Ministry of Housing, Communities & Local Government

Our ref: APP/R3650/V/17/3171287
Your ref: M&R-FirmDMS.FID34838921

Peter Seaborn
Mills & Reeve
Botanic House,
100 Hills Road
Cambridge
CB2 1PH

29 March 2018

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77 APPLICATION MADE BY DUNSFOLD AIRPORT LIMITED AND RUTLAND LIMITED
LAND AT DUNSFOLD PARK, STOVOLDS HILL, CRANLEIGH, SURREY, GU6 8TB
APPLICATION REF: W/2015/2395

1. I am directed by the Secretary of State to say that consideration has been given to the report of Philip Major BA(Hons) DipTP MRTPI, who held a public local inquiry between 18 July and 3 August 2017 into your client's application for planning permission for a hybrid planning application; **part Outline** proposal for a new settlement with residential development comprising 1,800 units (Use Class C3), plus 7,500sqm care accommodation (Use Class C2), a local centre to comprise retail, financial and professional, cafes / restaurant / takeaway and/or public house up to a total of 2,150sqm (Use Classes A1, A2, A3, A4, A5); new business uses including offices, and research and development industry (Use Class B1a and B1b) up to a maximum of 3,700sqm; storage and distribution (Use Class B8) up to a maximum of 11,000sqm; a further 9,966sqm of flexible commercial space (B1(b), B1(c), B2 and/or B8); non-residential institutions including health centre, relocation of the existing Jigsaw School into new premises and provision of new community centre (Use Class D1) up to a maximum of 9,750sqm; a two-form entry primary school; open space including water bodies, outdoor sports, recreational facilities, canal basin and nature conservation areas; public transport routes, footpaths and cycleways; landscaping; the removal of three runways; all related infrastructure including roads, car and cycle parking, energy plant and associated equipment, water supply, telecommunications, drainage systems and waste water treatment facilities; and **part Full** application for the demolition of 8,029sqm of existing buildings and the retention of 36,692sqm of existing buildings, for their future use for a specified purpose as defined by the Use Classes as specified in the schedule of buildings and their uses; and the temporary use of Building 132 for a construction headquarters in accordance with application ref: W/2015/2395, dated 16 December 2015.

2. On 8 March 2017, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Ministry of Housing, Communities & Local Government
Stephen Jewell, Decision Officer
Planning Casework Unit
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Inspector's recommendation and summary of the decision

3. The Inspector recommended that the application be permitted, and planning permission be granted subject to conditions.

4. For the reasons given below, the Secretary of State agrees with the Inspector's recommendation. He has decided to grant planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations. The Secretary of State notes the Inspector's conclusions in respect of the Environmental Statement (IR 407-408). The Secretary of State agrees with the Inspector that the Environmental Statement has addressed matters in relation to ecology and biodiversity and notes the Inspector's finding that the Environmental Statement's conclusions have not been challenged with any other substantive evidence (IR407) and that ecological matters have been appropriately addressed (IR408). Overall, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

6. On 13 February 2018, the Secretary of State wrote to the main parties to afford them an opportunity to comment on the Local Plan Inspector's Report on the Examination of the Waverley Borough Local Plan Part 1 and the associated final schedule of main modifications. He also wrote on the 16 February outlining an additional archaeological condition proposed by Surrey County Council to cover the heritage assets.

7. Since receipt of the Inspector's Report into the application, and following consultation on the Addendum to the Environmental Statement, Surrey County Council proposed an amendment to the condition on archaeology. However, the wording of the existing condition was viewed as adequately addressing issues relating to archaeology in the draft list of conditions at the Inquiry. The Secretary of State sees no grounds for departing from the condition agreed at the Inquiry between the applicant Dunsfold Airport Limited and Rutland (DAL) Limited, and the Local Planning Authority Waverley Borough Council.

8. A list of representations received in response to the Secretary of State's letters is at Annex A, along with a list of other correspondence. Copies of these letters may be obtained on written request to the address at the foot of the first page of this letter.

Policy and statutory considerations

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

10. In this case the development plan consists of the February 2018 Waverley Borough Local Plan Part 1and the saved policies of the Waverley Borough Local Plan 2002. The Secretary of State considers that the policies of most relevance to this case include ALH1: The Amount and Location of Housing, SP2: Spatial Strategy; EE1: New Economic Development; SS7: New Settlement at Dunsfold Aerodrome

11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance').

12. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

Main issues

Paragraph 14 of the Framework – the 'Tilted Balance' no longer engaged

13. The Secretary of State notes the Inspector's conclusion at IR331 that the 'tilted balance' under paragraph 14 of the Framework is engaged in this case. However, the position has changed since the inquiry, given that the Local Authority has adopted the Waverley Local Plan and as such the relevant development plan policies are no longer out of date, silent or absent. The Secretary of State also agrees with the Local Pan Inspector that the Council can demonstrate a 5 year housing land supply (paragraph 19 of this decision refers). The Secretary of State therefore concludes that the 'tilted balance' under paragraph 14 is not engaged.

Previous appeal case in 2009

14. The Secretary of State agrees with the Inspector that a previous decision taken in 2009 relating to the site is a material consideration (IR328). That proposal was for 2,601 homes, and other development. The Inspector summarises at IR328 the reasons for refusal i.e. planning permission was refused on the basis the location was 'inherently unsustainable' and that mitigation measures would not overcome the identified harm in relation to traffic impacts. However, for the reasons given at IR328-341 the Secretary of State agrees with the Inspector that a number of important material considerations have changed in the intervening period (although the 'tilted balance' is no longer engaged – as explained above). These include the objectively assessed housing need for the Borough being 'massively greater' than that identified in 2009; and there being 'clear evidence that there is a need to take development from the neighbouring borough of Woking, pushing up the housing requirement still further' (IR333). The Secretary of State also agrees with the Inspector that other important considerations that have changed include the publication of the Framework in 2012.

15. Also, since the Inquiry the Local Authority has adopted the Waverley Local Plan (in February 2018) and this allocates the broader Dunsfold site for development. The Secretary of State also notes the Inspector's comments at IR341 that 'there were acknowledged unresolved issues with the unilateral planning undertaking in 2009. However, there is now a S106 agreement in which the Applicants, the Borough Council, and the County Council are signatories. The Secretary of State agrees with the Inspector's conclusion that the Borough and County Councils would not have signed the Agreement unless it was considered fit for purpose. The Secretary of State also agrees

with the Inspector that likelihood of the measures being implemented, and enforcement mechanisms being in place to ensure implementation, has been enhanced since 2009; and that this is a significant matter which has changed since 2009.

16. Overall, the Secretary of State therefore considers that the location of the proposed development can no longer be seen as 'inherently unsustainable'.

The Local Plan Inspector's examination of the Waverley Local Plan

17. The adopted Waverley Local Plan allocates the broader Dunsfold Aerodrome site, including the appeal site, for 2,600 dwellings. The Secretary of State notes that in his report on the Waverley Borough Local Plan Part 1 (dated 1 February 2018) [1] the Local Plan Inspector strongly supports the development of the broader site (paragraphs 77 – 93 of the Local Plan Inspector's report refer). For example, the Local Plan Inspector concludes that 'it is clear from the evidence that a large housing allocation at Dunsfold Aerodrome is a much better and more sustainable option than a smaller allocation or no allocation at all on the site, for a number of reasons' including that the proposed development is 'essential not only to relieve pressure on greenfield land but to ensure the delivery of sufficient housing to meet Waverley's needs' (paragraphs 77-78 refer). The Secretary of State also notes the Local Plan Inspector's conclusion that the strategic site allocation at Dunsfold Aerodrome is a 'key contributor to housing delivery' in the Borough (paragraph 87).

Housing allocation

18. The Secretary of State also agrees with the Local Plan Inspector's conclusion that the Council can demonstrate a 5 year housing land supply (paragraphs 43 – 56 of his report refer). However, the Secretary of State also notes the appeal Inspector's conclusion at IR330 that 'there is agreement that the need for affordable housing in the borough is acute'.

19. The proposal would deliver 1,800 new homes, including 540 affordable dwellings, and provision of accommodation for older people. Notwithstanding that there is a 5 year housing land supply, given the Government's policy (at paragraph 47 of the Framework) to 'boost significantly the supply of housing' and the Local Plan Inspector's conclusion on the importance of the proposed development in meeting Waverley's needs, the Secretary of State considers that the benefits from the provision of housing carry very substantial weight in favour of the proposal.

Economic benefits

20. The proposal would provide new employment opportunities and consolidation of the existing business park; the Inspector estimates that the site might make provision for about 1,000 new jobs (IR 409). The Secretary of State considers that these economic benefits carry substantial weight in favour of the proposal.

Educational and community benefits

21. The existing Jigsaw school is an independent day school for young people with autism spectrum disorder. The proposed development includes relocating the school into new premises to meet demand for services and provision of a new community centre. The

[1] Waverley Borough Local Plan, Inspector's Report February 2018

http://www.waverley.gov.uk/info/1004/planning_policy/247/the_new_local_plan_documents/2

proposal also includes a new two-form entry primary school. The Secretary of State agrees with Inspector's conclusion at IR409 that these educational and community benefits carry significant weight in favour of the proposal.

Impact on the highway network

22. Paragraph 32 of the Framework states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

23. The Secretary of State notes the Inspector's findings at IR344-351 that there are existing delays and queueing in both directions on the A281 and that the proposed development would add traffic to the A281. However, he agrees with the Inspector that the A281 corridor would be able to perform satisfactorily in the future when optimum performance settings are operated on the traffic systems.

24. For the reasons given at IR352-355 the Secretary of State agrees with the Inspector that there would not be any significant impact on the highway network by way of increase of heavy goods vehicle movement. The Secretary of State notes the Inspector's findings at IR356-360 that lanes are used by some as 'rat runs' to avoid main routes, but also agrees with the Inspector that the proposal would not result in the use of these roads by materially greater numbers of vehicles. The Secretary of State therefore agrees with the Inspector's conclusion at IR370 that there would be no severe residual cumulative impact on the highway network and the proposal is not in conflict with paragraph 32 of the Framework.

The impact of the proposal on the character and appearance of the area including the Area of Outstanding Natural Beauty (AONB)

25. The Secretary of State agrees with the Inspector's findings at IR375-395 in relation to impact on character and appearance. The Secretary of State notes that the site lies in the Low Weald, between the Surrey Hills AONB and the distant South Downs and that part of the site is located in a locally designated Area of Great Landscape Value. The Secretary of State agrees with the Inspector that due to the current use of the site as a business park and operational aerodrome the sensitivity of the landscape character is not high (IR380). The Secretary of State also agrees with the Inspector that the aerodrome has limited value in landscape terms and that the intactness of the landscape was lost when the aerodrome was created and it has little scenic quality (IR381). Overall, the Secretary of State agrees with the Inspector that the impact of the proposal on the character and appearance of the area can be assigned no greater than moderate weight (IR387).

26. The proposal is close to the Surrey Hills AONB. The Secretary of State agrees with the Inspector for the reasons given at IR390-395 that there would be little impact from the proposal looking out, and some benefit to the public in new views looking in. Overall the Secretary of State agrees with the Inspector that the setting, tranquillity or other attributes of the AONB would not be materially affected by the proposed development (IR394) and taking this main consideration as a whole, the proposal would not cause material harm to the character or appearance of the area (IR395).

Impact from loss of Ancient Woodland

27. The Secretary of State has had regard to the Inspector's findings at IR397-398 relating to the loss of ancient woodland and notes that the loss will be a small area of 360sqm in order to provide access to the site from the A281. He further notes that this is a very small part of the ancient woodland area in Waverley and Surrey. The Secretary of State notes the Inspector's comments that 'there would be environmental improvements carried out, including the linking of areas of ancient woodland with new woodland planting, and that translocation of soil from the ancient woodland would assist in preserving the ecological resource'. The Secretary of State also notes the Inspector's finding that the area lost would be mostly sycamore which 'does not appear to be well managed'. The Secretary of State agrees with the Inspector that the potential to improve the existing ancient woodland and provide better linkage can be seen as a positive benefit (IR398) and considers these environmental benefits carry moderate weight in favour of the proposal.

28. In relation to the loss ancient woodland, overall the Secretary of State agrees with the Inspector that the need for and benefits of the proposed development clearly outweigh the very limited loss of that habitat (IR 422).

The impact of the proposal on other relevant interests

29. The Secretary of State notes the Inspector's findings (IR399) that the access road would cross a small area that is liable to flooding (flood zones 2 and 3) and agrees with the Inspector that no vulnerable development would be located in the flood zone – it would be restricted to the small area of the road only. The Secretary of State also agrees with the Inspector that there are practical solutions to ensure that foul sewage and surface water drainage is dealt with appropriately (IR400-401).

