



PLANNING STATEMENT

Compost Track



Site: Field to the south of Luddesdown Road

Prepared by: DHA Planning Ltd & Vineyard Farms Ltd

Date: 20/11/2023

1.1 Introduction

- 1.1.1 This planning statement has been produced by DHA Planning and Vineyard Farms Ltd to support a retrospective planning application for the necessary engineering/operational works to construct a track to serve an associated storage area ancillary to the operations of Vineyard Farms Ltd.
- 1.1.2 This application is a re-submission of application 20230541, for a similar proposal. This covering letter sets out the merits of the proposal, including the amendments that have been made in addition to providing additional context to the Council to understand why the proposal has been made and how the use is an important element of the overall operation of the farm. The statement also explains the importance of the track to the Estates 'organic' net zero vision and explains why the location has been selected.
- 1.1.3 While recognising the previous application, following a pre-application meeting with the Council it was explained by the Officer's M/s Faye Hobbs and M/s Katherine Parkin that the Council were not clear as to how the application (and the nearby car park application) fitted into the wider land holdings and the ongoing farming operations. This application seeks to address this and provide additional information in the form of further context on the application and the wider operations of the applicant. A formal pre-application response was issued on the 19th October 2023.

1.2 Applicant introduction

- 1.2.1 Vineyard Farms Ltd are based in Luddesdown, Kent, and are the largest organic vineyard and the largest single vineyard site in the country, with some 1600 acres of vineyards, woodland and pastureland. The 'estate' is referred to as the 'Silverhand Estate'.
 - 1.2.2 Vineyard Farms vision is to become to UK's largest producer of English sparkling and still wines. In order to do this, they have invested significant sums in infrastructure vineyards and people. At the heart of their vision is operating in the right way, and this means that they farm organically, sustainably and create the right environment for their people and workforce.
 - 1.2.3 The Applicant intends, as part of a 'Brexit good news story', to improve the English economy by creating jobs, providing investment and putting Kent on the map for the fast-growing industry of English wine.
-

- 1.2.4 MDCV UK (the applicant's parent company) has a vision to bring the finest English and Provençal wines to the UK market. MDCV has a long history of producing award-winning Provence Rosé and English Sparkling Wines, with an extensive infrastructure, both in France and the UK. They will be the largest producer of wine in each of these regions by 2027, with a combined production of over 10 million bottles annually.
- 1.2.5 MDCV's French estates span over 1000 acres and are already established in many global markets, with sales of over 6 million bottles. The Silverhand Estate is to be the largest single vineyard site in the UK, and the intention is to be in full production from 2024.

1.3 Application Site

- 1.3.1 The site is located to the northeast of Luddesdown comprising part of a large field that sits relatively centrally within the wider farm area. This is illustrated on the submitted estate masterplan.



Site location plan

- 1.3.2 The site is located within the Kent Downs AONB, as well as the Green Belt.

- 1.3.3 Much of the field has been in use as a compost and storage area since at least 2003. The intensity of the use appears to have varied between the years, however it is clear that the use has remained consistent throughout this time.
- 1.3.4 The site was previously used as a processing operation conducted by Luddesdown Organic on behalf of Gravesham Borough Council on the same location.



