applicant had to put the facility on another farm, there would not be a comparable size of orchard to deal with the water "absorption" so one either over waters the trees to make sure there is always enough drainage capacity (resulting in a worse crop), or makes the size of the lagoon much bigger (which has obvious capital cost and removes more orchard which results in an obvious income reduction). Of course, this then still does not help future-proof against hot weather at Swanton as there would be no irrigation facility here, meaning the crop quality is sacrificed or there would be additional costs associated with importing water or putting in another reservoir here with further land drains.

VIII. Perceived detrimental effect on the environment and to which it could be moderated.

- 2.30. It has already been accepted by the Council's agricultural advisor and the Council that the functional requirement for the quantity of fruit requiring storage, and which dictates the size of the building is acceptable.
- 2.31. Concern however, has been expressed in the past about perceived impact on the landscape in the context of the building's size within the AONB. Whilst it was considered that this was adequately addressed through the appointment of a Landscape Architect to factor in any necessary mitigation, since meeting with the Council on 17th July, further proposals have been made to set the building further in the landscape by an additional 1.5m, whilst offering a "building up" of the orchard by a further 1.5 metres on the east side.
- 2.32. Copies of this proposal were provided to the Council on 2 August, but for completeness are also provided at **Appendix 5**. Additionally, further comments in connection with this and offering a summary of the proposed context are provided by the Landscape Architect at **Appendix 6**.
- 2.33. Of a further consideration to perceived public harm, and notwithstanding the need to be on site to meet the change on industry in terms of "Freshness" and cost elements, are the 'micro' public benefits derived from the Development being at Swanton Farm rather than another site. This brings into focus the following considerations not least:
- the matter of possible flood risk on a smaller site elsewhere (see 2.29 above),
 - double the number of HGV movements still arriving at Swanton Farm, but to take away the fruit to an offsite location;
 - significant HGV vehicle movements to another locality and concentrated at harvest time and then again distributed throughout the year for subsequent distribution to the packhouse;
 - an increased level of visibility within the AONB derived from having the site at the nearest farm from Swanton i.e., Gibbens Farm (as considered previously by the landscape architect having regard to the LVIA);
 - increasing food miles of the produce;

- reducing the quality of available British fruit throughout the year to British consumers (as supported by the AHDB document); and
- increase in perceived harm to residential amenity from a greater number of local residents, for example in the locality of Gibbens Farm which is located off the centre of Bredgar village, compared to the hamlet of Bicknor.

3. Conclusion

- 3.1. Giving due regard to the qualified assessment of a Landscape Architect, the immediate site context and the context of the local landscape character and function, this proposal is not considered to be “*major development in the AONB*”.
- 3.2. As the application illustrates, taken together with the updated landscape and visual assessments forming part of the application, it has been robustly assessed that the Development does not have a “*significant adverse impact*” taking into account the nature, scale and setting of the Development within the AONB and it is our view therefore that no regard needs to be given to paragraph 172 of the NPPF, as amended.
- 3.3. There is no requirement for the application to therefore go on and demonstrate exceptional circumstances or the public interest. Notwithstanding this, this statement further explains how “*exceptional circumstances*” are nevertheless demonstrated and that the Development is strongly in the public interest.
- 3.4. Furthermore, and despite the development being considered acceptable as first submitted, the applicant has taken the additional steps to further mitigate against any perceived harm by reducing the building in the landscape further and offering an additional land raising whilst retaining a functional orchard.
- 3.5. Respectfully, this application should be approved as it meets the requirements of local and national policy.