30. The Inspector considered the potential impact of the proposal on heritage assets, including any impacts on the setting. For the reasons given by the Inspector at IR403-406 the Secretary of State agrees with the Inspector that the proposal would not be harmful to heritage assets and, whilst the setting of the recently listed Grade II Primemeads building would change, this would not likely to be for the worse but rather 'is likely to improve' (IR404). The Secretary of State is also aware that additional buildings on site have been listed since the Inquiry. The Secretary of State has considered the proposals against paragraph 132 of the NPPF and he is satisfied that it remains the case the proposed development would not be harmful to heritage assets.

Revised Framework (currently under consultation)

31. The Secretary of State notes that the revised Framework was issued for consultation on 5 March 2018, and that it proposes changes to certain policies relevant to this case including loss of ancient woodland, protecting historic assets, preserving general aviation facilities and use of brownfield sites. However, as the revised Framework is at the consultation stage and subject to change it does not alter his overall conclusion on this case.

Planning conditions

32. The Secretary of State has given consideration to the Inspector's analysis at IR301-307, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy

test set out at paragraph 206 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

33. Having had regard to the Inspector's analysis at IR308-316, the planning obligation dated 1 August 2017, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR317 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework.

Planning balance and overall conclusion

34. For the reasons given above, the Secretary of State considers that the application is in accordance with Policies ALH1: The Amount and Location of Housing, SP2: Spatial Strategy; EE1: New Economic Development; SS7: New Settlement at Dunsfold Aerodrome of the Waverley Local Plan Part 1. He therefore considers that the application is in accordance with the development plan. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

35. The impact of the proposals on the character and appearance of the area carry moderate weight against the proposal. Although there would be residual cumulative impacts on transport these would not be severe and so in this respect the proposal does not conflict with national policy.

36. The Secretary of State considers that the provision of housing, including affordable units and accommodation for the elderly has very substantial weight in favour of the proposal. The provision of new employment opportunities attracts substantial weight. The proposed relocation and new premises for the existing Jigsaw school and creation two-form entry primary school and provision of a new community centre attracts significant weight in favour of the proposal. The Secretary of State considers that other environmental benefits carry moderate weight in favour of the proposal.

37. In relation to the loss of ancient woodland, the Secretary of State agrees with the Inspector that the need for and benefits of the proposed development clearly outweigh the very limited loss of that habitat. The Secretary of State therefore concludes that the balancing exercise under paragraph 118 of the Framework is favourable to the proposal.

38. The Secretary of State considers that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

39. The Secretary of State therefore concludes that planning permission should be granted, subject to conditions.

Formal decision

40. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for a hybrid planning application;

part Outline proposal for a new settlement with residential development comprising 1,800 units (Use Class C3), plus 7,500sqm care accommodation (Use Class C2), a local centre to comprise retail, financial and professional, cafes / restaurant / takeaway and/or public house up to a total of 2,150sqm (Use Classes A1, A2, A3, A4, A5); new business uses including offices, and research and development industry (Use Class B1a and B1b) up to a maximum of 3,700sqm; storage and distribution (Use Class B8) up to a maximum of 11,000sqm; a further 9,966sqm of flexible commercial space (B1(b), B1(c), B2 and/or B8); non-residential institutions including health centre, relocation of the existing Jigsaw School into new premises and provision of new community centre (Use Class D1) up to a maximum of 9,750sqm; a two-form entry primary school; open space including water bodies, outdoor sports, recreational facilities, canal basin and nature conservation areas; public transport routes, footpaths and cycleways; landscaping; the removal of three runways; all related infrastructure including roads, car and cycle parking, energy plant and associated equipment, water supply, telecommunications, drainage systems and waste water treatment facilities; and **part Full** application for the demolition of 8,029sqm of existing buildings and the retention of 36,692sqm of existing buildings, for their future use for a specified purpose as defined by the Use Classes as specified in the schedule of buildings and their uses; and the temporary use of Building 132 for a construction headquarters in accordance with application ref: W/2015/2395.

41. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

42. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

43. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

44. A copy of this letter has been sent to Waverley Borough Council and Beverley Weddell, Clerk to Alford Parish Council who is representing the Joint Parish Councils and Protect our Waverley (POW). Notification has also been sent to others who asked to be informed of the decision.

Yours faithfully

Stephen Jewell

Stephen Jewell
Authorised by the Secretary of State to sign in that behalf

Annex A Schedule of representations; Annex B List of conditions

Annex A

SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
Friends of the Earth	19/12/2017
Euan Borland	04/01/2018
Cllr Julia Potts, Waverley Borough Council	04/01/2018
Mr Bob Lees, POW Campaign Ltd	13/03/2018

Representations from the reference back on the Inspectors Report to the examination of the Waverley Local Plan

Party	Date
Joint Parish Councils and POW Campaign Ltd	15/02/2018
Mr Bob Lees, POW Campaign Ltd	26/02/2018
Peter Seaborn, Mills & Reeve (for the applicant)	27/02/2018
Rachel Kellas, Waverley Borough Council	27/02/2018

Representations from the reference back on an additional condition proposed by Surrey County council (archaeology)

Party	Date
Peter Seaborn, Mills & Reeve (for the applicant)	27/02/2018
Rachel Kellas, Waverley Borough Council	27/02/2018

Annex B

LIST OF CONDITIONS

File Ref: APP/R3650/V/17/3171287 - Dunsfold Park, Stovolds Hill, Cranleigh, Surrey

(The inquiry sat between 18 July and 3 August 2017).

Part 1 - The following conditions relate only to the part of the planning permission granted in outline and references to development in Part 1 means the part of the development subject to the outline element of the permission. In this part 1, a reference to a phase shall mean a phase identified on the phasing plan approved pursuant to condition 7 and reference to a sub phase shall mean part of a phase for which a reserved matters application is submitted for approval.

Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Application for approval of the reserved matters for the first phase or sub phase shall be made to the Local Planning Authority not later than 3 years from the date of this permission. Applications for approval of the reserved matters for the remaining phases and sub phases shall be made within 10 years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the reserved matters for the first phase or sub-phase.

Subsequent phases or sub-phases of the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved in respect of that phase or sub phase.

The plan numbers to which this outline permission relates are:

- Site Location Plan: Drawing No. PL – 01 – Revision B
- Masterplan Land Use Parameter Plan: Drawing No. PL – 04 Revision K
- Masterplan Access Parameter Plan: Drawing No. PL – 05 Revision J
- Masterplan Landscape and Open Space Parameter Plan: Drawing PL-06 Revision I
- Masterplan Density Parameter Plan: Drawing No. PL – 07 Revision G
- Masterplan Building heights Parameter Plan: Drawing No. PL – 08 Revision G

The development shall be carried out in general accordance with these approved plans.

The details referred to in condition 1 for each phase or sub phase shall include insofar as relevant to that phase or sub phase details of the materials and external finishes of the buildings, surfaces for roads/footpaths, earth remodelling, means of enclosure and the parking of vehicles, and the provision of samples of materials and finishes. Development shall be carried out in accordance with the approved details.

No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the location of the phases of the development and a programme of phasing for the implementation of the development. The

phasing plan shall also identify any enabling or mitigation works which may be carried out in advance of the construction of the new spine road access and the junction with the A281 in accordance with condition 17. The phasing plan shall contain a mechanism for reviewing and amending the phasing of the development and the programme of phasing contained therein. The development shall be carried out in accordance with the approved phasing plan (and programme of phasing contained therein).

Prior to the approval of the first reserved matters application for a building, a Masterplan Document, detailing design principles and character areas (including density, scale, car parking, external lighting strategy) for the entire site shall be submitted to and approved in writing by the Local Planning Authority. The document shall describe the procedure to allow for review and amendment of the Masterplan Document. All subsequent reserved matters applications must demonstrate general compliance with the approved masterplan. The development shall thereafter be carried out in general accordance with the approved Masterplan.

The development shall be carried out strictly and fully in accordance with the mitigation set out in Chapter 7 Ecology and Nature Conservation of Environmental Statement and Addendum Environmental Statement, including the detailed biodiversity enhancements and any required translocation site.

No development of a phase or sub phase shall take place until a Landscape and Ecological Management Plan (LEMP) for that phase or sub phase to ensure the appropriate management of existing and proposed habitats in the long term, has been submitted to and approved in writing by the local planning authority. The LEMP shall include methodologies of the sensitive management of both new and retained/enhanced habitat and a landscape, planting and seeding plan (with species list) and a scheme for soil translocation from any removal of ancient woodland. Replacement native tree and hedgerow planting is required to exceed any such habitat removed. The development on a phase or sub phase shall be carried out in accordance with the approved details.

No development of a phase or sub-phase shall take place until the applicant has secured the implementation of a programme of archaeological work for that phase or sub-phase in accordance with a Written Scheme of Investigation which has been submitted to and approved by the Planning Authority.

The development of any phase or sub phase hereby permitted shall not commence until details of the design of a surface water drainage scheme for that phase or sub phase (which accords with the approved Drainage Strategy September 2015 that formed part of the Outline Planning Application) have been submitted to and approved in writing by the Local Planning Authority. Those details shall include (where relevant in respect of that phase or sub-phase):

a) A design that satisfies the SuDS Hierarchy;

b) A design that is compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS;

c) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+CC% allowance for climate change storm events, during all stages of the development (pre, post and during)), associated discharge rates and storages volumes shall be provided. This shall include confirmation of greenfield and current brownfield discharge rates as per

the principles detailed in "Dunsfold Park a New Surrey Village, Drainage Strategy Novembers 2016";

d) A drainage phasing plan, that details how each phase of development will be drained;

e) A finalised drainage layout plan that details the location of each SuDS element, pipe diameters and their respective levels;

f) Long and cross sections of each SuDS element;

g) An impervious area plan;

h) Details of how the sustainable drainage system will be protected and maintained during the construction of the development;

i) Details of the proposed maintenance regimes for each of the SuDS elements and details of who is responsible for their maintenance.

The development of each phase or sub-phase shall be carried out in accordance with the details approved for that phase or sub-phase.

Prior to the first occupation of the development on a phase or sub-phase, a verification report carried out by a qualified drainage engineer for that phase or sub-phase must be submitted to and approved in writing by the Local Planning Authority to demonstrate that any sustainable urban drainage System to be provided on that phase or sub-phase has been constructed in accordance with the agreed scheme.

No development of a building pursuant to a reserved matters application shall commence until a foul drainage strategy for that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include evidence that the proposed drainage strategy does not have a detrimental effect upon water quality and would comply with the requirements of the Water Framework Directive. The strategy must also include a programme for its implementation. No building shall be occupied in a phase or sub-phase until the works identified in the approved foul drainage strategy in respect of that building have been carried out in accordance with the approved foul drainage strategy.

No occupation of any building constructed pursuant to the planning permission shall take place until a drinking water strategy has been first submitted to and approved in writing by the Local Planning Authority. The strategy shall detail the works and infrastructure required to provide drinking water for the development. The delivery of works and infrastructure for the provision of drinking water for the development shall be carried out in accordance with the approved strategy.

Prior to or concurrently with the submission of any Reserved Matters application(s) for the village centre, details of the nature, scale and extent of the D1 Use Class floorspace within the village centre, shall be submitted to and approved in writing by the Local Planning Authority. Any reserved matters application(s) for D1 use in the village centre shall accord with these approved details and be carried out in accordance with the approved phasing plan secured under Condition 7. The development shall be carried out in accordance with the approved details.

Prior to or concurrently with the submission of any Reserved Matters application(s) for the village centre, a programme of delivery for the Village Centre element of the development shall be submitted to and approved in writing by the Local Planning Authority. The programme of delivery shall identify and justify

the timing of completion of the proposed village centre which should comprise a mix from A1, A2, A3, A4, A5 and D1 uses and not exceed a total quantum of floorspace of 3,750 square metres (excluding any D1 education uses).

The reserved matters application for the village centre shall accord with these approved details and be carried out in accordance with the approved phasing plan secured under Condition 7. The development shall be carried out in accordance with the approved details.

With the exception of the construction of the new spine road access from the existing perimeter road within the site to the A281 and the junction with the A281 no other development, apart from enabling or mitigation works in accordance with a phasing plan secured under Condition 7, shall take place until the new spine road access from the existing perimeter road within the site to the A281 and a roundabout junction with the A281, to include cycle, and pedestrian priority, in general accordance with either drawing numbered VD15289-SK-057B has been constructed.