2003



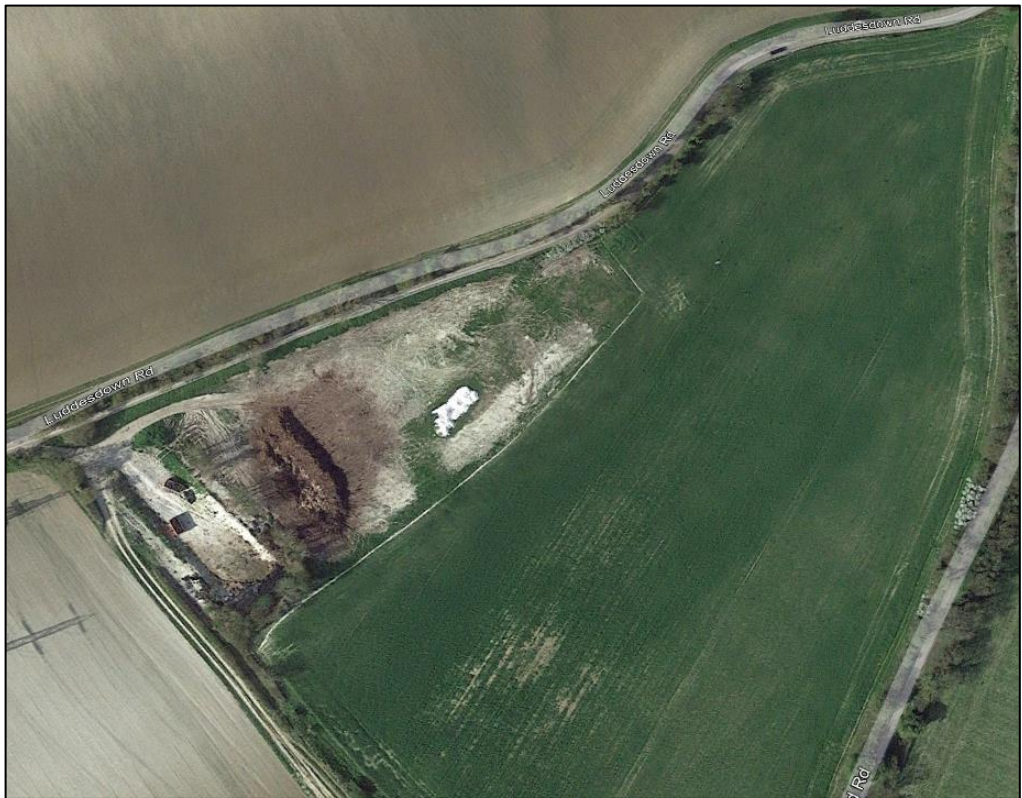
2007



2011



2014

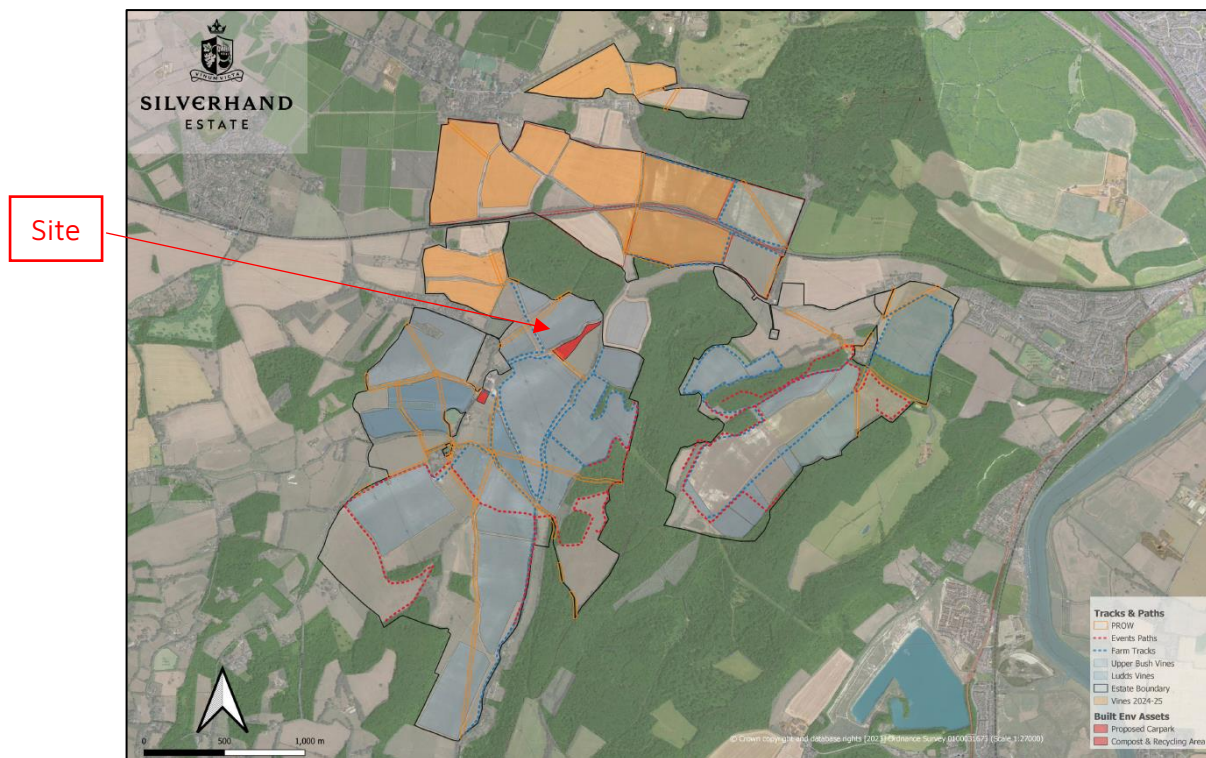


2015



2017

- 1.3.5 It is notable that the footprint of the current unloading area and compost bays is significantly smaller than the previous green waste processing operation, as the images above demonstrate.
- 1.3.6 It is noted that the Council in the previous application stated the site has "historically been used as a 'dumping ground'". This is not an accurate representation of the site's history, as stated above. This site is a composting and associated storage area and has been so for some 20 years.
- 1.3.7 The site has been chosen not just for its historical association with a composting use, but very importantly because it is centrally located within the overall estate. As the estate masterplan shows, it is extremely well connected to the vineyard areas across the estate and is considered the best location for the use. In this respect, the location helps to minimise HGV movements on the highway network and removes the need for HGVs to access the village. Further detail on this is provided below.
- 1.3.8 We also note that the location ensures that distribution of compost can largely be made utilising farm tracks, rather than the highway network. The chosen site has a central location with regards to the wider land and agricultural holdings of Vineyard Farms Ltd.
- 1.3.9 It is important to note that while the Estate are preparing a more detailed Masterplan, and intend presenting this to GBC, the siting of the compost area and requirement for the track will inevitably remain as a central part of that Masterplan.



Site masterplan

- 1.3.10 In choosing the site and determining that the new track was required, a number of important matters were considered.
- 1.3.11 Firstly, the historical access point located to the east corner of the site, has a relatively steep topography to the main road, and the corner is too tight to allow large vehicles/HGVs to turn right back towards Cuxton. If HGVs were to use this access, they would be required to be directed towards Luddesdown, to turn by the Golden Lion PH and then travel back toward the site. The same manoeuvre would be required when exiting. We consider this would cause disruption for local residents and highway users and should be avoided.
- 1.3.12 It is also evident from site visit that HGVs would not be able to turn right when exiting the compost area, however tracking diagrams can be provided to the Council if it is deemed necessary.



