



WINNER



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## *Lea Valley Growers Association - Newsletter* May 2016 Issue No. 449

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# “Victory” for Valley Grown Nurseries in Planning battle against the Lee Valley Park

- The Court of Appeal has given its long awaited judgment in the case of ***R (Lee Valley Regional Park Authority) v Epping Forest DC and Valley Grown Nurseries Ltd*** [2016] EWCA Civ 404. The case involved a challenge to the grant of planning permission for a 92,000 square metre glasshouse extension on a site lying within both the Green Belt and the Lee Valley Regional Park, and also less than a mile from a Special Protection Area and Ramsar site.
- The appeal raised wide ranging issues concerning the interplay between the statutory presumption in favour of the development plan and the NPPF, the requirements of the Habitats Directive, and the meaning and effect of NPPF policy for the construction of agricultural buildings in the Green Belt. Peter Village QC and Ned Helme, acting for Valley Grown Nurseries, successfully defended the appeal on all grounds.
- The principal issue in the case concerned the consequences of a proposal being appropriate (or “not inappropriate”) development in the Green Belt. The glasshouse was appropriate, since it was a “building for agriculture” under the first bullet of paragraph 89 of the NPPF. The LVRPA contended that an appropriate proposal caused no “definitional harm” but that it could cause “actual harm” to the openness of the Green Belt, or to the purposes of including land in it, and that any such actual harm should be given “substantial weight” under paragraph 88 of the NPPF.
- Giving the judgment of the Court, Lord Justice Lindblom rejected the LVRPA’s argument, finding that it would mark an “unheralded change” from previous Green Belt policy under PPG2 and that it would negate the purpose of categorising agricultural buildings as appropriate. Lord Justice Lindblom agreed with Mr Justice Dove (who had heard the case at first instance) that appropriate means “appropriate to the Green Belt” such that an appropriate agricultural building is regarded by the NPPF as not inimical to openness or Green Belt purposes.
- That was the real significance of a development being appropriate in the Green Belt, and the reason why it does not have to be justified by “very special circumstances”. That was not to say that proposals for the erection of agricultural buildings in the Green Belt will escape other policies in the NPPF, and in the development plan, including policies directed to the visual effects of development and the protection of countryside or the character of the landscape. However, the Council’s approach to such matters in this case was unimpeachable and the grant of permission was therefore lawful.



# NFU & Lea Valley Growers Consultation Response: Rural Planning Review.

“The Association recently met with Housing and Planning officers from Epping Forest District Council to discuss Nursery Workers Accommodation.

The importance of purpose built accommodation was highlighted in order to attract and retain horticultural workers at a time when labour is becoming increasingly difficult to find.

The Association also fed back several issues to be included within the NFU response to the Rural Planning Review (Call For Evidence) , published by the Department for Communities and Local Government and the Department for the Environment, Food and Rural Affairs and these have been included as follows.”

***“Within the Lea Valley, the current policies of the Lee Valley Regional Park Authority and their remit interpretation regarding Horticultural businesses demonstrate a failure to recognise the economic importance and potential of the glasshouse industry within the park area, and this is stifling the sustainable development and competitiveness of the important glasshouse businesses in this region who grow up to three quarters of some of the UK’s Salad crops.***

***Although Epping Forest District Council have generally been supportive to Glasshouse expansion inside and outside of the Lee Valley Regional Park they remain opposed to the development of Agricultural tied purpose built workers accommodation, which, is becoming increasingly important for Horticultural businesses to attract permanent and seasonal workers”.***

A copy of the full response can be seen at the following

<https://www.nfuonline.com/nfu-consultation-response-to-the-rural-planning-review-april-21-2016-final/>



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## Growers in the News



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Automated [#Pepper](#) bins at [@ValleyGrownSala](#) the future of [#salad](#) [#growing](#) today [#freshproduce](#) [#buybritish](#) [#Leevalley](#)



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Great picture of the [#Leevalley](#) [#Cucumber](#) flowering in the sunshine [#buybritish](#) [#freshproduce](#) [@ValleyGrownSala](#)

Jo D [@joannedaniel27](#)



Loving the beautiful crop and these pretty flowers are an added bonus. Love my...



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Legal challenge fails to halt Valley Grown Nursery expansion in Nazeing | Hertfordshire Mercury [po.st/JWks40](#) via [@HertsMercury](#)



Legal challenge fails to halt Valley Grown Nursery expansion in Nazeing [hertfordshiremercury.co.uk](#)



BPOA  
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[@LeaValleyGrower](#) [@HertsMercury](#) Congratulations on this success in bringing [#sustainablefood](#) & story to an historic glasshouse growing area! 😊