With the exception of the construction of the new spine road access from the existing perimeter road within the site to the A281 and junction with the A281, no other development apart from enabling or mitigation works in accordance with a phasing plan secured under Condition 7 shall take place until a scheme to deliver the following works is submitted to and approved in writing by the Local Planning Authority:

- works required to close the existing vehicular access at Stovolds Hill to vehicular traffic, with the exception of buses and emergency vehicles;
- works required to restrict the existing vehicular access at Compass Gate so as to allow access to all vehicles other than heavy goods vehicles (being of a gross vehicle weight above 3.5 tonnes);
- works required to close the existing vehicular access at High Loxley Road to vehicular traffic, but keep it open for pedestrian, footway and cycleway and bridleway traffic;
- works required to close the existing vehicular access at Benbow Lane to vehicular traffic, but keep it open for pedestrian, and bridleway footway and cycleway traffic;
- works required to restrict the existing vehicular access at Tickner's Heath so as to allow only pedestrian, cycle, horse, bus and emergency access.

The development shall thereafter be carried out in accordance with the approved details.

Within 12 weeks of the opening of the new road access and junction to the A281 to traffic:

- The existing vehicular access at Stovolds Hill will be closed to vehicular traffic, with the exception of buses and emergency vehicles;
- The existing vehicular access at Compass Gate will be restricted so as to allow access to all vehicles other than heavy goods vehicles (being of a gross vehicle weight above 3.5 tonnes);
- The existing vehicular access at High Loxley Road will be closed to vehicular traffic, but kept open for pedestrian, footway and cycleway and bridleway traffic;
- The existing vehicular access at Benbow Lane will be closed to vehicular traffic, but kept open for pedestrian, and bridleway footway and cycleway traffic;
- The existing vehicular access at Tickner's Heath will be restricted so as to allow only pedestrian, cycle, horse, bus and emergency access.

All in accordance with the scheme approved pursuant to condition 19.

No construction works forming part of the development shall commence until a Construction Transport Management Plan, to include details of

a) parking for vehicles of construction site personnel, construction site operatives and construction site visitors;

b) loading and unloading of plant and materials for the construction of the development;

c) storage of plant and materials for the construction of the development;

d) programme of construction works (including measures for construction traffic management);

e) HGV deliveries for construction and hours of construction operation;

f) construction vehicle routing;

g) measures to prevent the deposit of materials on the highway;

h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused by construction traffic;

i) on-site turning for construction vehicles;

has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Construction Transport Management Plan.

Prior to commencement of any phase or sub phase containing residential development, full details of the parking provision for each dwelling within that phase or sub phase shall be submitted to, and approved in writing, by the Local Planning Authority. The development of that phase or sub phase shall thereafter be carried out in accordance with the approved details.

Prior to commencement of development, a scheme detailing the network of footpaths, bridleways, pedestrian paths, cycle paths, footways and cycle ways linking all external accesses/desire lines within and across the site, shall be submitted to and approved in writing by the Local Planning Authority and

thereafter the development shall be carried out in accordance with the approved scheme and the approved scheme shall be implemented in accordance with approved phasing plan secured under Condition 7.

Before occupation of 100 residential units constructed pursuant to the planning permission, improvements to the signalised junction of A281/B2130 Elmbridge Road, to include provision for cyclists and buses, in general accordance with drawing number 110047/A/23 rev A, shall be carried out.

Before occupation of 100 residential units constructed pursuant to the planning permission, the provision of a right turn lane at the junction of A281/Barrihurst Lane, in general accordance with drawing number 110047/A/02 Rev C, shall be carried out.

Before occupation of 100 residential units constructed pursuant to the planning permission, the provision of Rights of Way route improvements to construct a Dunsfold Park to Cranleigh Cycleway and a Dunsfold Park to Dunsfold Village Cycleway in general accordance with Drawing VD15289-SK60 and Drawing 110047/A/24 shall be carried out.

Before occupation of the 501st residential unit constructed pursuant to the planning permission, the construction of the roundabout junction of Broadford Road/A281 to include provision for pedestrians and cyclists, the improvement of the existing roundabout at the junction of A281/Kings Road, to include provision for pedestrian and cyclists, and the improvement of the road link between the two junctions, generally as shown on drawing number VD15289 – SK055 Rev C shall be carried out.

Before occupation of the 501st residential unit constructed pursuant to the planning permission, traffic signals within the existing highway maintainable at public expense at the junction of Station Road/Snowdenham Lane/A281 Bramley, to include provision for pedestrians, cyclists and buses, in general accordance with drawing number 11047/A/22 rev B shall be carried out.

Prior to the approval of the first reserved matters application for residential development, an Open Space and Sports Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall identify the delivery of public open space, sports and leisure pitches and buildings, which should be largely in accordance with the Fields in Trust Standard, and the provision of the Canal Basin and Public Art. The development shall be delivered in accordance with the approved Open Space and Sports Strategy and be delivered in accordance with the approved phasing plan secured under Condition 7.

Prior to commencement of development of any phase or sub phase of the development which includes sports facilities there shall first be submitted to and approved in writing by the Local Planning Authority details of the design, specification, siting and layout of pitch provision and sports facilities for that phase or sub phase. The development of that phase or sub phase shall be carried out in accordance with the approved details for that phase or sub phase.

Prior to commencement of development in each phase or sub phase other than that required to be carried out as part of an approved scheme of remediation, unless otherwise agreed in writing by the Local Planning Authority, points 1 to 3 below shall be complied with in respect of that phase or sub phase. If unexpected contamination is found after development has begun, development must be halted in that area within that phase or sub phase

affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until point 4 has been complied with in relation to that contamination:

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the phase or sub phase, whether or not it originates on the phase or sub phase. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

a survey of the extent, scale and nature of contamination including unexploded ordnance risks;

an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the phase or sub phase to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development of that phase or sub phase other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development on a phase or sub phase that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of point 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2 of this condition, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point 3 of this condition.

Prior to commencement of development in each phase or sub phase of a reserved matters application for residential development a scheme detailing the provision of Electric Vehicle Charging Points (EVP's) within that phase or sub phase shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Prior to commencement of development on a phase or sub phase a site management plan for the suppression of mud, grit, dust and other emissions during any deconstruction and construction of that phase or sub phase should be submitted to and approved in writing by the Planning Authority. The approved mitigation proposals in the Air Quality Construction Assessment should form the basis for the Site Management Plan for each phase or sub phase. Development on a phase or sub phase shall accord with the Site Management Plan for that phase or sub phase.

No burning of any construction materials on site shall take place.

Prior to the commencement of construction of a non-residential building a BREEAM scheme to achieve BREEAM Very Good shall be submitted in writing for approval by the Local Planning Authority for that building. The scheme shall include a lower level of BREEAM along with a justification if a building cannot technically or viably achieve BREEAM Very Good. The approved scheme shall be implemented for that building.

Within six months of occupation of each non-residential building, a final Code Certification shall be issued certifying that the standard identified in the approved BREEAM scheme for that building has been achieved.

No development shall take place until a strategy for the sustainable re-use of soils on-site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved strategy.

Any reserved matters application that includes the access road to link the A281 to the existing perimeter road within the site shall include details to deliver the mitigation and flood compensatory storage measures relating to the Flood Zone 2 and 3 areas on the Site as set out within the approved documents Flood Risk Assessment by Mott McDonald, dated November 2015 and the Flood Risk Assessment Addendum by Mott McDonald, dated May 2016. The mitigation and flood compensatory storage measures shall be fully implemented prior to the opening of the access road to traffic, or within any other period as may subsequently be agreed, in writing, by the local planning authority

Notwithstanding the description of development, the scheme shall not include the 9,966sqm of flexible commercial space (Use Classes B1(b), B1(c), B2 and/or B8.

Inspector's Note – this condition can be omitted if the Secretary of State accepts the revised description of development as set out at the beginning of this report.

Part 2 - The following conditions relate only to the part of the planning permission granted in detail (change of use of existing buildings on site 36,692 square metres of B1, B2 and B8 Use Classes) and references to development in Part 2 means the part of the development subject to the detailed element of the permission.

The effect of Section 91 of the Town and Country Planning Act 1990 (as amended) is that the development for which permission is hereby granted shall be begun not later than the expiration of three years beginning with the date of this permission.

The plan numbers and retention schedule to which this permission relates are:

- Site Location Plan: Drawing No. PL – 01 – Revision B
- Building Demolition and Retention Plan: Drawing No. PL – 03 Revision D
- Dunsfold Park Demolition and Retentions Table

The development shall be carried out in accordance with the approved plans and Demolition and Retention Tables. No material variation from these plans shall take place.

The buildings (as shown on the 'Building Demolition and Retention Plan: Drawing No. PL – 03 Revision D') shall not be used for any purpose other than for purposes falling within Classes B1(b) and B1(c) Business use; B2 General Industry and B8 Storage and Distribution use as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015, or any other orders revoking these Acts.

No materials, including products or parts, crates, packing materials or waste shall be stacked or stored externally except within the area defined as 'Commercial' on drawing PL-04 revision K 'Masterplan: Land Use Parameter Plan'.

Prior to the new spine road access from the existing perimeter road within the site to the A281 and the junction with the A281 being open to traffic and save as provided for below, there shall be a limit of no more than 3,348 total road vehicular movements (excluding pedal and motor cycles) per day allowed to gain access to any part of the airfield. Upon commencement of construction of the new spine road access or the junction with the A281, and during their construction, the limit shall increase to 3,850 total road vehicular movements (excluding pedal and motor cycles) per day to allow for the related construction traffic. Upon the opening of the new spine road to access to traffic no limit on road vehicular movements shall apply on the application site or in relation to access to the application site. For the purpose of this condition, a vehicular movement shall include a movement into or out of the site.

No demolition works shall commence until a Construction Transport Management Plan, to include details of

a) parking for vehicles of demolition site personnel, demolition site operatives and demolition site visitors;

b) loading and unloading of plant and materials for the demolition works;

c) storage of plant and materials for the demolition works;

d) programme of demolition works (including measures for demolition traffic management);

e) HGV deliveries for demolition and hours of demolition;

f) demolition vehicle routing;

g) measures to prevent the deposit of materials on the highway;

h) before and after demolition condition surveys of the highway and a commitment to fund the repair of any damage caused by demolition traffic;

i) on-site turning for demolition vehicles.

has been submitted to and approved in writing by the Local Planning Authority. The demolition works shall be carried out in accordance with the approved Construction Transport Management Plan.

Prior to commencement of any demolition a Site Management Plan for the suppression of mud, grit, dust and other emissions during any demolition works shall be submitted to and approved in writing by the Planning Authority. The approved mitigation proposals in the Air Quality Construction Assessment should form the basis for the Site Management Plan. Any demolition works shall accord with the Site Management Plan.

No burning of any construction materials on site shall take place;

Following commencement of the development hereby approved, if unexpected contamination is found on any part of the site at any time, the Local Planning Authority shall be immediately notified in writing and all works shall be halted on that part of the site. The following shall be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of works on that part of the site:

a) An investigation and risk assessment, in accordance with a scheme to assess the nature and extent of any contamination on that part of the site, whether or not it originates on that part of the site. The investigation and risk assessment shall be undertaken by a competent person as defined in Annex 2: Glossary of the NPPF;

b) Where required, a detailed remediation scheme shall be prepared to bring that part of the site to a condition suitable for the intended use of that part of the site by removing unacceptable risks to human health, buildings and other property. The scheme shall include:

   a. All works to be undertaken;
   b. Proposed remediation objectives and remediation criteria;
   c. Timetable of works;
   d. Site management procedures;

c) Following completion of approved remediation works, a verification report demonstrating the effectiveness of the approved remediation works carried out shall be completed and shall be submitted to the Local Planning Authority.

The Planning Inspectorate

Report to the Secretary of State for Communities and Local Government

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 12 October 2017

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION BY DUNSFOLD AIRPORT LIMITED (DAL) and RUTLAND (DAL) LIMITED

WAVERLEY BOROUGH COUNCIL

Inquiry opened on 18 July 2017

Dunsfold Park, Stovolds Hill, Cranleigh, Surrey GU6 8TB.

File Ref: APP/R3650/V/17/3171287

File Ref: APP/R3650/V/17/3171287
Dunsfold Park, Stovolds Hill, Cranleigh, Surrey GU6 8TB.

