Appendix 5

Dunsfold Aerodrome – Designation as a brownfield site

V1 September 2016

5.1 INTRODUCTION

The choice of Dunsfold Aerodrome (DA) as a strategic site for up to 2,600 homes is over reliant on the claim by Waverley Borough Council (WBC) that a substantial majority of the site (86% or 82%) is previously developed land (PDL). Determining how much of the DA site is PDL is a complex and uncertain matter which has been oversimplified and incorrectly interpreted by WBC. POW sets out its interpretation and evidence below.

Further POW considers it essential that the Local Plan includes a plan identifying the current uses of the various parts of the DA site. In particular this is necessary for considering what protections may be required for environmental and ecological reasons.

5.2 THE EXTENT OF THE PDL

POW’s concern about the description of ‘brownfield’ as it has been applied to the DA site is under two headings –

1. The failure to have regard to the physical character and past planning history of the site; and

2. The calculation of the proportion of the site claimed to be brownfield.

1. The physical character and past planning history of the site

There is, of course, universal support, with which POW agrees, for priority to be given to building housing on brownfield sites before using greenfield sites, provided the brownfield sites are equally as suitable as the greenfield sites. However most people, if asked to describe what a brownfield site is, would describe it as land on which there are or were buildings and structures, not agricultural land comprising several hundred acres of grassland crossed by a runway.

The majority of the DA site is open grassland, cut for hay, with ancient and other woodland, and with part of the site having been used, until about 16 years ago, as a golf course. We understand that until 2013 the then owners were entitled to the substantial Single Payment Scheme subsidy under the European Union’s Common Agricultural Policy (CAP) which is the main payment scheme for farmers for their agricultural land (see Figure 1).
Figure 1: Dunsfold Airfield has acres of ancient woodland, having unique features such as relatively undisturbed soils and communities of plants and animals that depend on the stable conditions the ancient woodland provides, some of which are rare and vulnerable such as the Nightingale and Woodcock. They are also living history books, with features such as medieval boundary banks, charcoal hearths and old coppice stools that tell us how woodland was used in centuries past and in the more recent past of this World War II airfield. [It is woodland that has existed since 1600AD and may even go back to 10,000 years ago, after the last Ice Age. Yet ancient woodland covers only around 2 per cent of the land area of the UK and needs to be protected]
There is much valuable wildlife on DA. For example many globally threatened species of birds, with a declining UK population, inhabit DA and have been seen there this year, such as nightingales, linnets, woodcocks, kingfishers and barn owls.

The open part of the DA is covered by the saved ‘Policy C2 – Countryside Beyond the Green Belt’ in the current Local Plan, and POW believes that this policy should be substituted in the new Local Plan for the proposed new Policy RE1.

The current Local Plan includes the following:

“3.18 The Proposals Map shows that there are areas around Cranleigh and Dunsfold, Farnham and Dockenfield which are not in the Green Belt and some but not all of these areas are within the Area of Great Landscape Value. These parts of the Borough which are not in the Green Belt are regarded as an important part of the rural area of Waverley and an integral area of the whole area of countryside, which it is intended to protect from development. The countryside in the Borough is a fundamental part of its character, and should be safeguarded both within and outside the Green Belt.”

2. Calculation of the brownfield percentage

The footprints of all the present, past (if not blended into the landscape) and associated fixed surface infrastructure on the site are PDL. It is common ground that this includes the footprints of the buildings, runways, roads, hard-standings, etc. POW also accepts that all the land (about 23 hectares including the buildings, etc.) on the northern, rectangular, commercial part of the site is PDL. What POW does not accept is that the open areas of grassland and woodland on the airfield part of the site comprise ‘curtilage’, certainly not the whole or a majority of these areas.

POW’s interpretation was also originally that of WBC and was advanced on their behalf by their Counsel, Tim Mould QC, at the 2009 planning inquiry (see the evidence given by Paul Falconer of WBC at the end of this Appendix).

However the Inspector’s conclusion was that “the operational part of the aerodrome, including the runways and interstitial grassed areas, is developed land”. This conclusion was supported by the Secretary of State in making his decision. The Inspector did not identify precisely which parts of the site were previously developed land, leaving the uncertainty as to how much of the site is “the operational part of the aerodrome”.

Although these views carry weight it is, as has been made clear by the Government in their guidance, only the courts that can conclusively determine which parts of a site come within the ‘curtilage’.

The owners of DA have claimed the benefit of permitted development rights for temporary uses on the whole or substantially the whole of the airfield part of the DA site. As is well known these rights do not apply to the curtilage of buildings. The owners cannot claim that land has the benefit of permitted rights and at the same time claim the land is curtilage and therefore PDL.
The document ‘Consultation on Potential Housing Scenarios and other issues for Waverley Local Plan’ published by WBC in October 2014 contains the calculation by the Council of the proportion of the site that is brownfield land, which has been repeatedly quoted since:

“Dunsfold Aerodrome

2.25 This is a substantial site of 214 hectares, of which 86% is previously-developed land........”

The area of land sold in 2002 by BAe was 528 acres (213 hectares). Additional land was purchased by Dunsfold Park Ltd (DPL) so that, by the time of the 2008 planning application, DPL stated that the site had grown to 612 acres (248 hectares). The 2015 planning application states that the site is still 248 hectares.