1.4 Planning History

- 1.4.1 The only planning history relating to the site is the previous application for a similar proposal (20230541)

20230541	Retrospective application for the necessary engineering operational works to construct a track to service an associated storage area	Refused (17/07/23)
-----------------	---	---------------------------

- 1.4.2 The application was refused for the following reasons:

1. The proposal would result in inappropriate development that would adversely impact on the openness of this site in the Green Belt and would encroach into the countryside. There are no special circumstances that exist that would outweigh this harm. As such, the proposal would fail to comply with the requirements of Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 137, 138, 147, 148 and 150 of the National Planning Policy Framework 2021.
2. By virtue of the introduction of unnatural, urbanising features in the countryside, the proposal would fail to conserve or enhance the rural landscape and scenic beauty of this site within the Kent Downs Area of Outstanding Natural Beauty and the Luddesdown Downs Landscape Character Area. As such, the proposal would fail to comply with the guidelines and principles of the Gravesham Landscape Character Assessment (2009), Kent Downs AONB Management Plan 2021-2026 and Landscape Character Assessment Update 2020, and the requirements of Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 130, 174 and 176 of the National Planning Policy Framework 2021.
3. In the absence of sufficient detail to demonstrate that harm to biodiversity has been adequately compensated for, the proposal is contrary to the requirements of paragraph 174 of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

- 1.4.3 Following pre-application engagement with the Council, further detail and context has been provided in making this application.

1.5 Proposed Development

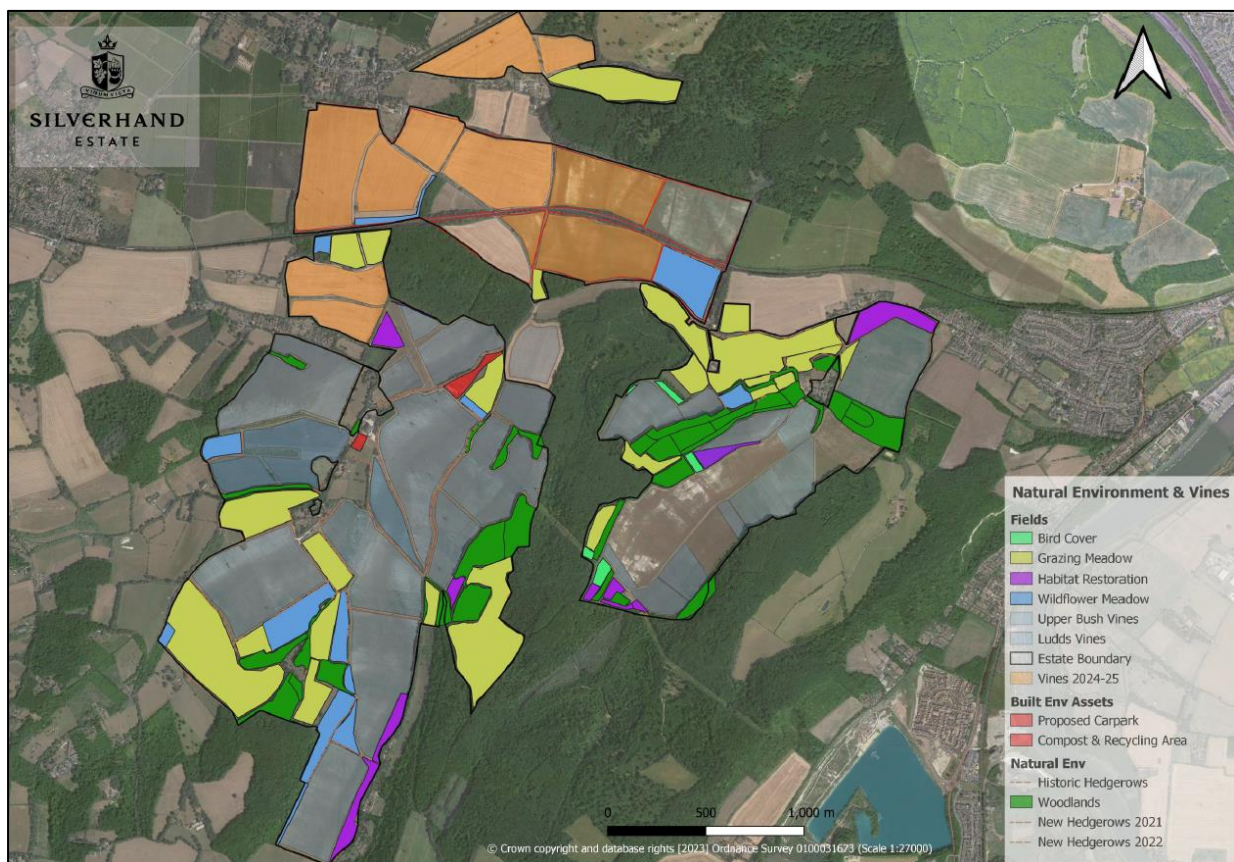
- 1.5.1 This retrospective application seeks permission for the necessary engineering/operational works to construct a track to serve an associated storage area ancillary to the operations of the applicant, Vineyard Farms Ltd.
- 1.5.2 The main access way into the composting area is taken from the access to the north of the site. The main building component of the track is type 1 limestone which blends with the landscape. We note that it is now several months since the works were undertaken and the material has already weathered and the edges of

the track are grown over and softened. The track now appears as a standard farm track where it is expected that regular use is to be made.

- 1.5.3 The main access point was positioned in the place with the most visibility into Luddesdown Road and has enough room for an articulated lorry to safely pull into the road, which was not possible from the access to the west.
- 1.5.4 To minimise impact of the proposal on the landscape, the following enhancements are proposed:
- A 130-metre-long mixed native species hedgerow will be planted across the site which in a few years will screen off the truck unloading area. The new hedge will be in effect a continuation of the hedgerow east of the site which connects with the SSSI woodland, increasing connectivity. The hedgerow will be interspersed with native tree planting. This new feature will be composed of native mixed species hedgerow with broadleaf tree standards (8-14cm girth) probably planted 4-5 meters apart. The trees are likely to be Field Maples as they are found in the vicinity.
 - The chalk used to construct the composting bays was locally sourced and will be left to naturally colonised by local plant species. This will increase visual screening when viewed from the track access.
 - Native tree planting along the track boundaries and between Luddesdown Road and the track to limit visibility.
 - Hedgerow gapping up of the existing hedgerow on Luddesdown Road The surrounding hedgerows will be cut on a three-year rotation and gapped up where necessary.
 - Locally sourced seeds will be used for creating a species rich grassland and managed through grazing.
- 1.5.5 The size and location of the track has been chosen to cope with the size and number of lorries coming to the compost area during the winter and to future proof the applicant's projected growth.
- 1.5.6 In addition, the site has a historical association with composting as previously set out, and is centrally located in respect the wider land holdings of the applicant.
- 1.5.7 As production of compost at the site increases, the number of lorries will decrease. Notwithstanding this, the use of the track will continue as the compost will continue to be stored at the site. The track will be fundamental for VFL to be able to ably distribute the compost around the Estate without needing to undertake difficult turning manoeuvres of tractors and trailers.
- 1.5.8 In accordance with the above, the access track and compost area are considered to be sufficient to accommodate the needs of the future business growth. No growth of this area is expected to be required, with the forecast business growth and land holdings.

