

Dear Councillor

CABINET - THURSDAY, 22 NOVEMBER 2012

I am now able to enclose for consideration at the above meeting the following reports that were unavailable when the agenda was printed.

**Agenda Item
No.**

4. THE CONTRIBUTION OF LOCAL AGRICULTURE TO THE ENVIRONMENT AND ECONOMY IN THE CONTEXT OF PLANNING POLICIES (Pages 1 - 8)

To consider the report of the Overview and Scrutiny Panel (Environmental Well-Being).

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**OVERVIEW AND SCRUTINY PANEL
(ENVIRONMENTAL WELL-BEING)**

13TH NOVEMBER 2012

CABINET

22ND NOVEMBER 2012

**THE CONTRIBUTION OF AGRICULTURE TO THE ENVIRONMENT AND
ECONOMY IN THE CONTEXT OF PLANNING POLICIES
(Report by the Working Group)**

1. INTRODUCTION

1.1 At the meeting of the Overview and Scrutiny Panel (Environmental Well-Being) held on 10th January 2012, one of the Agenda items was the Cambridgeshire Green Infrastructure Strategy. Members raised concern that there was no mention of agriculture and its environmental work in the Strategy. A Working Group was established to undertake a study on this subject. Councillors Mrs M Banerjee, P M D Godfrey, G J Harlock and D Harty and Mr D Hopkins agreed to join the Working Group.

2. THE PURPOSE OF THE STUDY

2.1 According to The National Farmers' Union (NFU) estimations, up to 80% of land in Huntingdonshire is used in farming and Cambridgeshire County Council data reveals that 51% of people live in villages. Farmers are keepers of the rural environment and they are supported by the Common Agricultural Policy of the European Union. The Working Group judged that the importance of rural areas and agriculture should be reflected to a greater extent in the Council's planning policy framework.

2.2 Food security is a national and international concern. The NFU core policy states:

“Farming in the Fens is nationally important and makes a significant contribution to the regional economy. It is essential that all stakeholders continue to support the sustainable growth of the farming and food industries to guarantee the future prosperity of the Fens.”

Agriculture in the Fens earns £1.7bn for the Gross Domestic Product.

2.3 Given that the new National Planning Policy Framework (NPPF) removes the detailed planning guidance set out in Planning Policy Statements, Planning Policy Guidance Notes and Circulars it was particularly timely to conduct the review. Through the NPPF the Government's intention is that local planning authorities will be free to develop planning policies which are suitable for their areas. Detailed guidance will be encapsulated in new 'Local Plans' so there is an opportunity to influence the terms of the Plan framework.

2.4 The study's terms of reference are:-

- to make recommendations on terms for inclusion in the Local Plan regarding land use and economic development outside the market towns with a view to giving equal value to land use from economic, food security and environmental perspectives;

- to review detailed planning policies relating to planning and conservation in rural areas;
- to investigate the Council's procedure for dealing with applications where agriculture is a factor;
- to examine abuses of conditions and consents for agricultural use and diversification.

The Working Group is keen to examine how the Council treats planning applications where agriculture is a factor and what happens once such applications have been determined. However, given the timetable for the Local Plan production, Members have decided to focus initially on terms that might be included in the Plan.

- 2.5 The Environmental Well-Being Panel has also discussed the fact that the Great Fen project occupies high quality agricultural land. This suggests there may be a need to look at how agriculture is taken into account when other policies and strategies are developed.

3. EVIDENCE AND INVESTIGATIONS

- 3.1 The Working Group has met on five occasions. During these meetings, Members have interviewed:

- Mr David Felce – Farmer at Midloe Grange farm and LEAF (Linking Environment and Farming) member;
- Mr Paul Hammett – Environmental Adviser, NFU – East Anglia region, and
- Mr Paul Bland – Huntingdonshire District Council's Planning Service Manager (Policy).

Following the interview with Mr Felce, a visit to Midloe Grange Farm was undertaken. In addition to being a demonstration farm for LEAF, Midloe Grange Farm has been in the Countryside Stewardship Scheme since 1992.

4. FINDINGS

- 4.1 The Planning Service Manager (Policy) has advised the working group that, in the past, there has been no need to develop specific local planning policy to protect agricultural land. This position is changing. The pressures for development in this area are well known. Detailed guidance will be required to ensure there is balanced growth across the District.

