



Response to Holcombe Rogus Parish Council

Date: 15 February 2012

Ecological Land Co-operative Ltd. | The Hub, 5 Torrens Street, London EC1V 1NQ

For a Living, Working Countryside

This document has been written by Zoe Wangler of the Ecological Land Co-operative Ltd. in response to the Holcombe Rogus Parish Council's letter to Mid Devon District Council of 30th January 2012. It relates to planning applications 11/02007/MFUL, 12/00045/MFUL and 12/00107/MFUL.

RESPONSES

This document responds to the Holcombe Rogus Parish Council's letter to Mid Devon District Council of 30th January 2012 and is intended to support a tripartite discussion on the 21st February 2012 between ourselves and the District and Parish Councils.

Before addressing the points raised in the Parish Council's letter, we would like to thank them for their statement of support for the type of social enterprise we are seeking to establish, for their agreement with a five-year (as opposed to three-year) temporary permission in this case, and for their kind words about the work that we have put in to date to try to make it a success.

We have not responded to all of the points in the Parish Council's letter because not all points require a response from us. Those that do are answered below:

Point 4. (page 2) "There is a case for treating the development proposals as 'sui generis'. If this is correct, the applicants will, it is assumed, need to justify, an exception to planning policy".

Whether sui generis or not, it is clear that our proposals are supported by the policy within PPS7 Annex A and we have set out how the applications meet this policy. We also included a number of material considerations in the Design & Access Statements which can be summarised as: the provision of an affordable route into ecological farming and the provision of a well monitored demonstration site for ecological agriculture and low impact living. The letters of support have set out, better than we can, the role the project will have in addressing:

- Climate change through:
 - ... the creation of carbon sinks
 - ... trialling plants for climate change resilience
 - ... reducing fossil fuels consumed in the form of artificial fertilisers and pesticides
 - ... reducing food miles
 - ... sourcing energy from renewable sources
 - ... using dwellings with low embodied energy
- biodiversity loss
- soil compaction and erosion
- soil, water and air pollution
- food security through productive land use

- lack of opportunities for new entrants and the loss of county farms
- an ageing rural population
- disconnection between the public and food production
- loss of traditional rural skills
- the challenge of peak oil, and
- The absence of studies on the effect of changing land use from conventional arable and grazing to agroforestry, organic market gardening and small-scale livestock in terms of productivity, carbon sequestration, energy consumption, habitat, biodiversity, and so forth.

As detailed in the Design & Access Statements, our proposal also fits with local, regional and national policies ST1, COR4, COR5, CO9, COR11, COR12, COR18, CO12, WM1, AL/IN/6, ST16 and PPS1.

Finally, planner Daniel Scharf argues in his representation that “The draft NPPF says that ‘the essential need for a rural worker to live permanently at or near their place of work in the countryside’ amounts to a special circumstance that could justify an isolated home in the countryside. I was not aware of and would not expect there to have been any debate about the proposed working of this national policy which I would now expect to be given significant weight by the Council in advance of the final document (expected April 2012). The dwelling(s) are essential to securing the many and inter-related benefits in terms of employment, education, local food, biodiversity, landscape, etc... Another aspect of the draft NPPF to which the council should reasonably give weight is the presumption in favour of sustainable development. Whether or not a detailed definition of sustainable development appears in the NPPF there is little room for doubt that this and the related applications meet most if not all of the relevant measures of sustainability”.

Point 9. (page 2) “our Council has some concerns about viability given the small areas of land involved”.