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 8 March 2017.
- The application is made by Dunsfold Airport Limited (DAL) and Rutland (DAL) Limited to Waverley Borough Council.
- The application Ref: W/2015/2395 is dated 16 December 2015.
- The development proposed is a hybrid planning application; **part Outline** proposal for a new settlement with residential development comprising 1800 units (Use Class C3), plus 7500sqm care accommodation (Use Class C2), a local centre to comprise retail, financial and professional, cafes/restaurant/takeaway and/or public house up to a total of 2150sqm (Use Classes A1, A2, A3, A4, A5); new business uses including offices, and research and development industry (Use Class B1a and B1b) up to a maximum of 3700sqm; storage and distribution (Use Class B8) up to a maximum of 11000sqm; a further 9966sqm of flexible commercial space (B1(b), B1(c), B2 and/or B8); non-residential institutions including health centre, relocation of the existing Jigsaw School into new premises and provision of new community centre (Use Class D1) up to a maximum of 9750sqm; a two-form entry primary school; open space including water bodies, outdoor sports, recreational facilities, canal basin and nature conservation areas; public transport routes, footpaths and cycleways; landscaping; the removal of three runways; all related infrastructure including roads, car and cycle parking, energy plant and associated equipment, water supply, telecommunications, drainage systems and waste water treatment facilities; and **part Full** application for the demolition of 8029sqm of existing buildings and the retention of 36692sqm of existing buildings, for their future use for a specified purpose as defined by the Use Classes as specified in the schedule of buildings and their uses; and the temporary use of Building 132 for a construction headquarters.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: the location and sustainability of the proposal.

Summary of Recommendation: The application be permitted, and planning permission granted subject to conditions.

PROCEDURAL AND PRELIMINARY MATTERS

1. The inquiry sat between 18 July and 3 August 2017. I carried out accompanied site visits on 17 July (pre-inquiry) and on 2 August. Several unaccompanied site visits were made during the course of the inquiry which took in viewpoints from both near and far, and observations of local highway conditions and usage. A further opportunity arose for unaccompanied site visits on 11 and 12 September in order to observe highway use during the new school term (as requested by local residents during the inquiry). I am grateful to the main parties for submitting closing submissions in electronic form such that it has been possible to use them as skeletons for the recording of their cases below.

2. Part of the description of development set out above refers to the provision of 9966sqm of flexible commercial space. Since submission of this proposal that space has been granted separate planning permission. It is now largely complete and is partially occupied. The Applicant, at my request, submitted a note that provides the Secretary of State with the option of amending the development description and considering the proposal on the basis of the reduced scheme, or (should permission be granted) of imposing a condition restricting the development. It was agreed at the inquiry that there would be no prejudice to any party by the Secretary of State considering the scheme on the basis of the

amended description set out in Inquiry Document 35 (IQ35). Given the nature of the whole scheme and the many components within it, adoption of the amended description would add a degree of clarity and certainty to the decision without the need for a condition limiting the development in the event of permission being granted. As a precursor to this report, therefore, I recommend that the amended development descriptions set out in IQ35 be adopted. In the alternative it is open to the Secretary of State to impose the suggested condition.

3. The application is made partly in outline and partly in full. Although the outline part of the proposal reserves all detailed matters for future determination a number of those matters have been submitted in illustrative form as parameter plans, such as the intended layout and disposition of various elements of the scheme. In addition the positioning and construction of the proposed main access to the site has been designed and agreed with the highway authority.

4. The proposal was accompanied by an Environmental Statement, which was itself added to with further environmental information during the course of the application.

5. Waverley Borough Council resolved to grant planning permission for the development and appeared at the inquiry in support of the Applicants. Opposition to the proposal is led by Protect our Waverley (POW) and the Joint Parishes Councils[1] group, who were both granted Rule 6(6) status for the inquiry. POW and the Joint Parishes worked together to present the case opposing the development.

6. Two matters were raised at the inquiry which made legal points. The first relates to the matter of the preliminary oral views expressed by the Inspector examining the emerging Local Plan, and whether he had misdirected himself in law. The second relates to the allied matter of whether the Secretary of State should intervene in the plan making process (a request for such intervention having been sent to the Secretary of State by the Rule 6 parties). Neither of these is a matter for consideration by me in this report.

THE SITE AND SURROUNDINGS

7. The site is variously known as Dunsfold Aerodrome, Dunsfold Airport or Airfield and Dunsfold Park. For the purposes of this report I use the term Dunsfold Aerodrome because the proposal encompasses much of the land of the former aerodrome. As would be expected for an aerodrome the land is flat. When measured in a straight line the centre of the site is about 5km from the centre of Cranleigh to the north-east (the closest medium sized settlement). Godalming is about 10km to the north-west and Guildford about 14km to the north. Horsham is about 15km to the south-east. The nearest villages are Alfold Crossways to the south (some 1.5km) and Dunsfold to the west (about 2km). Road distances are slightly greater because of the configuration of highways. Within the surrounding area are pockets of loose knit built development such as Stovolds Hill, Barnfield and the Springbok Estate.

[1] Parish Councils of Alfold, Bramley, Busbridge, Chiddingfold, Dunsfold, Hambledon, Hascombe, Loxwood, Plaistow & Ifold, Shalford and Wonersh.

8. The application site encompasses some 249 hectares of land. It was developed as a World War 2 aerodrome in 1942. Since then it has been in aviation use, first by the Hawker Aircraft Company, and then by British Aerospace. Aircraft movements still occur to and from the site, and at the time of the inquiry there were static aircraft on the subsidiary runways (notably a Boeing 747 and VC10 tanker) as well as other smaller static aircraft such as a Douglas DC3 and a Hawker Hunter. The main runway is open for use by other aircraft and I saw operational light aircraft parked on site during my site visits. Apart from the 3 runways there are extensive areas of perimeter track, linking taxiways, aircraft dispersal locations and hardstandings. Between the runways and other concrete surfaces there are large areas of mown grass.

9. Scattered buildings associated with both the wartime and subsequent uses are located at various points around the perimeter. These are in use for purposes as diverse as storage and early years learning. The northern part of the site is extensively developed by the buildings forming the main commercial element of the site; uses in this part of the site are also varied, and located within buildings of a range of sizes. There are currently 2 vehicular access points to the site. One is at Stovolds Hill on the northern side, the other at Compasses Bridge to the south-east.

10. The surrounding countryside is primarily in mixed agricultural use, with significant areas of woodland separating and interlocking with the medium scale fields. The site includes a small area of land within an area designated as being of Great Landscape Value (AGLV) on the western perimeter. To the north at a distance of about 1.5km, is the boundary of the Surrey Hills Area of Outstanding Natural Beauty (AONB). The south-eastern boundary of the site runs alongside part of the Wey and Arun Canal, which is under restoration.

PLANNING HISTORY

11. The Statement of Common Ground (SoCG) between the Council and the Applicant (SoCG1) sets out the history of the site as a whole in greater detail. As described, the underlying lawful use is for the production, repair and flight testing of aircraft, which was granted in 1951. More recent permissions relate to the temporary and permanent permissions on parts of the site, including the 9966sqm of permanent commercial floorspace referred to above. Other parts of the business area are restricted by temporary planning permissions for uses which expire in June 2018, albeit that the buildings themselves are not time limited. In the event of all temporary permissions expiring it is agreed that the site would technically revert to the unconstrained use permitted by the 1951 planning permission.

12. A similar proposal to that considered here (with a greater number of dwellings, a different commercial offer and other detailed differences) was considered on appeal in 2009. That appeal was dismissed by the then Secretary of State.[2] The cases of the parties set out below deal with changes in the period between 2009 and now, and I address that in my conclusions.

[2] Core Document 7.8 (APP/R3650/A/08/2089143)

PLANNING POLICY

13. The development plan includes the saved policies of the Waverley Borough Local Plan of 2002. There is no dispute that the remaining parts of the development plan (principally relating to the Surrey Waste and Minerals plan documents) are not relevant to this application. A number of Local Plan Policies have been raised as being relevant by the parties. These are noted in the reports of cases below.

14. There is an emerging Local Plan. This is the Waverley Borough Pre-Submission Local Plan Part 1: Strategic Policies and Sites. Although entitled as a pre-submission version this has now been submitted and examined. The examination is ongoing in that the Inspector's report has not been issued and modifications are awaited. Hearings into the draft Local Plan were held shortly before the inquiry into this application. The hearings considered, amongst other things, the emerging spatial strategy and site allocations in the light of identified housing need. This application site, Dunsfold Aerodrome, is allocated as a strategic site for a new settlement in the emerging Local Plan.

15. Before this inquiry opened the examination Inspector made know his preliminary findings into the emerging Local Plan. These are acknowledged as a material consideration. A transcript of the preliminary findings can be seen in the written evidence to this inquiry[3]. It can be noted that the Inspector has indicated at this stage that he considers that the housing requirement for the Borough should increase, and that the spatial strategy is appropriate.

16. The National Planning Policy Framework (NPPF) is an important part of the policy background and significant material consideration. The Local Plan predates it and it is therefore relevant to consider how consistent Local Plan policies are in relation to the NPPF, in accordance with paragraph 215 of the document. All parties agree that the NPPF does not affect the primacy of the development plan as the starting point for decision taking.

THE PROPOSALS

17. The proposal is generally described in the heading to this report above, as amended by paragraph 2. The overall concept can be seen in illustrative form on the submitted drawings which are agreed to form the basis of the intended development. These are numbered and named as follows:

- PL – 01 – Revision B. Site location plan;
- PL – 04 – Revision K. Masterplan: Land Use Parameter Plan;
- PL – 05 – Revision J. Masterplan: Access Parameter Plan;
- PL – 06 – Revision I. Masterplan: Landscape and Open Space Parameter Plan;
- PL – 07 – Revision G. Masterplan: Density Parameter Plan;
- PL – 08 – Revision G. Masterplan: Building Heights Parameter Plan.

[3] Appendix B to Mr Adams' Supplementary Evidence

THE CASE FOR THE APPLICANTS

The main points are:

The Development Plan

18. The starting point is the development plan, which in this case is the 2002 Local Plan[4]. It was intended to meet the Borough's development needs up to 2006 and is therefore out of date. The first aim of the Local Plan is to slow the rate of development by implementing a strategy of a reducing rate of economic and housing development in accordance with the objectives of the then Surrey Structure Plan. For the years 2002 to 2006 that meant a residual housing requirement of just 36 dwellings per annum (dpa). In today's terms that is completely inadequate given the recent conclusion of the emerging Local Plan Inspector that the Borough should plan for at least 590 dpa. The strategy of the 2002 Local Plan is therefore obsolete.

19. The Local Plan is silent on the provision of housing development in Waverley after 2006. There are no saved policies providing for housing allocations and there is no attempt to address objectively assessed needs.

20. Local Plan Policy C2 falls under the heading of "Restraining Development" and requires that beyond the Green Belt "the countryside will be protected for its own sake". It is accepted by the Council that the wording of this policy is out of date, and objectors accept a degree of inconsistency between the wording of the policy and the NPPF. It is within that context that the Applicants accept that there is conflict with Policy C2 because the proposal is in an area identified as countryside where development should be strictly controlled. To that extent the proposal is not in accordance with the development plan although the harm to the countryside is in any event very limited.

21. It is accepted that there is further minor conflict with Local Plan Policy D7 in relation to the objective of retaining important groups of trees. However, that policy is out of date because it fails to include any balance between the loss of trees and the needs of development, in contrast to paragraph 118 of the NPPF. Similarly, if there is found to be harm to the setting of Primemeads (Listed Grade II) Local Plan Policy HE3 would be engaged. But this policy also fails to include a balance between the benefits of development and any impact, in contrast to paragraph 134 of the NPPF. These inconsistencies mean that the limited conflict with the development plan should be given limited weight.

22. Nonetheless the Applicants accept that in order to be granted planning permission it is necessary to rely on material considerations indicating otherwise (under the second limb of S38(6) of the 2004 Act) rather than determining the application in accordance with the saved policies of the 2002 Local Plan.

Emerging Local Plan

23. The Waverley Pre-Submission Local Plan Part 1: Strategic Policies and Sites[5] was submitted to PINS in December 2016. The objectives of the emerging Local Plan include the development of suitable brownfield land, including a new settlement

[4] Core Document 1.2
[5] Core Document 1.3

at the Dunsfold aerodrome site, subject to appropriate infrastructure and mitigation.

24. Emerging Local Plan Policy SS7 deals specifically with the proposed new settlement at Dunsfold Aerodrome and sets out parameters for development. It envisages the provision of up to 2600 homes by 2032, an expanded business park, a local centre, the provision of public open space, on and off site leisure facilities, highway improvements to mitigate likely impacts, sustainable transport measures, and other facilities and infrastructure.

25. Paragraph 216 of the NPPF allows weight to be given to emerging Local Plan policies according to 3 criteria. The conclusions of the examining Inspector are clear following his examination. Dunsfold Aerodrome will remain an allocation and that will not be affected by the main modifications which might be required. The proposal is not premature as it is not possible to predetermine that which has already been determined, as here where the Local Plan examining Inspector has indicated that the spatial strategy is sound.