We assume that the site area stated by WBC of 214 hectares in the consultation document is simply a mistake for 248 hectares. However paragraph 18.13 (and its footnote) in the draft Local Plan contain yet further errors in the calculation of the proportion of DA which WBC claim is PDL. This sub-paragraph states “…about 82% is previously-developed land.” The footnote then adds:

“Para 98 of the appeal decision ref APP/R3650/A/08/2089143/NWF dated 24 September 2009 states that 86% of the site is previously-developed land (pdl). The figure of 82% is based on the area of pdl indicated in planning application WA 2015/2395, which shows a slightly different area to that in the 2009 appeal”.

There are two errors, the first of which is very significant. The draft Local Plan has been based by WBC on the premise that the Inspector on the 2009 appeal determined the extent of PDL on the DA site to be 86%, thus justifying an about-turn on the matter (WBC’s evidence at the 2009 Inquiry was that the PDL amounted to just 23% - see the evidence of Paul Falconer at the end of this Appendix). However, the 86% figure (from which WBC’s 82% figure now derives) is extracted from a passage in the Inspector’s Report in which he is merely reporting the Appellant’s case (paragraph 98), not giving his own conclusions (paragraphs 355-358). In those conclusions, the Inspector recorded that there were conflicting views on PDL; that there was no dispute that the area containing the hangars and other buildings in the north constituted PDL; that the Rule 6 parties had maintained that this was the only PDL; but that his view was that the runways, taxi ways, perimeter road and interstitial grassed areas was also PDL. However, the Inspector made no conclusion as to the percentage of the DA site which amounted to PDL.

This error is of particular concern as before publication of the draft Local Plan POW did, in a letter to WBC dated 29 July 2016, explain its views on the interpretation of the extent of the brownfield land on the DA site and set out very clearly the Inspector’s conclusions on the issue.

Further, POW does not understand why the percentage has been reduced from 86% to 82% when it seems, from the documents it has seen on the two planning applications, that the site area was the same on both applications.

5.3 LAND USE PLAN

The land uses, both existing and proposed, are a crucial factor in the planning of the DA site. This was a matter raised at POW’s meeting with WBC on 25 January 2016 at which WBC confirmed that
an important question is whether the proposed land uses are acceptable on the site? POW suggested that a Land Use Plan should be prepared which would clarify those areas that are considered brownfield, AGLV, ancient woodland to be protected, etc. However, a Land Use Plan has still not been published by WBC. The Local Plan should include a detailed Land Use Plan for the DA site, given its importance.

Evidence of Paul Falconer on behalf of Waverley Borough Council at the 2009 Public Inquiry

“Previously Developed Land

6.1.17 I have already referred to the site being developed in the war as an airfield and subsequently for aviation construction.

6.1.18 Previously developed land (PDL) is defined in PPS3 as being:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.”

6.1.19 Para. 1(v) of PPS7 states that:

“Priority should be given to the re-use of previously developed (brownfield) sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.”

6.1.20 I do not consider that the appeal site constitutes Previously Developed Land. The question of whether airfields are PDL was posed in a petition to the Prime Minister (http://www.number10.gov.uk/Page11194) seeking clarification of PPS3. The response given was as follows:

“There has been a common misunderstanding about the status of airfields in Planning Policy Guidance 3 (PPG3). Airfields were not exempted from the definition of previously developed land. Previously developed land includes the permanent structures and the curtilage of a site. Planning Policy Statement 3 (PPS3) reaffirms this position. However, PPG3 stated that where the proportion of open land on previously developed sites (the curtilage) was large, then it would not normally be appropriate to develop these sites to the boundary. It used airfields as an example, but this was never an exemption. PPS3 continues this approach. It states that there is no presumption that previously-developed land is necessarily suitable for housing development. Nor is there any presumption that the whole of the curtilage should be developed.

This applies to airfields as to all other land uses. It is up to local authorities to decide these issues on a case by case basis.

The extent to which a site is defined as being previously developed land will depend on the particular circumstances of the site. For example, in the case of a large site with few structures, some parts of the site might be classed as previously developed, and others as
6.1.21 In other words aerodromes or airfields are capable of being considered PDL but the actual extent of PDL will depend upon the circumstances of the site. In the present case, I consider that the concept of “previously developed land” properly describes the areas of the appeal site in business use and the main runway **but not the grassed areas**. Whilst the appellant considers that the entire site could be described as brownfield, I consider that this description may only reasonably extend to the parts which have been developed, ie. the buildings and runways, which reflect the history of the site. **This equates to only 56 hectares of the total site area of 248 hectares or 23%.** A significant proportion of the 56 hectares is located at the north of the site where the existing commercial buildings are to be retained and parts of the runway and perimeter track would be outside the area for built development under the appeal proposal. Moreover, the outcome of this appeal will not affect the ability of the appellant to use these buildings or of the Council as local planning authority to identify a long term framework for the site’s future.

6.1.26 The development plan provides no support for extending development over that part of the former aerodrome that has never been subject to development or built form.

6.1.27 Finally, the appeal site would be the wrong location in which to locate a development of this scale and nature. I consider that such development would conflict with para. 1(v) of PPS7 quoted in para. 6.1.19 of my evidence.”