As remarked upon in the Parish Council’s letter, we have provided agricultural appraisals, business plans and a short report into the viability of existing small-scale farm businesses. Since we purchased the land in 2009 we have been visited by four organic market gardeners, three permaculturists and our agricultural appraiser. They all concluded that the land could provide modest and sustained livelihoods for the three smallholders. One of the aforementioned market

gardeners, Hugh Chapman, has written this in his letter of support. However, because viability continues to be questioned we commissioned the following experts to provide us with written evaluations of the viability of the site for the proposed activities. This included a site visit by each expert:

- **Martin Crawford BSc**, a leading researcher in agroforestry and director of the Agroforestry Research Trust. Patrons: Herbert Giradet and James Lovelock.
- **Richard Harding HND, BASIS, FACTS**, an agronomist and crop consultant.
- **Mandy Goddard**, a local organic market gardener running Spring Grove Farm in Milverton. Winner of the Soil Association's Loraine Award. The award is given annually to a holding demonstrating the best practical combination of nature conservation with good organic husbandry.

The evaluations are included in Appendix A to this letter, and all conclude that the proposed business plans are viable on the land in question.

Mandy Goddard's report includes the following comment, based on her own experience over nine years running a similar 6.5 acre site within six miles of Greenham Reach:

"It is perfectly possible to make a living on such a small scale, a fact which is not always well understood by those with a conventional farming background. In my own case, I began growing vegetables on just one acre, and kept a flock of 40 laying hens. I asked two agricultural consultants (one from Acorus, one from Greenslade Taylor Hunt) to provide a report for my planning application and both were of the opinion that it was not possible to make a living from farming on such a small scale. Luckily I was able to find a consultant who had a better understanding of small-scale horticulture to provide the necessary report for planning permission to live on site, without which the business would not have been possible. Within 5 years it was providing a modest, but full-time living for 4 people on a turnover of approximately £60,000 ... My understanding of the reason for granting temporary permission in the first instance, is for applicants to be able to show that their business model works at a particular location. I hope that these applicants are given this opportunity ... I visited the Greenham Reach site recently and have also been able to read the applicants' business plans. I see no reason why they should not be successful on this site. The land is Grade 3 and in some areas poorly drained, and may therefore be considered marginal by conventional farmers. However, methods that can be

employed by the type of small-scale, intensive agriculture proposed by the applicants is able to correct many of the problems presented by such land.”

Accordingly, should the District Council decide to seek the opinion of a Land Agent or second Agricultural Appraiser, we would argue that it is necessary that the person have experience of ecological agriculture, and in particular, agroforestry.

Point 10. (page 2) “Our Council have not seen any evidence of the financial resources of the intended lessees of the three plots or any financial appraisal relating to the provision of the common infrastructure”.

This is not a planning matter and not something which can be taken into account as a material consideration in the planning process. We understand that it is not normal practice to make this information available and the District Council has said that they will not need to see evidence of financial resources. However in the spirit of this enterprise, we wish to be co-operative and reassure the Parish Council as far as possible. Should the Parish Council still want to see evidence of financial resources then we would suggest that the ELC commission a third party, such as a bank manager, to provide a letter confirming that the money is available. We already provided partial evidence of the Guskovs’ financial resources in the form of a letter from Lloyds TSB confirming the bank’s agreement in principle to support the Guskovs’ business and provide a loan of £35,000 (Appendix B) which we obtained in order to support our argument that the Guskovs’ business is ‘planned on a sound financial basis’.

Point 11. (page 3) “There are concerns about the amount of traffic ... Our Council would ask your Council to consider whether the location of the proposed scheme is acceptable having regard to traffic impact and if so, whether additional controls are required”

We recognise and understand the widely held concern about traffic generation but believe it to be without justification. What is important for us to reiterate is that an average of just two return trips a day is projected to be generated by the site. We provided our projected vehicle movements in the Transport Assessment submitted with the application and we recently provided evidence of low vehicle use at existing low impact settlements (Appendix G). We did not include a condition to limit vehicle movements in the proposed Section 106, but are happy to do so. How this might best be done is suggested below under the Conditions section.