Engaging the tilted balance of paragraph 14 of the NPPF

26. The Applicants rely on this as the single most important consideration. There is agreement that the tilted balance is engaged. The Rule 6(6) parties accepted in cross examination that there are no saved policies for the supply of housing and that the 2002 Local Plan is silent regarding housing supply. This brings NPPF paragraph 14 into play.

27. Because the presumption in favour of sustainable development is engaged by the silence of the development plan on housing provision it is not necessary to consider whether the tilted balance is also engaged by virtue of paragraph 49 of the NPPF. The proposed new village would transcend issues concerning the 5 year housing land supply, but in any event without this proposal, and with the contribution to meeting Woking Borough's unmet needs, the Council could not demonstrate a 5 year supply of deliverable sites.

28. The presumption in favour of sustainable development is solely contained within paragraph 14 of the NPPF and it is wrong, as suggested by the Rule6(6) parties that in order to benefit from the presumption the development must first be found to be sustainable[6].

Restrictive Policies

29. There are no restrictive policies in this case which indicate that development should be restricted[7]. In this context matters raised during the case relate to ancient woodland, flood risk, heritage assets and highways.

30. **Ancient Woodland**. NPPF paragraph 118 indicates that permission should be refused for development resulting in the loss of irreplaceable habitats, including ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. The proposed access to the site would result in the loss of 360sqm of ancient woodland, some 6.5% of the woodland parcel and a very small part of the quantum of ancient woodland in Waverley or Surrey.

[6] *East Staffordshire BC v SSCLG* [2017] EWCA Civ 893
[7] NPPF paragraph 14 final bullet point and footnote 9

The area to be lost is of low environmental quality and its loss would be compensated for by translocation of woodland soils, new woodland planting, and by improvements to the remaining woodland block. This would enhance connectivity and provide management to aid biodiversity which would not otherwise occur (as part of site-wide net gains in biodiversity).

31. There is clear benefit in providing a direct connection to the A281 and there is no other direct route which is within the Applicants' control. Although land to the north has been suggested as an alternative access route there is no evidence presented that such an access would be acceptable in highways terms and otherwise deliverable. By contrast the access proposed in the application is acceptable to the highway authority, and would allow the realisation of all the other benefits associated with the development. There is a clear need for the development to boost housing supply and meet objectively assessed need. Similarly there is a need to support and expand provision for employment floorspace. On any measure these and the other benefits of the proposed development clearly outweigh the loss of a small area of ancient woodland, that loss having been minimised. Policy D7 of the Local Plan does not include the necessary balancing exercise and any conflict with that policy therefore carries reduced weight.

32. **Flood Risk**. All of the proposed dwellings and vulnerable development would be in flood zone 1. The access road crosses flood zones 2 and 3. The process of directing development to areas of low food risk through the use of sequential testing has been followed in the emerging Local Plan process. The draft allocation of this site has therefore followed the correct procedures and has been properly assessed in the Strategic Flood Risk Assessment. In any event the access road is essential infrastructure[8], the specific flood risk has been assessed and there is no objection from the Environment Agency in respect of flood matters. The unchallenged evidence is that the development will remain safe and flood resilient. There will be no increase in flood risk elsewhere. There is no challenge to the conclusion that the exception test set out in paragraph 103 of the NPPF is passed.

33. **Heritage Assets**. There is a single listed building on the site. Primemeads has been listed Grade II recently. Evidence on heritage assets has not been challenged. There would be no direct impact on the fabric of any designated heritage asset. It is accepted that the setting of Primemeads would change but the current setting does not contribute to the architectural or historic interest of the building. Under the proposals the building would lie within a low density residential area, with the potential for its setting to be enhanced by the removal of detracting features such as industrial buildings and former airfield buildings. The benefits to the setting can be set against any harm, leading to a conclusion that there would be no adverse effect on the setting of the listed building. If some harm to setting were to be found then it would be much less than substantial and clearly outweighed by the benefits of the development.

34. A similar conclusion of there being minimal harm applies to any non-designated heritage assets, which include the historic pattern of the airfield development, loss of the blister hangar, and relocation of V/STOL test pads. Any conflict with

[8] Planning Practice Guidance – Flood Risk Vulnerability Classification, Table 2

Local Plan Policy HE3 is reduced by the fact that the policy does not include the necessary balancing exercise to enable consistency with the NPPF. Overall in applying the test set out in the NPPF there is nothing to indicate that development should be restricted.

35. **Highways**. The threshold for withholding planning permission on highways grounds is deliberately high. Paragraph 32 of the NPPF indicates that development should be prevented or refused on transport grounds only where the residual cumulative impacts of development are severe. The principal residual benefits in this case would be beneficial.

36. It was suggested that it is right to characterise what the NPPF says about sustainable locations as a restrictive policy. That is wrong – there is nothing in the NPPF concerning sustainable locations which can be properly characterised as specific policies which indicate that development should be restricted. It follows that there are no specific policies in the NPPF which indicate that development should be restricted. The question then is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of doing so.

Potential Adverse Impacts

37. **Location**. The central plank of the Rule 6 parties' case is that the site is in an 'inherently unsustainable location'. This phrase is used in the 2009 decision and is retained by the Rule 6 parties with the knowledge that the location has not changed since 2009. However this belies a misconception in their case for the following reasons.

38. First, the sustainability of a location is a relative and not an absolute concept. This was accepted by the Rule 6 parties and is a matter to be looked at in the round. It emerges, amongst other matters, from a consideration of the development needs of the area and the alternative means of meeting them. There is no paradigm of a sustainable location.

39. Second, the assessment is one that belongs in the plan making process, as recognised by the Inspector in 2009[9]. The then Secretary of State adopted that reasoning, not ruling out the site for all time because of its location, but finding that the granting of permission in 2009 would pre-empt the consideration of alternatives in the plan making process.

40. Third, that plan making process is now at an advanced stage and has concluded that the development of Dunsfold Aerodrome for 2600 homes in the plan period is sustainable and sound. The allocation has been examined and alternatives considered. The Council and examining Inspector have reached the same conclusion. As noted by the examination Inspector, the question of whether a site is sustainable falls out of the consideration of various factors, including the availability of alternatives. As was accepted by the Rule 6 parties, the case that there would be a better alternative was made at examination, and lost. There is an air of finality about the Local Plan Inspector's conclusions and he has made clear that he is not looking to recommend any main modifications to the spatial strategy of the emerging Local Plan, including the allocation of Dunsfold

[9] Paragraph 387 of the Inspector's Report – CD 7.7

Aerodrome. The allocation in the emerging Local Plan should now be given substantial weight.

41. Fourth, there is no legislative, legal or policy requirement to consider alternatives to Dunsfold Aerodrome at the decision taking stage. In any event the Rule 6 parties offer no alternative save for making suggestions, including that housing need could be accommodated in the Green Belt (contrary to national policy), which was considered through the plan making process and rejected. The Rule 6 parties rely heavily on the County Council's objection to the application on unsustainable location grounds. This itself is an objection made on locational issues being relative and not absolute – a comparison with housing being located within or adjacent to existing urban areas. This argument was also considered in the plan making process and rejected. The County Council did not object to the allocation in the emerging Local Plan and there is no evidence that urban extensions would be materially less reliant on private car journeys.

42. Fifth, the NPPF does not set inherent locational sustainability as a test. It recognises that sustainability is a relative concept and promotes sustainable development rather than a separate definition of a sustainable location. The NPPF recognises that decisions must take local circumstances into account so that they respond to the different opportunities for achieving sustainable development in different areas. Paragraph 17 of the NPPF sets the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in "locations which are or can be made sustainable". Paragraph 34 indicates that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However, this needs to take account of the policies set out elsewhere in the NPPF, particularly in rural areas. The NPPF does not say that permission should be refused where a real choice of travel modes is not available, as accepted in cross examination by the Rule 6 parties.

43. Sixth, when the actual tests in the NPPF are applied there is no dispute that they are met. It has been accepted by the Rule 6 parties that opportunities for walking and cycling have been maximised. It was also accepted that the proposed bus service, if secured in perpetuity, would make the best of maximising sustainable transport in this location. Thus the Secretary of State can be assured that when tested against his own policy on sustainable transport there is no dispute that this proposal accords with the NPPF.

44. Seventh, the Rule 6 parties' case on sustainability is hypocritical. A village on the application site with the mix of facilities and uses proposed, coupled with bus services to be secured in perpetuity, would be considerably more sustainable than any of the villages represented at the inquiry. In effect the objectors are objecting to residents of the proposed new village living more sustainably than they do. The Rule 6 parties' case is critical of, but misunderstands, the employment mix on the site. The range of jobs is broad and encompasses many different fields of work.

45. In short, therefore, there is no absolute concept of locational sustainability and the NPPF does not impose a pass/fail test in this regard. It is a relative test, played out through the plan making process. That process has reached an

advanced stage and concluded that the site is to be preferred to others. That is the end of the matter.

46. **Transport**. Turning to potential harm to highway impact the Rule 6 parties' case is now limited. It boils down to 2 matters – the perceived impact on a single junction in Bramley, and a generalised concern about HGVs using the local road network. Other concerns are raised by other parties about traffic on country lanes and within the AONB.

47. None of the concerns expressed warrant the withholding of planning permission because they do not, individually or cumulatively, come close to meeting the NPPG paragraph 32 threshold of 'severe residual impacts'.

48. This is a deliberately high threshold and it is wrong to argue (as the Rule 6 parties did) that the test has not changed from earlier policy statements. The word 'severe' does not appear in those statements. The process of assessment has continued, but the policy test is fundamentally different compared to the position before March 2012. Housing and economic development which is needed is not to be held back on the basis of the sort of traffic congestion which is typical in the south-east and other locations in peak hours.

49. The highways impacts of the proposal have been considered in detail by the highway authority. It has been a long process and culminated in there being no objection on highways and traffic grounds from Surrey County Council. This is a fundamental change from the position in 2009, as accepted by the Rule 6 parties' transport witness. In addition the Applicants' assessment has been examined independently on behalf of Waverley Borough Council and the assessment is not disputed.

50. The Applicants' assessment is based on conservative assumptions of there being no travel plan measures and 12% containment on site (that is trips contained entirely within the site). The evidence is that containment is likely to be greater and therefore impact beyond the site lower.

51. In relation to trip generation and traffic growth the Rule 6 parties do not question the use of the Paramics modelling as it applies to the performance of the key route corridor (the A281). The results of modelling were agreed by the highway authority and the net result is that with the proposed mitigation there would be a beneficial impact on the performance of the A281. Even if the Rule 6 parties' assessment of trip generation and traffic growth is adopted, the re-run of the Paramics model shows that there would be less delay on the A281, with no material difference to results. Given that the Rule 6 parties suggest the future will have higher levels of traffic using the road, this means that the highway mitigation proposed would produce greater benefit for all road users if the development proceeds.

52. But in any event the Applicants do not accept that the Rule 6 parties' approach to trip generation and traffic growth is appropriate. The Applicants and the Council agree on the trip generation assessment carried out, and the County Highway Authority has agreed that there is nothing material to disagree with in the submitted analysis such that it would affect the trip generation outcome. In relation to traffic growth the Rule 6 parties approach distorts the level of growth in the A281 corridor by choosing the wrong starting point (2009 in the recession)

for the assessment. The better approach is to take the full data set available from several years earlier. This approach is supported by the highway authority.

53. The assessment carried out by the Applicants shows that the A281 corridor performs satisfactorily with future traffic growth, the proposed development, and mitigation works factored into the proposal. Average vehicle speeds will increase along the route and delays will reduce in peak periods. Journey times will be broadly similar. Bramley crossroads will continue to operate satisfactorily, though the way in which it operates will change given that traffic lights will replace a mini roundabout priority junction. The assessment does not include any potential for peak spreading where drivers choose to travel at more convenient times to avoid congestion.

54. With regard to specific junctions the Rule 6 parties are concerned only with the Bramley crossroads. The modelling carried out by the objectors using Linsig is not as appropriate as the Paramics model for 2 reasons. First, the pedestrian cycle on the signal operated junction is called every cycle; and secondly the cycle time is set at 120 seconds. However, as shown in evidence, if the cycle time is optimised to 92 seconds (AM peak) and 99 seconds (PM peak) the identified issues are addressed. Those times are close to the 100 seconds of the Paramics modelling. It is also the case, from examination of the pedestrian flow data of both the Applicants and Rule 6 parties, that the pedestrian phase of the signals would only need to be called every third cycle. It is inconceivable that the County Council would operate the signals at the junction in the sub-optimal manner modelled by the Rule 6 parties.

55. On the evidence it is clear that the Bramley junction can be made to operate effectively with the flows from the development and traffic increases included. There would be no severe impact at Bramley and the County Highway Authority's position is one which expects there to be some overall benefit to the performance of the junction. The benefit would also include benefits in terms of pedestrian safety.