- 4.2 Population forecasts indicate that Huntingdonshire needs to provide 5,000 to 10,000 new homes plus associated employment, shopping and other facilities in the period up to 2036. Guidance will have to take account of demographic trends and environmental capacity. One of the tools that the Council can use to inform this guidance is an environmental capacity study. An environmental capacity study assesses the quality of the environment and landscape in an area. It factors in agricultural land classifications around each of the main settlements and also the interface with Peterborough along the boundary with Huntingdonshire. The environmental capacity study will enable the Council to identify environmental and landscape constraints to development across Huntingdonshire and, ultimately, define the developable limits of the settlements in the Plan period. This should minimise the pressure for

development on agricultural land around settlements. **The Working Group supports the use of an environmental capacity study to ensure that preference will be given to development on lower quality agricultural land before development on higher quality land is considered. Furthermore, the Working Group recommends the new Local Plan should consider the need for community led growth in rural villages to contribute towards their sustainability.**

- 4.3 Large development sites on the edge of towns and villages have tended to be on Greenfield land, which is also former agricultural land. Changes in employment patterns and the industrial/business base of the District mean that there may be further Brownfield land development opportunities at some older employment areas, thereby reducing the need to use Greenfield land to meet identified development needs. The NPPF recognises the need for a vibrant rural economy to be nurtured through the planning process. It focuses on supporting economic growth within the context of sustainable development. The widely accepted definition of sustainable development refers to development that meets the needs of the present without compromising the ability of future generations to meet their own needs. There is a strong national and local policy stance on development on Brownfield and Greenfield sites. It holds that Brownfield land should be developed first, in preference to Greenfield land. **The Working Group recommends that definitions of Greenfield and Brownfield sites should be consistently applied.**
- 4.4 Existing policy generally prevents development in the open countryside, unless it is justifiable and directly linked to agriculture and rural life or other 'land hungry' activities such as new road building, quarrying and minerals extraction. The latter are covered, in planning terms, by the Minerals and Waste Plan that is prepared by the County Council. The allocations made in that Plan may be shown on the proposals map which will accompany the new Local Plan.
- 4.5 The NPPF's core planning principles seek to recognise 'the intrinsic character and beauty of the countryside' and support 'thriving rural communities within it'. Furthermore, Section 3 of the NPPF guides local planning authorities to take account of the rural economy:

'Supporting a prosperous rural economy

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, Local and Neighbourhood Plans should:-

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- Promote the development and diversification of agricultural and other land-based rural businesses;
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of

tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and

- Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.'

4.6 The only reference in the NPPF to agricultural land is in paragraph 112. It states that:-

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'

4.7 In the opinion of the Planning Service Manager (Policy) a policy protecting agricultural land is unnecessary as adequate protections are already in place. However, it is suggested that local green space policy designations might be identified, which could include farm land, giving additional protection against other uses of the land. This will be pursued in the next phase of the study.

4.8 The working group has discussed these principles in detail with David Felce (LEAF) and Paul Hammett (NFU). As a result of their discussions, **it is recommended that the new Local Plan adopts the National Planning Policy Framework's principles relating to the rural economy and agricultural land (see paragraphs 4.5 and 4.6 above).**

4.9 In the course of the study various aspects of detailed planning policies and processes have been identified as meriting close investigation (see Appendix hereto). Specifically, Members have discussed the advice received from consultants engaged by the Council on planning applications where agriculture is a factor. The Working Group has been advised that the consultants have a strong independent position which could not be offered by a local firm. Further to this, the use of one firm has ensured a consistent approach, and, due to the number of applications they have dealt with, they have acquired a good knowledge of both the local area and the District Council's policies. It is obviously imperative that the Council, acting as the Local Planning Authority, takes on board independent expert advice in order to appropriately inform its decisions. In response to Members' concerns, the Head of Planning and Housing Strategy has undertaken to submit a report to the Development Management Panel, on the engagement of consultants and the possibility of expanding the pool of specialists employed by the Council, albeit on the proviso that applicants would be expected to contribute towards the cost of engaging specialists where their advice is required. The Working Group has also drawn attention to the fact that the consultants do not undertake site visits before submitting their reports. This is because it would cost significantly more. It has been suggested that applicants should be given the opportunity to pay for consultants to visit their sites if they deem this to be of benefit. **Further investigations will now be undertaken into the Council's procedure for analysing and dealing with applications where agriculture is a factor and a report will be submitted to the Development Management Panel on the outcome.**