Point 12. (page 3) “our Council considers that the Section 106 Agreement or Obligation should be amended to ensure the objectives of the scheme are achieved – ie that this is truly low impact living”

Looking to other governments and organisations that have produced either policy and / or guidance on low impact development, I have attached for your reference:

1. One Planet Development policy within the Welsh Assembly’s Technical Advice Notice 6 (Appendix C);
2. Policy 52 from Pembrokeshire (Appendix D) and its temporary Supplementary Planning Guidance: the report *Low Impact Development – Further Research* (Appendix E); and
3. *Low Impact Policies for Sustainable Development in Dorset*, prepared by Chapter 7 Low Impact Policy Campaign (Appendix F).

Considering the length of the documentation, I would refer you to the One Planet Development policy and Policy 52 (each two pages long), sections 5.15 – 5.23, 6 & 7 of *Low Impact Development – Further Research*, and the summary and Appendix A of *Low Impact Policies for Sustainable Development in Dorset*.

Based on the existing policy and guidance we would be happy to agree that the proposed S106 Agreement be amended to require that in addition to the obligation that the ELC report back on the Management Plan, there is a requirement that specified objectives of the Management Plan be delivered together with a default mechanism. We have suggested an amendment in the Conditions section but would expect that this to be developed in the meeting.

Point 13. (page 3): “Our Council have raised a number of concerns with the applicants about the terms of the leases”

Since we met with the Parish Council in January we have discussed the Parish Council’s concerns with our solicitor as well as talking with the prospective tenants and with the probable lender for Plot C’s mortgage. It seems that what would best suit the latter three parties would be a 50-year lease with a right to renew as it would allow the bank to lend, permit the ELC to enforce a breach and provide the tenant with security of tenure. We hope that this reassures the Parish Council’s concerns, and are keen for comments on this suggested revision.

The Parish Council also noted that there was not a specific clause in the lease relating to the occupation of the dwelling and working on smallholding land. After discussing this observation with the solicitor we instructed her to update the lease accordingly.

We will make the revised lease available as soon as we receive it from the solicitor.

Point 14. (page 3): “Our Council is concerned that if this project obtained planning permission it should not create a precedent and lead to a proliferation of similar projects in the same locality. This kind of social enterprise is experimental and it will be appropriate to monitor its development and its impact on the neighbouring communities”.

We are happy to accept a condition that prevents us from developing another scheme in Holcombe Rogus and the neighbouring parishes, if deemed appropriate.

CONDITIONS

Point 15. a. Agricultural Workers’ Condition

We would ask whether the following variation on the standard condition would be appropriate:

“The occupation of the dwelling shall be limited to persons solely or mainly working in agriculture on the plot edged red on the attached plan and to their immediate family and any resident dependents”

This would then cover the tenants themselves and where relevant, an apprentice or seasonal worker that they have staying with them in the dwelling.

Alternatively, the wording from the Management Plan:

“Either one member (or more) of each of the three households will need to work full-time on the holding [edged red on the attached plan] or two or more members of each household will need to work part-time on the holding so that together they constitute at least one full-time equivalent worker.”

Point 15. b. Named occupier

The concerns that have been raised about the scheme are not to do with the individual businesses proposed but to do with the principles of the scheme: the protection of the site; traffic generation; delivering on the low impact objectives; whether or not a smallholding can be viable per se, etc. If something were to transpire between the granting of planning permission and completion that gave us a clear indication that the applicant was not going to be a suitable tenant we would stop the purchase. If that person was named in the planning condition we could not then seek a replacement tenant without going through the application process again. This seems unnecessary, as any proposed replacement tenant would be bound by all the same conditions. We understand that named occupier conditions are rarely used and that there is no policy justification for them in a situation such as this. What we would suggest instead is that if a tenant is to be replaced, at any point, a new business plan and agricultural appraisal are submitted to the District Council for approval.