1.6 Context to the application

- 1.6.1 The Silverhand Estate covers 632 hectares of land, of which 217 hectares is under vine and a further 161 hectares will be planted in the next two years making Vineyard Farms the largest organic wine producer in the country.
- 1.6.2 The rest of the estate is comprised of chalk downland habitats such as SSSI broadleaved woodlands, grazing and species rich meadows and hedgerows to be managed from next year under the High Tier Stewardship Scheme which will last at least 10 years. A map has been submitted to show how this is spread across the estate, and an extract shown below. The application site is the larger 'red' area, very much centrally located.
- 1.6.3 It will be noted that many Estate tracks connect to this central area, thus reducing the need for tractors and trailers to use the public highway network.



Silverhand Estate – natural environment

- 1.6.4 The applicant's business vision is to remain 'organic' and to achieve carbon neutrality in operations. The composting is to increase the vineyard's productivity by putting emphasis in nurturing and restoring soil health while maximising the benefits for biodiversity and minimising their carbon footprint.
- 1.6.5 VFL are at the beginning of this process and at the moment the vines and soil require additional nutrients in the form of organic compost. A central area where the applicant can process biodegradable material and store recyclable material from the estate and winery process is an essential business requirement. Next year, VFL will start implementing their Woodland Management Plan and this will

likely generate wood and timber that will have to be stored somewhere before processing.

- 1.6.6 The applicant intends to be carbon neutral within 10 years and having a central area in the estate with suitable access is crucial to achieve this goal.
- 1.6.7 Vineyard Farms Ltd estimate that for the next three years they will need to import around 8,000 tonnes of organic compost per year, using 30 tonne articulated lorries during the late Autumn and Winter which equates roughly 200 individual lorries. Once the material is on site, it needs to be transported and spread across the vineyard by tractors, trailers and other farm vehicles along existing field tracks. This is why the specific site has been chosen as a central location where the trucks can get to without spending too much time travelling on public roads.
- 1.6.8 In this respect Appendix 1 illustrates how the composting area is central to the Estate. The same plan identified vehicle routes and estate tracks. This demonstrates how the location is very well sited, and such as to substantially reduce the need to use local roads.
- 1.6.9 The track built to access the drop off area was designed specifically to cater for articulated lorries and tractors with heavy trailers, which fully loaded can weigh up to 44 tonnes (standard articulated lorry load) and require firm ground and large turning circle. Given the steep topography of the site, the track had to be constructed as straight as possible, so that vehicles can access the site in the wetter months and when exiting the site have the maximum visibility possible on to the road.
- 1.6.10 The main reason for the size and location of the track is to be able to cope with the number of vehicles, including tractors and trailers coming to the compost area during the winter and to future proof for projected growth. Vineyard Farms would not be able to operate efficiently and work towards carbon neutrality without the right infrastructure, and therefore the proposed development is essential for the overall management of the estate.
- 1.6.11 The previously existing access, to the west of the site is not suitable for use by HGV's or importantly tractors, with the turning too tight to turn right when exiting. It is suitable for vehicles arriving from Luddesdown, or exiting in that direction, but the new track is required to enable access from the 'Cuxton' end of the field, and similarly when exiting in that direction.
- 1.6.12 The intention is to reduce the amount of compost that is bought in and start making it internally using discarded grape skins from wine making (pumice) mixed with woodchips made from damaged chestnut end posts. It is estimated that when the Estate operation is fully up to speed, it could produce 2,000 to 3,000 tonnes per year making a significant contribution to reducing the Estate carbon footprint and processing on site as much as possible of the biodegradable waste.
- 1.6.13 Vineyards Farm Ltd receive approximately 360 bags of compost per annum, each bag is approximately 500kg. These bags of compost are delivered on articulated lorries, and as Vineyard Farm Ltd grow and expand, more compost will be required to fertilise the additional vineyards. As such it was important to construct a heavy-duty agricultural track, that has the capacity to support the increasing number of vehicles that utilise the track, as the farm grows and expands.



The access track (October 2023).

- 1.6.14 In respect of the Highway access matters, Vineyard Farms Ltd, wishes to minimise movements of not only large HGVs but also estate vehicles on the road network. This particular location is very central to the wider farm area and removed the need for vehicles to access Luddesdown itself other than when accessing some fields in that direction. With compost and organic fertilizer stored in this location, the farm can then transport the material to the adjacent fields by tractor and trailer. They can do so in large part by avoiding use of the local road network. These matters help protect the amenity of local road users as well as improving highway safety.
- 1.6.15 Despite Kent Country Council's Biodiversity Opportunity Mapping categorising the area as having 'No Chalk Grassland Habitat Opportunity', it is intended to manage at least 1/2 of the site for chalk grassland species through seeding with locally sourced seeds and grazing and create a new line of trees/hedgerow which will not only screen off the compost area but serve as corridor for wildlife moving towards the woodland to the east of the site. Further planting is to be undertaken to mitigate visual impacts while enhancing biodiversity. This planting will be in part between Luddesdown Road and the access track, but in addition close to the point of access and along the route to help contain the visibility of the track.
- 1.6.16 That being said, the track has very much softened already in appearance with the weathering of the crushed stone over recent months, and with the grass and wildflowers growing over the edge of track again helping to soften the appearance. In this respect, the track has very much settled in compared to when it was first constructed.