56. With regard the heavy goods vehicles, the concern of the Rule 6 parties is shared by many local residents. It concerns the use of local lanes by such vehicles. This is a matter assessed by the Applicants and the Council. The Council commissioned 2 reports from Mott MacDonald on this matter.

57. The Rule 6 parties' case proceeded on a flawed basis for 2 reasons. First it took figures for all commercial vehicles on minor roads, and not just HGVs. Secondly it failed to take account of the fact that from the 24% of commercial vehicles using routes other than the A281, 17% (the majority) were using two B roads which are not unsuitable for HGVs.

58. The correct understanding of the situation is that a small number of commercial vehicles, and an even smaller number of HGVs, from the existing use at Dunsfold Aerodrome are using more minor roads. One road of particular concern to residents – Markwick Lane and beyond towards Milford – was surveyed by Mott MacDonald as taking no commercial vehicles from the existing use.

59. Even if the higher trip generation figure for B8 uses applied by the Rule 6 parties is used the increases of HGVs expected on the more minor roads is very small. It is not credible to suggest that such a small increase would result in a severe

impact. The vast majority of the HGVs on these more minor roads have nothing to do with the existing or proposed development at Dunsfold Aerodrome.

60. Even if there were to be an impact it was accepted by the Rule 6 parties that there is mitigation available through the making of Traffic Regulation Orders. It was agreed in evidence, therefore, that if there is a problem there is also a solution.

61. The concern expressed by local residents relating to traffic using country lanes has been assessed. No point was taken about these routes by the expert witness of the Rule 6 parties. The overall improvement in the performance of the A281 contradicts the view expressed that there would be an increase in 'rat running' resulting from the development.

62. The same point applies to traffic in the AONB. It is also difficult to see how the argument about traffic in the AONB would be any different wherever housing and employment development were to take place in Waverley given that the AONB sweeps across the northern part of the Borough. The AONB Board should be encouraging of the development of a large 'brownfield' site outside of the AONB since failure to meet housing needs here will inevitably increase pressure elsewhere, including within the AONB. At the same time the finding of the Secretary of State in 2009 that any impact of extra traffic on the tranquillity of the AONB would be offset by the removal of existing aerial and terrestrial uses at Dunsfold Aerodrome remains correct.

63. There is clearly no severe residual impact. Taken at their highest any adverse highway effects are limited, but in fact there are overall highway benefits to be derived from the scheme.

64. **Bus Service Delivery/Viability.** The comprehensive bus service proposed has been explained in detail. Every house in the scheme would be a short walk from a bus stop. In addition there would be a body of people on site with a need to use the service. It is also pertinent that there are no plans to increase parking availability in Guildford for private motorists and this would be an advantage for the bus service. The bus services would provide access to rail links at Witley, Godalming, Shalford and Guildford. The position is agreed by the County Council – the body which would procure the service. The Applicants recognise that the services proposed are unlikely to be self-financing since rural services rarely are. In those circumstances a secured package for funding the shortfall is proposed, effectively transferring any subsidy from public to private sector.

65. Hence, the debate about viability is illusory. Any viability gap is plugged by the Applicants and has been assessed on the basis of there being no other services in existence (so that figures produced now will still be relevant if current services should cease). The maximum funding gap has been agreed with the County Council at a worst case scenario of £667000 per annum. Such a scenario assumes no existing services with which to integrate, and therefore 10 new buses. It is unlikely that such a situation would arise and therefore the actual funding shortfall would be likely to be far less, in the order of £139000 per annum.

66. There is no alternative financial appraisal of the services proposed. That carried out by the Rule 6 parties is based on the 2009 situation, which was for a different service. That is irrelevant and the shortfall suggested is therefore unrelated to

the services now proposed. The covenants proposed under the S106 Agreement in order to deliver the services are fit for purpose and robust.

67. There is nothing in the comments from Stagecoach advanced by the Rule 6 parties. This is an eminently sensible, fully funded bus service plan. It can be given considerable weight as a benefit and cannot be regarded as constituting an adverse effect. The bus service will also result in improvement to the services for many of the surrounding villages and this is a major benefit of the bus strategy.

68. **Delivery of Shalford Works**. The only issue taken in relation to mitigation proposed by way of highway works at Shalford relates to deliverability of those works because of the need to take common land. The need for the works arises before the occupation of the 501st dwelling – probably some 5 years after any grant of permission. The approach taken is supported by the County Highway Authority and by Guildford Borough Council – the planning authority for Shalford and landowner of the common. The process for deregistration of common land has been explained and there is no identified impediment. The works would improve traffic flows on the A281 and only 1% of the common would be required.

69. Shalford Cricket Club expressed concerns about any impact on their pitch or pavilion. But the highway works would be largely on the opposite side of the road and neither the pitch nor pavilion would be affected by any works.

70. **Prematurity**. On the assumption that a grant of permission would 'predetermine' the outcome of the emerging Local Plan the Planning Practice Guidance (PPG) makes it clear that this is simply a matter which can weigh against the proposals in the tilted balance. But the question is – what would be the harm? This application is not so substantial, nor its cumulative effect so significant, that the grant of planning permission would undermine the plan making process. The Rule 6 parties accept that the proposals are consistent with the principle of allocation in the emerging Local Plan, and with the views of the examining Inspector. Granting planning permission would not frustrate or undermine the plan making process; in fact it would further it by granting an early permission for a strategic allocation.

71. The Rule 6 parties rely heavily on the examining Inspector's request for a further or amended policy to address design matters. This has been misunderstood as a wider brief but the examining Inspector is content with the design principles explained at the Local Plan hearings. Any design policy would be unlikely to impinge upon the question of principle which is raised in this application. In addition any amended policy can be made available to the parties for comment before the Secretary of State makes a decision on this proposal. As a result any argument about prematurity (even if it arises) can lead to no more than moderate harm at its highest. However, given that the examining Inspector has indicated that he will not be recommending any change to the spatial strategy of the emerging Local Plan the issue of prematurity does not arise and no harm ensues with regard to prematurity.

72. **Landscape and Visual Impacts**. There are 3 limbs to the case advanced against the proposal. First, the generalised impacts on the setting of the AONB. Secondly the visual impacts on a specific view from Hascombe Hill. Thirdly, the consideration of the site as a 'valued' landscape.

73. The position is unchanged from the position in 2009 when it was concluded that views into the site are restricted, can only be appreciated in distant views and only part of the site can be seen. From Hascombe Hill the conclusion was that the visibility of the then proposed village would not of itself be necessarily intrusive, and that the sight of a distant village is something to be expected in a panoramic view of the English countryside. There is no reason to depart from this position, which was accepted by the Secretary of State.

74. With regard to the AONB the question is whether the development would impinge upon its special qualities. The special qualities identified in the Statement of Significance[10] would not be affected, let alone adversely affected, by the sight of a village about 2.5km distant. It is a sight that is to be expected. The value of the view from Hascombe Hill is in its panoramic nature, the exhilaration of viewing from height, the ability to view the Low Weald landscape and the distant views of the South Downs. All of this would be unaffected by the proposal. The point can be illustrated by the view from Winterfold Hill, where the position of Cranleigh in the foreground does not detract from the views.

75. The AONB Management Plan seeks to ensure that the setting of the AONB is protected. This is a material consideration, but the Management Plan is not development plan policy and it cannot prescribe what may be built beyond the AONB boundaries. Moreover, it does not prohibit development within the setting of the AONB, but rather seeks to prevent harm to the setting. These proposals would not harm the setting. The proposals were considered by Natural England and their holding objection was withdrawn. The views of Natural England should be given significant weight.

76. The site cannot be a valued landscape simply because it can be seen from the AONB and is within its setting. That would fail to consider the inherent quality of the landscape itself. A small part of the area designated as an Area of Great Landscape Value (AGLV) lies within the site, but apart from that the AGLV seems to deliberately exclude the site, and it is regarded as detracting from the AGLV area closest to it. The AGLV within the site will be enhanced as part of the proposed country park, resulting in a positive effect. Parts of the site have value, such as ancient woodland, but that does not equate to the whole site being valued.

77. There has been no change in the approach to ascribing value to landscape since 2009. In particular the European Landscape Convention was in force; the recognition of undesignated landscapes was included in GLVIA[11]; the GLVIA approach to assessing landscape value was the same in the 2nd edition as it now has in the 3rd edition. On any rational approach the aerodrome is not a valued landscape. It is uncharacteristic of the Low Weald, the landscape from which it was carved in 1942.

78. Taking the GLVIA3 Box 5.1 criteria it can be seen that the landscape is not in good condition, and its intactness was lost when the airfield was created. Scenic quality is compromised by runways, buildings and storage facilities. The airfield as a whole is not rare, though it does have some individual elements of note such as ancient woodland and unimproved grassland in places. The site is not

[10] CD 4.6 paragraph 2.2, page 19
[11] Guidelines for Landscape and Visual Impact Assessment

representative of the Low Weald and has few elements of conservation interest. There is little recreational value because of the constrained public access. It is used for noisy activities and is therefore not wild or tranquil. The main associations of the site are with World War II and its use as a test flight base. These are not associations which contribute to the perception of the natural beauty of the area. Taking these matters overall it is clear that the site cannot be regarded as a valued landscape. It does not warrant protection.

79. The overall adverse impacts on landscape character are extremely limited, though it is acknowledged that there will be increased built development and lighting in the landscape. The impacts will reduce as planting matures and the scale of change will become less discernible. There will be positive effects resulting from the improvement in the condition of the landscape and the additional tree and hedgerow planting proposed. This is a point in favour of the proposal rather than against it. The overall visual impacts are limited because of the self-containment of the site and restricted long range views. Positive effects will result from the removal of detracting features and the addition of tree cover resulting in a more verdant setting. There will be no significant visual effects on the users of surrounding public rights of way.

80. **Biodiversity**. Unchallenged evidence is that there would be a net gain for biodiversity across the site. This accords with paragraph 109 of the NPPF. There are some specific impacts which might weigh against the scheme, such as on ground nesting birds. However a mitigation scheme is proposed through a Landscape and Ecological Management Plan. Adverse impacts are therefore slight and must be weighed against the overall biodiversity benefits.

81. **Foul Water/Water Quality**. The issue of foul water and water quality is of concern to local people given the status of Cranleigh Waters. There is also a holding objection from the Environment Agency. There are 2 potential solutions to deal with foul water. The first is to construct an on-site treatment works. The second is to upgrade Cranleigh sewage treatment works. Thames Water has confirmed that both are deliverable and it continues to assess the best option. In either event the discharge will be regulated by an environmental permit issued by the Environment Agency. This separate regulatory regime would require it to be demonstrated that water quality will not be adversely affected so that targets within the Water Framework Directive would be met. Therefore the proposal can be delivered without adverse impact on water quality.

82. **Heritage**. Apart from the single designated heritage asset already considered there is some non-designated heritage interest in the site. It would be possible to celebrate this through the masterplan and detailed design. The heritage of the site would be evident in the completed development. This would result in an overall heritage benefit.

Benefits

83. The benefits of the scheme are comprehensively set out in evidence. The benefits set out are largely agreed with the Rule 6 parties whose only issue is to argue the weight to be afforded to the benefits. The benefits are summarised as follows.

84. **Jobs**. The commercial part of the site is currently the largest employment site in the Borough. Its long term future will be secured through this scheme. There

would also be the provision of some 1000 new jobs in a variety of sectors. There is keen interest in employment space at the site and the separately approved development is already substantially pre-let. The emerging Local Plan also allocates new employment floorspace at the site. The employment space significantly adds to the sustainable credentials of the site. These are real and obtainable benefits at a site with a proven track record. These economic benefits should be given great weight.

85. **Homes**. The scheme would deliver 1800 homes, including 540 affordable dwellings, in an area with significant unmet need and an acute shortage of affordable homes. Those working on site would be prioritised for affordable homes. There would also be the provision of accommodation for the elderly, which is also in short supply. All of these homes would provide a significant social benefit of great weight and can be progressed quickly as part of the requirement to ensure a 5 year supply of deliverable housing sites.

86. **Community Facilities**. Benefits would include an expanded Jigsaw School, which is an outstanding specialist school for children with autism. There would also be a new primary school and pre-school, a village centre with a range of A class uses and a community centre, play areas, and a medical centre.

87. **Country Park and Recreation**. A country park of significant size (103 hectares) would be created for the public at large. This would offer new views of the AONB. Alongside this would be new sports facilities and green infrastructure. A new 'Runway Park' would connect a series of landscaped spaces linking the residential areas and village centre with the country park. A new canal basin would be created for the restored Wey and Arun Canal.