5. RECOMMENDATIONS

The Working Group

RECOMMENDS

- (a) that the new Local Plan should consider the need for community led growth in rural villages to contribute towards their sustainability (para. 4.2);
- (b) that definitions of Greenfield and Brownfield sites should be consistently applied (para. 4.3);
- (c) that the new Local Plan takes account of the National Planning Policy Framework's principles relating to the rural economy and agricultural land as set out in paragraphs 4.5 and 4.6 above (para. 4.8);
- (d) that further investigation is undertaken into the Council's procedure for analysing and dealing with applications where agriculture is a factor and a report is submitted to the Development Management Panel on the outcome (para. 4.9).

BACKGROUND INFORMATION

Notes of the Land Use for Agricultural Purposes in the Context of Planning Policies Working Group.

Why Farming Matters in the Fens – NFU Online

National Planning Policy Framework

Contact Officer: Mrs J Walker, Democratic Services
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Issues Identified by the Local Agriculture Working Group.

Resource Protection

- Renewable energy initiatives need to be in the right place.
- Planning policy should be sympathetic to initiatives that operate within a single site.
- Agricultural land is increasingly being used for environmental purposes.

Pasture

- Unimproved pasture is scarce – there is an EU requirement that each country maintains the same level of cropped pasture as a baseline.
- Permanent pasture is under threat. Ridge and furrow is one of the most threatened features of local farms. There needs to be clarity within planning policies on how building on such land would be regarded.

Planning Policy

- Policy needs to be consistent e.g. wind turbines are granted permission where housing would be refused.
- Where permission is granted for construction of operational buildings, the buildings should only be used for the purpose for which permission was granted. A condition might be imposed to this effect, unless there are exceptional circumstances.
- Agricultural buildings should have regard to their location. Planning conditions might be imposed on the appearance of buildings.
- The Council should be flexible and willing to enter into a dialogue with the agricultural industry. Similarly, the agricultural industry should be flexible in its requirements.
- There is a need for greater agricultural expertise in the planning process. This would help to assess the viability of applications. It has been suggested that a review Working Group might be established, comprising individuals with an in-depth knowledge of the agricultural industry, to advise on applications and negotiate with applicants on acceptable developments. The Working Group should be confined to considering applications for development that has an agricultural purpose or is sought on the grounds of agricultural exceptions.
- A question has been raised over the quality of advice received from consultants for agricultural applications. This should be reviewed.
- Workplace homes in rural communities are viewed positively as they bring benefits to the communities in terms of income and employment.
- Some rural villages would benefit from low levels of development.
- Agricultural policy needs to be taken into account when house building targets are set. Villages need more houses to continue to be viable.
- Diversification needs to be defined. It should not have an adverse effect on the environment.
- Planning permission for developments that have agricultural purposes might be assessed against a range of criteria.
- The criteria need to cover the broad perspectives of the economy, land use and farming.

- Planning permission for development with agricultural purposes might have off-setting conditions attached to them that promote the environment e.g. allow development if wood land is planted or a pond is built.
- There should be a policy for storing run-off water.
- Does the designation of green-field and brown-field sites apply only to buildings or does it include the surrounding land?
- Agricultural development needs to be of the right kind.
- Farmers need to make green areas viable.
- Development should not result in pollution.
- Guidance is required on how the effects of development on the environment might be mitigated.
- No new agricultural planning permission should be granted or permitted development take place if the applicant has existing similar buildings used for non-agricultural purposes with or without planning permission.
- Change of use for non-agricultural purposes should only be approved on condition that, if needed in the future, the premises will revert back to agriculture and there will not simply be a new building.

Housing

- Diversification enables farmers' families to stay in villages where the farm is not big enough to provide an income for all descendants. This helps to maintain the viability of villages.

Enforcement

- It is suspected that the agricultural justification for development might sometimes have been abused; such as using barns for warehousing and selling their houses and applying to build new homes.
- There should be follow up enforcement, for example, if a house is built using agricultural justification and the business is discontinued.
- Planning Officers should have mobile technology that will provide them with data on planning permissions for use when visiting sites.

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