1.7 VFL Wider activities

- 1.7.1 When considering this proposal, it is important to recognise the credentials of the applicant in relation to their biodiversity efforts across the estate. The continued

success of VFL will help to ensure that the estate is carefully and sensitively managed.

- 1.7.2 Over the last 2 years VFL have planted around 21,000 new mixed species native hedgerow plants across the estate. This is part of increasing habitat connectivity across the estate and enabling species movement across the landscape.
- 1.7.3 VFL also have around 12 kilometres of historic hedgerows managed with biodiversity in mind - cut on a 3-year rotation.
- 1.7.4 Approximately 150 new trees (broadleaf) have been planted as a woodland shaw to reconnect two woodlands.
- 1.7.5 A woodland management plan for the 41 hectares of woodland in the estate is being drawn up. Biodiversity conservation and enhancement is the main driver for the plan.
- 1.7.6 VFL are currently improving the condition of 17ha of species rich meadows and managing this through conservation grazing with ancient sheep breeds.
- 1.7.7 Late last year VFL restored another 1.5ha of species rich grassland that was in decline.
- 1.7.8 VFL are managing key verges around the estate specifically for wild orchids and monitor their extent and condition.
- 1.7.9 This year VFL will be improving nesting habitat for predator birds, bats and various protected invertebrates by constructing 5 Wildlife Towers, recently approved by Gravesham Borough Council and Medway Council.
- 1.7.10 VFL are also working on entering the estate into High Tier Countryside Scheme and as part of it, several of the pasture fields will be re-seeded with species rich grassland plant species and more set aside areas created within some of the vine blocks.
- 1.7.11 For a full visual breakdown of the Silverhand Estate natural environment, please refer to the submitted masterplan. Estate tracks are shown.
- 1.7.12 It is essential that this application is seen as central to the wider activities of the Estate and part of the ongoing attempts to achieve carbon neutrality. The careful management and consideration of the applicant's demonstrate their attempts to act as responsible stewards of the land. As stated, the compost area is central to the operation of the estate. This is a matter we return to below.

1.8 Planning Policy Framework

Policy Overview

- 1.8.1 Section 70 of the Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the statutory development plan, unless material considerations indicate otherwise.

- 1.8.2 For the purpose of this planning application, the development plan comprises of policies from Gravesham Core Strategy (2014), Saved Policies (2014).
- 1.8.3 The Council are also in the process of preparing a Site Allocations and Development Management Policies Plan, and ran a consultation at Regulation 18 (Stage 2) during October – December 2020. Given the Development Plan is at a relatively early stage of production, limited weight is afforded to it.
- 1.8.4 In addition to the development plan, the Government’s updated National Planning Policy Framework (‘NPPF’ or ‘the Framework’) was published in September 2023. The NPPF sets out the Government’s requirements and policies for planning in England and must be treated as an important material consideration. Other material considerations include relevant adopted Supplementary Planning Documents.
- 1.8.5 This chapter therefore highlights the aspects of the NPPF and Development Plan that are relevant to this application.

Local Plan Core Strategy (2014)

- 1.8.6 The following policies are deemed relevant for the application.

- Policy CS01 – Sustainable development.
- Policy CS02 – Scale and distribution of development.
- Policy CS07 – Economy, employment and skills.
- Policy CS11 – Transport.
- Policy CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development and Design Principles
- CS20 – Heritage and the Historic Environment

Saved policies (2014)

- T1 – Impact of Development on the Highway Network
- T5 – Access to the identified Highway Network

Supplementary guidance

- 1.8.7 The following Supplementary Planning Guidance is relevant to this document:

- Kent Downs AONB Management Plan 2021-2026
- Landscape Character Assessment Update 2020
- Gravesham Landscape Character Assessment (2009)

National Planning Policy Framework (2023)

Presumption in Favour of Sustainable Development

Paragraph 11 states that plans, and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay.

Building a strong, competitive economy

- 1.8.8 Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Supporting a prosperous rural economy

- 1.8.9 The NPPF objectives seek to support the development of rural business, paragraph 84 states that, 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;
 - c) Sustainable rural tourism and leisure developments which respect the character of the countryside;
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 1.8.10 Paragraph 85 is clear that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Promoting sustainable transport

- 1.8.11 Section 9 is clear that transport issues should be considered from the earliest stages of development proposals, including assessing the potential impacts of development on transport networks and addressing the patterns of streets and parking in order to contribute to high quality places.

- 1.8.12 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Proposals affecting the Green Belt

- 1.8.13 Paragraph 147 is clear that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
- 1.8.14 Paragraph 149 is clear that buildings for agriculture is not inappropriate development in the Green Belt and is an exception. Paragraph 150 highlights that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes engineering operations.