88. **Exemplary New Settlement**. The site will provide a compact and walkable village surrounded by green space. It will benefit from renewable energy infrastructure in the form of the 2.5MW solar array on site and the anaerobic digester. There will also be localised energy production from a combined heat and power plant.

89. **Biodiversity and Landscape**. There will be 14 hectares of woodland and over 4000 individual trees planted.

90. **Sustainable Transport**. In addition to the bus service serving the new settlement and surrounding villages there will be comprehensive travel planning and a car club. This will reduce the need for trips by private car. In the case of the bus service and off-site rights of way improvements there will be wider public benefits. These include enhanced cycle routes between the site and Cranleigh and Dunsfold. It is possible that the introduction of electric cycles alongside the car club could be introduced. A car share database is also proposed.

91. **Off-site Highway Works.** The overall benefits for the A281 corridor are accepted by the County Highway Authority and will benefit the network as a whole. Further benefit is provided by the S106 contributions for other highway improvements.

92. **Reuse of Previously Developed Land.** Development would be on primarily previously developed land. This was determined in the 2009 appeal and is set out in the officer's report to Committee. Some 83% of the site is previously developed, the NPPF being encouraging of the use of such land providing it is not

of a high environmental quality. The policy preference for the use of previously developed land weighs heavily in favour of the proposal.

93. Individually many of the benefits should attract great weight in their own right. All of them are worthwhile and real benefits. Cumulatively the benefits of the scheme are overwhelming.

The Planning Balance

94. The tilted balance is not a close run thing. The adverse impacts come nowhere near significantly and demonstrably outweighing the benefits.

What Has Changed Since 2009

95. There are significant changes since the 2009 decision which are not in dispute, quite apart from the scheme being smaller. These are:

i) Then, there was no tilted balance; now there is the presumption in favour of sustainable development;

ii) Then, there was a Local Plan considered to be fit for purpose; now a Local Plan which is obviously out of date and silent on meeting housing needs;

iii) Then, the emerging South East Plan and the adopted Structure Plan, which no longer exist;

iv) The emerging Local Plan now allocates the site for a new village and the examining Inspector has concluded in favour of the soundness of this spatial strategy, including the development of the site;

v) The acknowledged need for housing is much greater now at 590 home per annum than it was then (36 per annum);

vi) Then, the Council had refused permission for a number of reasons: now it supports the development of the site;

vii) The position of the County Highway Authority has changed and they accept that with mitigation there would be net benefits on the network. Previously severe impact, now overall benefits;

viii) Then, there were a number of unresolved issues with the Unilateral Planning Obligation: now there is an executed, completed planning obligation by way of agreement with the Borough Council and the County Council.

All of these matters are significant and fundamental changes which mean that it is open to the Secretary of State to make a different decision now to that taken in 2009.

Conclusion

96. There is a sense of momentum in favour of the proposals. The Local Plan Inspector is convinced that a new village at Dunsfold Aerodrome is sound after having considered all reasonable alternatives. This application has resolved the nuts and bolts of ensuring delivery.

97. Nothing of substance stands against the proposals but a great deal of good sense stands in their favour. Material considerations, and most especially the outcome of applying the tilted balance in NPPF paragraph 14, indicate overwhelmingly in favour of granting permission.

THE CASE FOR WAVERLEY BOROUGH COUNCIL

The main points are:

Introduction

98. The Borough Council supports the development at Dunsfold Aerodrome which is set out in this hybrid application. It is supported on its own merits and as a key plank of the Council's spatial strategy reflected in the emerging Local Plan. The proposal is consistent with the emerging Local Plan.

99. The Council considered the application and the clear conclusion of the officer report was that the application should be supported. The Rule 6 parties planning witness agreed that the report correctly guided members through the matters which needed to be taken into account.

100. The report considered the nature and scale of the changes in policy and fact that had occurred since the site was last considered by the Secretary of State in 2009. Four significant changes were agreed by the Rule 6 planning witness. Namely, the introduction of the presumption in paragraph 14 of the NPPF; the emerging Local Plan; the Council's position on the application; and the change of position by the County Highway Authority. In short, the situation now is diametrically opposite to that which prevailed in 2009.

101. In 2009 the site had been rejected for inclusion in the South East Plan on the basis that it might unbalance the regional strategy. Now the site is included within the emerging Local Plan, and the examining Inspector has concluded that the spatial strategy is sound with the inclusion of Dunsfold Aerodrome as part of that strategy. Also in 2009 the County Structure Plan was seeking to slow the rate of growth; a strategy adopted by the Local Plan at that time. Now the NPPF requires a significant boost to the supply of housing, which is embedded in the social element of sustainability. There was opposition by the Borough Council and County Highway Authority in 2009, but now the Borough Council is in support, and the County Highway Authority no longer has any technical objection, commenting only that the Council might take into account the locational objection it maintained. But that residual objection is not borne out by the evidence.

102. In 2009 the Inspector commented in his report that the appeal site may prove to be the best solution for meeting housing requirements, but that other options had not yet been explored. Through the emerging Local Plan examination other options have now been considered. The examining Inspector is satisfied that emerging Local Plan Policy SS7 is the best solution for Waverley to meet the vastly increased housing requirement it now faces.

103. It is surprising how little of the evidence called by the Council and the Applicant was subject to any real challenge. The Rule 6 parties continue to repeatedly seek to suggest that the undoubted housing requirement should be

met by releases of greenfield Green Belt land. The unreality of this position has not been recognised by the Rule 6 parties. This is all the more surprising given the acknowledgement that on the assumption that emerging Local Plan Policy SS7 will be adopted, the central point about the site being an inherently unsustainable location falls away. Policy SS7 is a racing certainty to be adopted.

The Recent Plan Making Process

104. All parties agree that development should be plan led. It is therefore of key importance to consider the process of the emerging Local Plan and what the implications are for plan led development in the future.

105. The Council sought to have its Core Strategy adopted in 2013, but it failed the test of soundness because it did not make sufficient provision for housing locally. The Council therefore considered that it needed to seek more housing land to produce a strategy which was compliant with national guidance. In doing so the Council consulted on options which included the use of land at Dunsfold Aerodrome. The use of the aerodrome commanded great public support.

106. The emerging Local Plan is at an advanced stage as agreed by the main parties. Substantial weight may now be placed on Policy SS7 for the following reasons:

- The function of the emerging Local Plan (part 1) is to set strategic objectives and to make strategic allocations which allow objectives to be met;
- The emerging Plan passed through examination sessions, and the examining Inspector has indicated that he will be progressing straight to a final report;
- In doing so it is clear from the observations of the examining Inspector that he will approve the overall spatial strategy, he will approve Policy SS7 as an integral part of the strategy, and will do so on the basis that the Plan (with main modifications) complies with the tests of soundness set out in the NPPF.

107. The examining Inspector has therefore concluded that the emerging Local Plan and Policy SS7 are positively prepared, justified, effective, and consistent with national policy. He must therefore have necessarily concluded that the plan is "the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence."[12]

108. The Council is not, within its proposed main modifications of Part 1 of the Plan, seeking to make any further allocations of land for housing or other purposes. Such further allocations as may be required to meet the housing requirement of 590 dwellings per annum will be brought forward when Part 2 of the Plan is progressed. Accordingly, the further sustainability appraisal and proposed main modification to Part 1 of the Plan will be limited. Consultation is proposed on the main modifications in early September 2017, with a view to adopting the emerging Local Plan by the end of 2017.

[12] NPPF paragraph 182, bullet point 2

109. Whilst there may be 'tweaking' of Policy SS7, potentially by including a Policy SS7A, questions of strategy and approach have been answered definitively by the examining Inspector. The spatial strategy and allocations have been endorsed and found sound. The consideration of this proposal is not the place to conduct a secondary plan review.

110. The proposed development will not be inconsistent with the strategy of the emerging Local Plan. A prematurity argument is misconceived in that light. In any event, given the examining Inspector's conclusions about the soundness of the spatial strategy and the need to allocate Dunsfold Aerodrome under Policy SS7, the weight which could be attached to any prematurity argument would be slight. The development accounts for only a small proportion of the total housing needed for the plan period and the grant of permission would not predetermine the remaining balance. This is a substantially different position to that which existed in 2009, when the proposal then accounted for about 60% of the Borough housing supply in the South East Plan

The Development Plan

111. The development plan includes the save policies of the Waverley Local Plan. It is common ground that the plan is (at least) silent in relation to the provision of housing need for the period since 2006. Applying the guidance of the Supreme Court in *Suffolk Coastal*[13] the Local Plan is out of date for NPPF purposes and the tilted balance in favour of sustainable development falls to be applied in this case.

112. All parties agree that Local Plan Policy C2 is breached, and that the proposal does not comply with the development plan as a whole. The question is whether other material considerations indicate that planning permission should be granted.

The Application and Sustainability of Location

113. The NPPF sets out core principles at paragraph 17 which underpin plan making and decision taking. In this case the proposal follows those core principles, including by proactively driving sustainable economic development, securing high quality design, using land of a lesser environmental value, using previously developed land, and promoting mixed use development.

114. The application is consistent with the emerging Local Plan allocation in Policy SS7 for 2600 homes in the plan period. It will bring a wide range of uses to the existing large and varied employment base at Dunsfold Aerodrome. There has been no material to demonstrate that the masterplan as articulated by the Applicants could not comply with the likely additional requirements of Policy SS7A as discussed at the examination into the Local Plan. In this regard the application, in material respects, is in outline form.

115. The mixed use nature of the proposal means that issues around the location and sustainability of the site are much lessened. It is common ground that the application maximises the potential of the site to use sustainable modes of transport on the assumption that bus services will be operational in perpetuity.

[13] *Suffolk Coastal DC v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East BC*. [2017] UKSC

116. The NPPF recognises that planning should focus significant development in areas which are, or can be made, sustainable[14]; that opportunities to maximise sustainable transport solutions will vary from urban to rural locations[15]; and that in seeking to maximise such opportunities policies elsewhere in the NPPF (such as those protecting the Green Belt and areas of high environmental value) must be taken into account[16].

117. Seen in that context the uncontested evidence is that rates of modal share for car trips to Dunsfold Aerodrome will be similar to those which might be expected for development, for example, on the outskirts of Farnham. If a rate of internalisation of trips of 20% is adopted (which is towards the lower end of the Council's expectations) then the difference is less than 1% from locating growth at the edge of existing urban centres. It is notable that the Council's evidence in this regard is drawn from the Mott MacDonald Stage 4 Report which was part of the evidence base to the Local Plan examination. The conclusion drawn is that irrespective of where new housing is located in the Borough car driver share would be about 70%, and that the difference in predicted mode share is minimal and does not provide enough difference between the scenarios to support different conclusions on the sustainability of the developments in transport terms.

118. The conclusion that the likely rate of trip internalisation would be higher than traditionally designed urban extensions was not challenged. The Council's evidence is of likely internalisation of between 16% and 30%. In testing traffic impacts with internalisation set at 12% the County Highway Authority adopted a robust approach. In carrying out a sensitivity assessment, as required by the Highway Authority, it was again demonstrated that the impact would not be severe. The sensitivity test was robust because it factored in overall traffic growth as well as growth from the development itself.

119. In addition, the distance to travel argument, which is behind the County Highway Authority locational objection, has not been borne out by evidence. In fact the predicted journey length would be less than that of Farnham.

120. The Borough Council and County Highway Authority have agreed the terms of the S106 Agreement and are satisfied that the arrangements for the bus service can be secured in perpetuity. Even the note prepared on behalf of the Rule 6 parties[17] acknowledges the S106 Agreement is well thought out and sensibly and reasonably drafted. It also recognises the robustness of the mechanisms in place. The provisions of the S106 Agreement have been tested by the highway authority against an agreed worst case scenario for funding which includes significant funding and a mechanism for the sum to be paid in perpetuity. As such there is no risk of failure of the service such as was identified by the Inspector and Secretary of State in 2009. From a transport perspective the provision of bus services in perpetuity changes the sites locational sustainability.

121. Dunsfold Aerodrome, following development, will have a much wider range of built facilities, local services, green infrastructure and employment than any of

[14] Paragraph 17, bullet11
[15] Paragraph 29
[16] Paragraph 34
[17] Document IQ 13

the surrounding villages. The range will include on-site education provision, retail provision, leisure and recreation including sports pitches and country park, child play facilities, community centre, and food and beverage provision. A further net increase of almost 1000 full time equivalent jobs will arise.

122. The information provided from Stagecoach does not bear the weight which the Rule 6 Parties seek to afford it. Stagecoach will not be responsible for procuring bus services, the County Council will. Stagecoach had not discussed its views with the County Council and those views appear to have been based on incorrect assumptions such as the number of buses need for the service.