Point 15. c. Removal of Permitted Development Rights

We do not know what this would mean for our tenants and would like guidance from the District Council. We certainly would want the tenants to be able to repair the ponds, replace water tanks, etc. when / if necessary without having to first apply for planning permission. We would want tenants to enjoy the right to have friends camping on their land from time to time which we understand is allowable under the 28 day rule. Finally, we would prefer that we did not have to apply for absolutely every type of additional structure, for example, tenants might want a dog kennel or a wood store. Perhaps the District Council can suggest a limitation on the number and size of any additional temporary structures that would otherwise be permitted under Permitted Development Rights?

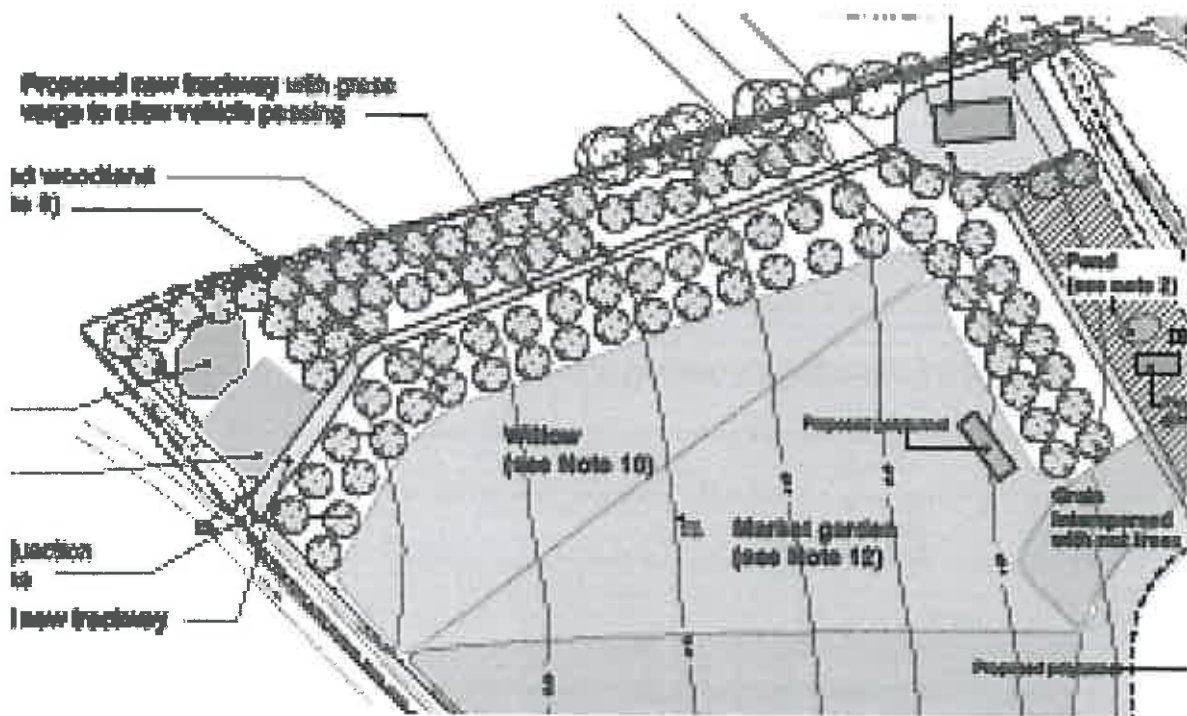
Point 15. d. Visual impact

- We agree that mobile homes and caravans can be unattractive. We would however like to allow the tenants a period of up to one year from the date that planning permission is granted to make use of one while they are constructing their temporary dwelling. We could include a provision which would require them to screen the mobile home or caravan or ensure it is positioned so that it is not visible from other homes.
- If mobile homes or caravans were prohibited from the site at any stage then this would mean that the tenants would lose their right to house a seasonal agricultural worker.

Could the District Council provide us with a condition that while prohibiting the use of mobile homes and caravans, allowed a seasonal agricultural worker to be housed in a yurt, geodesic dome, or tent?