Conserving and enhancing the natural environment

- 1.8.15 Paragraph 174 is clear that planning policies and decisions should contribute to and enhance the natural and local environment.
- 1.8.16 Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

1.9 Planning Considerations

'Principle of Development

- 1.9.1 The proposal is for the provision of engineering works for the creation of an access to serve a storage area for compost and organic fertilizer associated with the agricultural and viticultural business activities of Vineyard Farms Ltd. It is clear that the proposal is for an agricultural track, a feature normally expected on farm estates.
- 1.9.2 Policy CS02 is clear that development outside settlements, including proposals to maintain and diversify the rural economy, will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan, while Policy CS07 is clear that the Council will support proposals that promote the appropriate expansion and diversification of the rural area economy.
- 1.9.3 It is considered that the proposal complies with both of the policies above as the track provides access to a compost/storage area that is central to the wider farm operations. The use of organic fertilizer and compost is an important part of the operation of the farm and important for maintaining crop yields. This proposal does therefore relate to the ongoing viability of the farm and will contribute in the long term to the applicant achieving carbon neutrality.

Agricultural use

- 1.9.4 In making this application we make reference to the 'Millington' case where it was established that work relating to the production of wine from grapes grown on a farm near Shrewsbury amounted to 'agriculture'. We submit that on the same basis, the use as intended does not amount to a material change of use such that it is only the engineering works that require the submission of a planning application. Matters such as the use itself and impacts do not therefore fall to be considered as part of this application, as they amount to agricultural impacts. It is only the visual impact of the track that falls to be considered.
- 1.9.5 Vineyards and winemaking have long been considered an agricultural use. Indeed, as clarified in the Case of 'Millington vs Secretary of State for the Environment, Transport and the regions' in 1999, it is clear that vineyards, winemaking, wine tasting on site, vineyard tours and cellar door sales, all fall within the definition of an agricultural use.
- 1.9.6 It is noted for the previous application that the first reason for refusal related to 'inappropriate development in the Green Belt'. The Council considered at the time of the previous application that the Millington case did not apply owing to the scale of the proposal and the holdings of Vineyard Farms Ltd.
- 1.9.7 Subsequently to the decision being made, the appeal decision (APP/A2280/W/22/3307648) for the nearby 'Cuxton Wine Vault' was released (the applicant was the appellant for this Appeal).
- 1.9.8 While the Appeal was dismissed, the Inspector helpfully clarified the position of the Millington case law with regards to 'scale'.
- 1.9.9 The Inspector stated with regards to the winery:
- "18. Whilst the R6 party drew a distinction between the scale of the operations proposed as part of this appeal with those involved in the Millington case, I am satisfied that the issue of scale is not material to the application of the agricultural exception".*
- 1.9.10 This has therefore confirmed the position as set out in the previous application on this scheme, that the use remains as agricultural. The scale of the operations is irrelevant to the context, and it is satisfied that the track and operations are all strictly in agricultural use.
- 1.9.11 The proposed works represent agricultural use, and therefore are an appropriate form of development within the Green Belt. The compost is eventually used to fertilise the vines, in association with the existing agricultural use of the site, thus will not conflict with the surrounding land uses. Similarly, any storage is strictly related to goods and items generated or required as a result of agricultural activities.
- 1.9.12 With regards to national policy on development in the Green Belt, paragraph 149 (a) of the NPPF states that buildings for agricultural uses are regarded as an appropriate building in the Green Belt. While no building is proposed, 149(a) demonstrates an acceptance of agricultural activities on Green Belt land to support the agricultural and viticultural activities of Vineyard Farms Ltd is considered agricultural in nature, for which the track and compost area both fall under.

- 1.9.13 It is noted that in the pre-application response, that the Council have agreed with the point in relation to Millington, however, consider there to be a change of use of the land to storage. The Council then assert that the proposals do not pass the tests of preserving openness of the Green Belt. We strongly disagree with that opinion and explain why below.
- 1.9.14 The compost area, as recognised by the Council is for the farm and on farmland, and it cannot be anything other than agricultural use (with the scale of the proposal not being relevant).
- 1.9.15 Extensive context has been provided as to why the compost area is required, particularly in the context of achieving carbon neutrality which should be given significant weight.
- 1.9.16 An Estate Plan has now been provided that shows how the compost location is central to the wider Estate. The same plan illustrates how this central location is then connected by farm tracks that allow access to large areas of the Estate with either no, or very little movement on the highway network. Having carefully reviewed matters, it is clear to the applicant that the selected location is the best available.
- 1.9.17 It remains the position of the Applicant that there is no change of use, as the track and compost/storage area are strictly ancillary to the wider use of agriculture.
- 1.9.18 It is the Council's assertion that the proposal will impact on the openness of the GB, and that as such it is inappropriate development. In this respect, we consider that the Council's assessment far too narrow, and fails to acknowledge the role of the compost area in the overall management of the Estate, and fails to acknowledge that the storage of compost is not a change of use.
- 1.9.19 On the basis that agricultural tracks are very much part of the necessary infrastructure to operate the farm sustainably, and in view of the facts that such tracks are an expected part of the rural scene, we do not consider the works impact on openness.
- 1.9.20 Furthermore, the proposals involve substantial new landscaping, ecological and landscape enhancement, that offsets any visual impact.
- 1.9.21 Notwithstanding our conclusion on this matter, we set out below on a without prejudice basis, what we consider comprises a compelling case of 'Very Special Circumstances, should the Council maintain that the proposal amounts to inappropriate development.
- 1.9.22 The applicant reserves the right to test this position at appeal if required to do so.

VSC

- 1.9.23 As set out above, it is considered that the use itself does not require a planning application, the compost and storage area that is accessed by the track does not strictly fall to be considered. All that falls to be considered is the engineering works relating to the track.
- 1.9.24 It should be noted that by virtue of Class A Schedule 2 Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the

laying of a track for agricultural purposes is an acceptable form of development regardless of the Green Belt designation. It is only due to the location of the track in relation to the classified Luddesdown Road, that the track is not permitted development.

1.9.25 A reasonable expectation can be drawn that agricultural tracks are an expected feature of the countryside location, given it is a form of permitted development. The track, finished with type 1 limestone rather than tarmac, is such that it largely blends in with the landscape of the North Downs chalk hills. As we have set out it is an expected feature of agricultural landscapes. Crucially the track is necessary for the proper operation of the farm.