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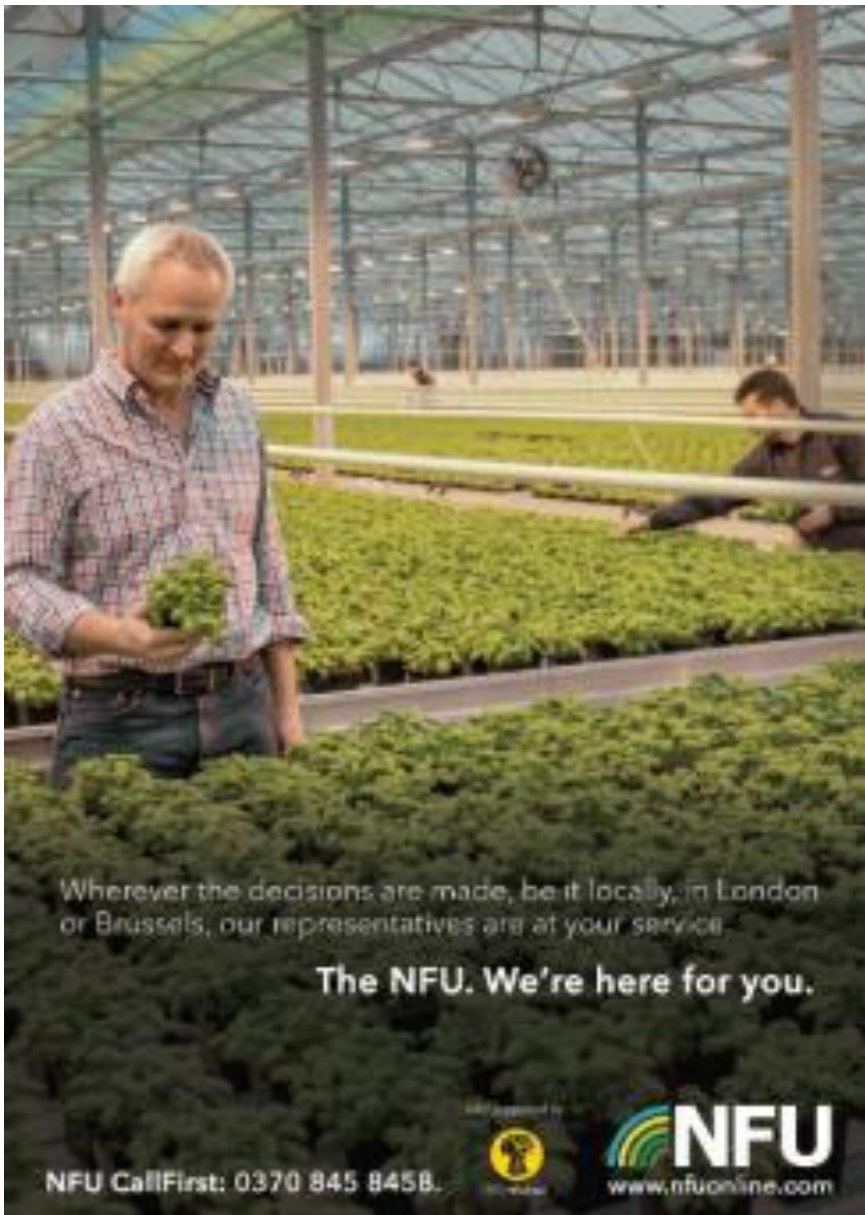
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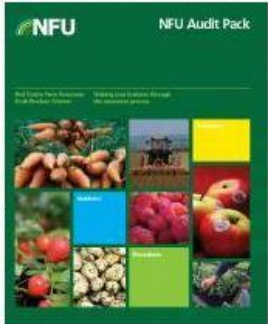
# Free Audit Pack Available

Contact Lee Stiles on 01992 625 076 for your copy

On the back of the revised Red Tractor Fresh Produce (RTFP) standards launched late last year, the NFU's popular Audit Pack has had a bit of an overhaul to ensure that it not only covers the latest standards but now reflects the brand new coding structure.

Horticulture and Potatoes Adviser, Lee Abbey, said 'with all the changes to the Red Tractor standards and its new coding structure, it has taken longer to update our Pack than we would have hoped. But what we have now is a brand new, fully updated Pack that is better than ever.'

The NFU Audit Pack was first launched in 2008 and has helped hundreds of members through the Red Tractor audit process ever since. Filled with templates, policies and supporting documentation, the Pack can either be used as a standalone solution to many of the RTFP requirements, or as an additional resource to aid compliance with the RTFP audit.



## Advertise Jobs Nationally for FREE

We are pleased to announce that the NFU now has a new job vacancy offering online that is FREE for members.

Advertise for free now by visiting the NFU Job Pages admin section using your standard NFU online login details.

Further information on how to create a job posting is available in the NFU Online Members area or by contacting Call First on 0370 845 8458.

<https://jobs.nfuonline.com/>

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Policyholders and new customers wishing to transact Car, Commercial Vehicle, Home, Horse and Travel Insurance outside of our normal 9-5 office hours will be directed to the NFU Mutual Call Centre in Glasgow by ringing our usual office telephone number 01992 625 076.

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