Point 15. e. Visual screen

We have included in the plans a number of screens, the largest being the small area of woods along the northern border and the rows of trees in front of the proposed temporary dwelling on Plot A (see extract from Landscape Plan below). We are also planning to plant a strip of trees (depth of 4 x 85 metres in length) at the southern boundary at the end of this month. I am unclear as to whether the Parish Council is asking for more visual screening or whether they are asking that the planting of the proposed screens be made a condition of the planning permission. If the latter then we would ask that such a condition requires us to plant to proposed screens in the first appropriate season, rather than before development begins.



Point 15. f. (part 1) Evidence on demand of employment in agriculture

We are unsure what evidence could be produced on demand. The annual review includes a report on each smallholding's annual accounts prepared by Chartered Accountant or equivalent. How else might evidence of employment in agriculture be evidenced?

Point 15. f. (part 2) Provisions to ensure the objectives of the scheme are achieved

I refer you again to the policy and/or guidance on low impact development attached for your reference (Appendices C-F), which is detailed at the start of our response to Point 12 above.

After reviewing this documentation, we suggest that the proposed S106 Agreement for Greenham Reach includes a variation of the condition given with Lammas' planning permission, i.e.:

“No later than 1st July each year, commencing in the second year after development commences, the occupiers of the site shall submit to the local planning authority a written report giving details of the activities carried out during the previous twelve months, setting out performance against management objectives included within the Management Plan. In the event that the report identifies that any objective has not been met, a supplementary report setting out corrective or mitigating measures shall be submitted to the local planning authority no later than 1st September of that year. Those measures shall be implemented in accordance with the supplementary report.”

Although the ELC will be responsible for some of the monitoring set out in the Management Plan the annual audit requires tests and assessments by third parties. This means that the ELC could not avoid reporting honestly and comprehensively:

- ecological foot-printing by a qualified professional (years 1 and 5).
- annual ecological assessment by a qualified professional
- annual traffic count from traffic counter (to be added to Management Plan)
- bi-annual water tests (ground water and water in swales)
- annual soil tests, and
- annual business accounts from each smallholding prepared by a Chartered Accountant or equivalent.

Point 15. g. Traffic

We are happy to add a specific condition on traffic generation. We are under the impression that it could be made a planning condition, be incorporated into the S106 Agreement, or be incorporated either into the existing Management Plan or into a new Travel Plan. If the LPA does recommend using the Management Plan, the additional requirements might be:

- Under requirements: “the ELC is required to install a traffic counter at the site entrance before development commences”
- Under monitoring: “the ELC will provide the data from the traffic counter when reporting on the annual audit”
- Under requirements: “the ELC is required to limit vehicle trips to and from the entire site to 4,380 per annum during the first year and 2,190 per annum during the remaining four years. (Equal to 6 return trips per day and 3 return trips per day respectively.) This is higher than our projected figure of 2 return trips per day to account for the postman entering the site (and who would already be on the lane) and for the additional traffic during the set-up phase (year one).

If the provision of passing spaces is made a condition and where they involve cutting into hedge then we would ask that we be obliged to provide them in the first appropriate season, rather than before development commences.

Point 15. h. (part 1) Removal of temporary dwelling after permission expires

We understand that the requirement to remove the temporary dwelling at the end of the temporary permission is standard practice.

Point 15. h. (part 2) Removal of temporary dwelling if tenant not employed in agriculture

We have always said that in the event that a tenant is no longer employed in agriculture on the holding they would, as set out in the Management Plan and now the lease, be required to sell the smallholding back to the ELC. The Management Plan states:

- The ELC will ensure that on each smallholding there is at least one adult primarily employed in agriculture. In accordance with the lease, the exception to this is in the case of retirement.
- The ELC will ask the general meeting of the members to consider terminating the lease if a tenant fails to provide, or be working towards providing, a livelihood from their holding.

If this were to transpire then the ELC would be responsible for finding a suitable replacement. We do not see why there should be a need in such circumstances to remove the temporary dwelling at an earlier date.