1.9.26 Very special circumstances are put forward, for the following reasons:

- (1) Recognising the unique business requirements of Vineyard Farms Ltd and the subsequent operational/logistical requirements, including the requirement for a hard surfaced straight track for vehicles to use safely. In this respect we have set out the trip implications if the scheme is not supported. In short, the applicants will need to send all delivery vehicles as well as tractors into the centre of Luddesdown. Vehicles will then need to temporarily block the highway while vehicles turn. If vehicles cannot make it up the site access, the bags of compost will need to be double handled, being unloaded in the village and then transported to the compost site. All of this activity, can be considered to be unsustainable, adding time delays and costs as well as inconvenience to other highway users and local residents.
- (2) Supporting a significant local employer and supporting the continued growth of a local business which will provide substantial tourism boosts to the Gravesham economy in the near future. We have explained the importance of organic composting to the business model and how the vineyard is already a very significant rural employer, with further growth expected. The specific location is very central within the overall estate and will help minimise total distance covered to service the farm. This will help to reduce costs for the operation, while also minimising emissions from vehicle miles. At the same time, the proposal will provide excellent connection to the tracks within the estate, and in doing so, reduce the need for vehicles to utilise the public highway network. This will in turn reduce issues of mud on the highway and damage to verges and hedges from tractors and trailers.
- (3) Supporting the business in their aspirations to be carbon neutral within the next 10 years, for which this central compost area is a critical aspect and key to also remaining an organic operation.
- (4) Substantial ecological and landscaping enhancements, in the form of new hedgerow planting and gapping up, native tree planting and species rich grassland. While these could be considered standard matters, the fact that this vineyard is the largest organic vineyard in the UK, with a vision of net zero, means the proposal and the overall operation is an exceptional case.

1.9.27 Extensive context has been provided as to the importance of the track and compost area in relation to the business requirement of Vineyard Farms Ltd and their push to achieving carbon neutrality. The use of organic fertilizer and compost

is an important part of the operation of the farm and important for maintaining crop yields and will contribute substantially in the long term to the applicant achieving carbon neutrality. This should be given considerable weight as part of the decision-making process.

- 1.9.28 It has also been explained that the central location is important in reducing vehicle movements on the highway network. The number of vehicles required will reduce, as the production of compost at the site increases, but the central location will remain essential to reducing vehicle miles travelled, and to support the push for carbon neutrality.

Design and layout including biodiversity.

- 1.9.29 As identified by the figure below, the agricultural track provides access from Luddesdown Road to the compost and storage area. The access track runs in a generally north to south direction and is 4 to 4.5 metres in width.
- 1.9.30 While we note the pre-application has raised similarities to the Cuxton winery appeal, it is obviously clear that the access road relating to that appeal is entirely different in its design and context. The type 1 limestone finish, with the edges grown over, means that the track does not present as an urbanised section of road, but rather as an agricultural track. As we have stated, such tracks are very much an expected part of the rural scene.
- 1.9.31 It should be noted that the track is the minimum size required, only suitable for a singular vehicle using it at a time. In terms of the impact on the landscape, the road has not required any cutting into the landscape such that the general landform remains the same. When the proposed landscaping is undertaken, the reality is that the landscape impact by the track is minimal. This should be weighed against the substantial landscaping and ecological enhancements brought forward as part of the proposals as well as the business requirements, sustainability and amenity benefits.
- 1.9.32 The landscape works will involve creating rich habitats, in addition to softening the track's impact upon the surrounding area. The existing hedgerows on the site are to be managed and gapped up to improve connectivity. This is considered of significant weight as the new hedgerow will connect the SSSI to the wider estate and help to enhance biodiversity.
- 1.9.33 Further to the previous application, additional landscaping is introduced to further soften the proposals and increase the biodiversity of the site.



Biodiversity Enhancement Plan

- 1.9.34 We consider the track to be in keeping with the character of the AONB and Green Belt and conclude that the proposal is supported by relevant policy and is acceptable at both a National and Local Level. The layout and planting ensure that the works will not have a negative impact on the surrounding area, whilst also providing a proposal that will support the organic net-zero vision of the estate and the expansion of a rural business, assist with local residential amenity and improve highway safety.
- 1.9.35 It is recognised that a previous reason for refusal related to a lack of information in relation to biodiversity. As part of this application the following is proposed:
- A 130-metre-long mixed native species hedgerow will be planted across the site which would assist in screening the truck unloading area and compost storage area. The new hedge will be in effect a continuation of the hedgerow east of the site which connects with the SSSI woodland. The hedgerow will be interspersed with native tree planting.

- 1.9.35 It is recognised that a previous reason for refusal related to a lack of information in relation to biodiversity. As part of this application the following is proposed:

- A 130-metre-long mixed native species hedgerow will be planted across the site which would assist in screening the truck unloading area and compost storage area. The new hedge will be in effect a continuation of the hedgerow east of the site which connects with the SSSI woodland. The hedgerow will be interspersed with native tree planting.

- The chalk around the composting bays was locally sourced and will be left to naturally colonised by local plant species. This will increase visual screening when viewed from the track access.
- Native tree planting along the track and between the track and Luddesdown Road will help to screen the works and help set the track in its rural context.
- Hedgerow gapping up of the existing hedgerow on Luddesdown Road as well as management of those hedgerows to be cut on a three-year rotation will further assist in screening the site.
- Locally sourced seeds will be used for creating a species rich grassland and managed through grazing.
- When landscaped, the track will become part of the expected farm scenery.

1.9.36 While the above enhancements are substantial, these should also be considered in the context of the additional landscape and ecology work that the applicant undertakes. Furthermore, it is important to recognise the further benefits that this proposal will bring in the form of helping Vineyard Farms to achieve carbon neutrality and the associated environmental benefits.

1.10 Wildflower meadow details

1.10.1 The comments from the previous application by KCC Ecology are noted, and the following details are provided in response:

- **How will the wildflower meadow be created;**
 - *The meadows will be created and managed following Defra's Countryside Stewardship guidance for GS8 option: "Creation of species rich grassland".*
 - *After an initial assessment of the soil and plant species present there, we'll have 3 options on how to establish the meadow;*
 - 1. Remove the topsoil, cultivate, direct drill the seeds and flat roll the area.*
 - 2. If we have a good selection of native wildflowers already present, we could top the areas very close to the ground and then direct drill additional seeds.*
 - 3. We could spread green hay from a donor meadow in the estate after topping and scarifying the ground.*
- **Which seed mix will be used (if any) and where will this be obtained from;**
 - *GS8 organic seeds mix which contains a range of legumes, grasses and flowering plants. This can be obtained from suppliers like Emorsgate or Cotswold but we are in the process of gathering seeds from our existing meadows and these will be incorporated in the mix.*
 - *If we go down the Green Hay route, the seeds will be from one of our donor wildflower meadows.*
- **What will the management regime be (and where will arisings be piled):**

- *The management will be similar to what is prescribed by the Defra's Countryside Stewardship guidance for GS8 option, which for us will entail grazing the site, primarily during Autumn and Winter.*
- *We may have to do cut and remove in the first year to deal with undesirable ruderal plants. The waste material will go directly into our composting piles.*
- **Who will be responsible for its creation/management:**
 - *The Farm and Conservation team, as part of their Estate Management program.*
- **What is the planting schedule for the (native) species used to 'gap up' the existing hedgerow.**
 - *The hedgerow has already been gapped up, but we'll replace any dead whips as part of our annual hedgerow gapping up programme during the Autumn/Winter.*

We also proposed to create a new line of trees/hedgerow across the site, liking up with an existing hedge on the Northeastern side of the site leading into the woods. This new feature will be composed of native mixed species hedgerow with broadleaf tree standards (8-14cm girth) probably planted 4-5 meters apart. The trees are likely to be Field Maples as they are found in the vicinity.

1.11 Conclusions

- 1.11.1 This planning statement has been produced by DHA Planning and Vineyard Farms Ltd to support a retrospective application for the necessary engineering operational works to construct a track to serve an associated compost storage area ancillary to the operations of Vineyard Farms Ltd.
- 1.11.2 It was understood from the last application that the Council were not clear as to how the application fitted into the wider land holdings and overall operation of the Estate. This application seeks to address this and provides additional information in the form of further context on the application and the wider management of the Estate.
- 1.11.3 While it is considered that this information is suitably provided as part of this application, the applicant would be more than willing to discuss the application with the Council should they consider any further information is required.
- 1.11.4 As was established in the 'Millington vs Secretary of State for the Environment, Transport and the regions' Case in 1999, vineyards, wine-making, wine tasting on site, vineyard tours and cellar door sales, all fall within the definition of an agricultural use. This proposal does not therefore constitute to be a change of use, rather works to assist in the efficient operations of an existing rural farming business. Recent appeal decisions confirm that scale is not relevant in relation to the agricultural activities of Vineyard Farms falling to be considered as agricultural.
- 1.11.5 It remains the position of the applicant that the track and operations are all strictly in agricultural use and therefore no change of use is required. It remains our position that the track is the only considerations, and that it does not impact on openness. The reasons for this are:

- (1) The track is an agricultural track, clearly required for an agricultural purpose.
- (2) Estate/farm tracks are very much an expected part of the countryside. DHA work for a significant number of large farms and estates, and in all cases tracks such as that installed are very much part of the infrastructure of the estates and therefore part of the rural scene.

1.11.6 Without prejudice to this position, Very Special Circumstances are put forward in the form of:

- (1) Recognising the unique business requirements of Vineyard Farms Ltd and the subsequent operational/logistical requirements, including the requirement for a hard surfaced straight track for vehicles to use safely. In this respect we have set out the trip implications if the scheme is not supported. In short, the applicants will need to send all delivery vehicles as well as tractors into the centre of Luddesdown. Vehicles will then need to temporarily block the highway while vehicles turn. If vehicles cannot make it up the site access, the bags of compost will need to be double handled, being unloaded in the village and then transported to the compost site. All of this activity, can be considered to be unsustainable, adding time delays and costs as well as inconvenience to other highway users and local residents.
- (2) Supporting a significant local employer and supporting the continued growth of a local business which will provide substantial tourism boosts to the Gravesham economy in the near future. We have explained the importance of organic composting to the business model and how the vineyard is already a very significant rural employer, with further growth expected. The specific location is very central within the overall estate and will help minimise total distance covered to service the farm. This will help to reduce costs for the operation, while also minimising emissions from vehicle miles. At the same time, the proposal will provide excellent connection to the tracks within the estate, and in doing so, reduce the need for vehicles to utilise the public highway network. This will in turn reduce issues of mud on the highway and damage to verges and hedges from tractors and trailers.
- (3) Supporting the business in their aspirations to be carbon neutral within the next 10 years, for which this central compost area is a critical aspect and key to also remaining an organic operation.
- (4) Substantial ecological and landscaping enhancements, in the form of new hedgerow planting and gapping up, native tree planting and species rich grassland. While these could be considered standard matters, the fact that this vineyard is the largest organic vineyard in the UK, with a vision of net zero, means the proposal and the overall operation is an exceptional case.

1.11.7 On the basis of above, it is therefore respectfully requested that planning permission is therefore granted.