123. There is no suggestion by the Rule 6 parties that the proposals would lead to an issue in relation to highway safety. Similarly the County Highway Authority does not raise such an issue although it does carry out its own safety audits. No other expert suggests there is a highway safety issue.

Potential Harm

124. **Highways**. The appropriate test for whether any highway objections can be maintained is the deliberately high bar set in paragraph 32 of the NPPF which states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." The weight of evidence is clearly against the Rule 6 parties on this element of the case. The Borough Council, the County Highway Authority, the detailed Environmental Statement, Mott MacDonald, the Council's expert and the Applicant's expert have all concluded that impact would not be severe.

125. The Rule 6 parties have not criticised the use of Paramics modelling by the Applicants' consultant, and this was agreed with the Highway Authority. That modelling demonstrates an improvement in the highway network on the A281 tested against the base case. That is so even using the inputs preferred by the Rule 6 parties. The Rule 6 parties case is therefore reduced to whether there is a severe impact at Bramley crossroads and whether there is a severe impact in relation to an increase in HGV movements along minor roads which would be attributable to development at Dunsfold Aerodrome.

126. In relation to Bramley crossroads the Rule 6 evidence relied upon a Linsig model of the junction. But the model was not optimised and so the analysis was not fully completed. The result is an overestimation of delay as a result of pedestrian demand. The analysis carried out on behalf of the Rule 6 parties is therefore not fit for purpose and should not be relied upon.

127. The Rule 6 parties approach also fails to model the behaviour of the entire road corridor. Nor does it seek to identify the residual cumulative effects. In fact it has been shown that across the A281 corridor as a whole the impact is beneficial.

128. Bearing in mind the need to look at impacts as a whole it is clear that the Applicants have considered the likely impact of vehicle movements on a number of minor roads away from the A281 corridor. Some 20 additional junctions were subject to capacity assessments. All junctions were within capacity in the morning peak, and one junction over capacity in the afternoon peak in the year 2026. In no case could the the alteration to traffic levels be described as severe. They are all acceptable.

129. The evidence of the Applicants and the Council is to be preferred for a number of reasons:

- The Rule 6 parties' expert analysis was, incorrectly, highly reliant on the prescriptive detail contained in the former PPG13 and material produced under it (for example old West Sussex CC Transport Assessment Methodology). It is wrong to suggest that the wording of NPPF paragraph 32 has not introduced a new test;
- The Rule 6 parties' expert conceded that sustainability is a relative concept. In the light of the change in housing requirement in Waverley that is important;
- The sustainability analysis carried out on behalf of the Rule 6 parties, relying on heat maps produced by Mott MacDonald, overlooked the substantial elements of the mixed use to be provided within the proposed development;
- The Rule 6 parties have not been able to carry out a Paramics assessment of any part of the network;
- Unreliable or sub-optimal data sets were used on behalf of the Rule 6 parties. For example the limiting of traffic count data to 2009 to 2016 when data was available for the period between 2000 and 2016. In addition the use of subcategories of the TRICS database resulted in use of data which were small and unrepresentative of Dunsfold Aerodrome;
- None of the Rule 6 analysis has been submitted to or tested by the County Highway Authority for robustness, in contrast to that of the Applicants.

130. The concern relating to HGV movements is a red herring. Of the surveyed movements the vast majority (87% - 100%) on local minor roads was not related to Dunsfold Aerodrome. The development would improve the situation for local residents as far as HGV trips are concerned because of the new direct access to the A281 and the restriction of use at other entry points to the site. In addition, should any problem arise in the future, the S106 Agreement contributions provide an antidote for any problem.

131. **Ancient Woodland**. The proposed access is appropriate in highway terms and would result in the loss of a small amount of ancient woodland. The loss of 360sqm amounts to 6.5% of the parcel itself. In the wider context it would be 0.0009% of the ancient woodland in Waverley and 0.0003% of that in Surrey. The Council accepts that the loss is necessary in order to achieve appropriate access, and significant mitigation has been proposed in the form of the Landscape and Ecological Management Plan. In applying the balancing exercise required by paragraph 118 of the NPPF it is clear that the benefits of achieving appropriate access to the site clearly outweigh the limited loss of ancient woodland.

132. **Common Land**. No evidence has been presented which demonstrates that the need to acquire some common land in order to complete the proposed highways scheme at the A281/A248 junction at Shalford is likely to present any significant difficulty. The relative improvements are only required before the 501st residential unit is constructed, thus providing ample time for the matter to be regularised. This point by the Rule 6 parties lacks any substance.

133. **Landscape**. In 2009 the Council advanced a landscape and visual amenity objection to the larger scheme then proposed. The Inspector rejected that objection and the Secretary of State agreed with the Inspector's approach. The characteristics of the site and the surrounding landscape have not changed materially in the intervening period with the exception of the solar farm located to the north-west of the aerodrome. Site boundaries remain with mature hedgerows and woodland enclosing the site. Views into and out of the site from important viewpoints are therefore restricted. The level to which the proposed development would be seen from surrounding land is remarkably limited given the scale of the scheme.

134. The Council does not consider that this scheme raises any significant issue in relation to landscape harm or visual amenity over the longer term. The site is almost wholly an area of 'white land' which is predominantly previously developed land. It is not a valued landscape in terms of paragraph 109 of the NPPF, applying the *Stroud* guidance[18]. Insofar as the Area of Great Landscape Value designation affects the site, no built development is proposed in those areas. The nature of the aerodrome was summarised in the 2009 appeal as a functional, flat and featureless stretch of mown grass and concrete with hangars and other buildings having a strictly functional appearance of no aesthetic value. The aerodrome is therefore not representative of the relevant landscape character area.

135. Views from Hascombe Hill in the AONB, then as now, would encompass the development at some 2.5km distance. The Inspector in 2009 recognised that the village would feature in the view, but concluded that a distant village would be expected in a view over English countryside whereas an aerodrome is not a traditional feature of the rural scene. The Council agrees with that assessment.

136. The wider public benefits of opening up the country park to the public remain now as in 2009, along with improved links to the land. In 2009 the conclusion reached was that there would be no material harm to the character and appearance of the countryside and in that respect it would comply with Local Plan Policies C2, D1 and D4. The Council considered specifically whether the proposal would be in breach of Local Plan Policy C3, which relates to the AONB and AGLV, and concluded that it would not.

137. Natural England did not object to the scheme subject to appropriate mitigation measures which can be secured by condition. Accordingly the Council's view is that the proposals do not cause policy harm.

138. **Drainage**. The objection of the Environment Agency is not fundamental but rather a matter of detail to be addressed. Detailed drainage matters can be assessed at the detailed design stage. The principles required by the Environment Agency are achievable.

The Benefits

139. The benefits of the scheme are extensively set out in the Statement of Common Ground. These include economic benefits such as securing the long term future of the existing business park, provision of further employment space,

[18] *Stroud DC v SSCLG v Gladman Developments Ltd* [2015] EWHC

and provision of many jobs. There would also be economic benefit from matters such as the generation of revenues in the Borough, Council Tax and new homes bonus.

140. Social benefits include the delivery of 1800 homes, with 540 of them being affordable. In addition there would be elderly persons accommodation, primary school, health centre, retail provision, community centre, country park, play areas and more.

141. Environmental benefits include the utilisation of a site which is less environmentally constrained, the use of predominantly previously developed land, net gains in biodiversity, the encouragement of walking and cycling, and rights of way enhancement.

142. There is much agreement between the main parties regarding benefits, with only some questions surrounding which of the benefits should be regarded as material considerations. That is a matter of judgement.

The Planning Balance

143. The proposal satisfies each of the 3 elements of sustainability and provides a key plank of the Council's overall spatial strategy. It will make a substantial contribution to the Council's housing land supply over the next 5 years, but more importantly over the duration of the emerging Local Plan period. It will provide significant levels of affordable housing as well as accommodation for older people. It will do this is the context of a sensitively masterplanned sustainable new village.

144. The considerable benefits attached to the proposed development outweigh the limited harm that has been identified. But the test which requires to be applied in this case is the tilted balance because paragraph 14 of the NPPF is engaged. The Rule 6 parties have wholly failed to show that, applying the tilted balance, the adverse impacts clearly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Other Points

145. **The fallback position**. The temporary use permissions on site remain in place until 1 June 2018. The buildings and structures are permitted on a permanent basis. The fallback position, in the event of the permissions expiring, does not require the removal of buildings or to reinstate the site to agricultural use. The site would technically revert to the use permitted by the 1951 permission, which has no conditions restricting the use. In such circumstances the Council would have to consider the expediency of any enforcement action following the lapsing of temporary permissions in the context of the site being the largest single employment site in the Borough. The site is also part of the emerging Local Plan strategy which seeks to add employment space at the site, and there is permanent employment space already under construction and largely completed. The Applicant has also indicated in evidence that in the event of planning permission being refused for the proposed scheme a further increase in the level of employment provision would be sought.

146. **The Springbok Appeal**. It is remarkable that the Rule 6 parties relied at all on the Springbok appeal and proofs of evidence prepared for that appeal. The site is acknowledged as being in a different location, and involving a different

proposition in terms of size and mix of uses. Springbok is also not a proposed allocation in the emerging Local Plan. It is therefore wholly unsurprising that the Council has taken a different approach to whether planning permission should be granted there.

Overall Conclusion

147. The position has moved on substantially from when this matter was last before the Secretary of State. NPPF paragraph 14 and the tilted balance falls to be applied. The Rule 6 parties have failed to show that the adverse impacts clearly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Planning permission should be granted.

THE CASE FOR PROTECT OUR WAVERLEY AND THE JOINT PARISHES (RULE 6 PARTIES)

The main points are:

Background

148. The Rule 6 parties represent over 2000 residents.

149. Large scale development of this site was rejected on appeal in 2009. The Secretary of State refused permission for a number of reasons, including:

- The location is inherently unsustainable;
- The proposal would put severe and unacceptable pressure of the overstretched road network and little could be done to improve the existing network beyond minor alterations to road junctions;
- The appeal scheme would not be sustainable in transport terms because of the considerable amount of additional road traffic.

150. At that time the Council argued against the proposal for residential and employment use, and were supported in that endeavour by the highway authority. It was then considered that the infrastructure, services and community provision would not make the site sustainable; that services and facilities in other settlements would be called upon; that the lack of a local rail service would lead to use of the private car; and that the ability of the site to operate without reliance on the private car would be limited, with resultant adverse impact on the highway network.

151. The previous assessment and decision predate the NPPF and the introduction of the presumption in favour of sustainable development as the golden thread running through the plan led system. That policy presumption can only reinforce the views previously expressed against the site's redevelopment. It is not surprising that the Council continued to oppose redevelopment of the site for a considerable time thereafter.

152. The Council began to prepare its Core Strategy in 2008, and this did not include any large scale development at Dunsfold Aerodrome. The sustainability appraisal which accompanied the Core Strategy drew on the comments of the Inspector for the 2009 appeal that the site was inherently unsustainable. It was

concluded that it would be preferable to meet any shortfall in housing numbers in locations more closely related to main settlements.

153. The Core Strategy was withdrawn in 2013 as insufficient housing was being proposed. In 2014 the Council produced consultation on the emerging Local Plan Part 1 – Housing Scenarios and Other Issues[19]. That had 4 potential scenarios for housing provision, and Dunsfold Aerodrome was included in 3 of them. Given the evidence that Parishes and landowners were willing to offer smaller sites this is surprising, and the Council's change of mind on the acceptability of Dunsfold Aerodrome was neither explained nor justified.

154. Even so, from that point the Council began to rely heavily on Dunsfold Aerodrome to meet its housing needs. The Pre-Submission Local Plan Part 1: Strategic Policies and Sites Consultation Document of August 2016 assessed spatial strategy options. Significant development at Dunsfold Aerodrome was included in 6 out of 7 options. It is now a draft allocation.

155. It is on the basis of that draft allocation that the current application was submitted, recommended for approval, and a resolution to grant permission made. But at that stage the draft allocation had not been examined and was the subject of considerable objection. In light of that the recommendation should never have been made or acceded to. Rather, it should have been refused on grounds of prematurity as any permission would have pre-determined the examination of the objections to draft Policy SS7.

156. In the event the proposal was called in following the request by the Joint Parishes, supported by POW. The Secretary of State wishes to be particularly informed about the location and sustainability of the proposal. Clearly the Secretary of State wishes to decide this application, and judge the acceptability of draft Policy SS7 which underpins it, himself.

157. The terms of the call in decision are therefore unsurprising. The drawbacks of the site in terms of its location and lack of sustainability have not been lost on the Secretary of State. These are fundamental considerations which go to the heart of the NPPF. This indicates sufficient concern on the part of the Secretary of State for him to wish to decide the outcome of the application.

158. In the intervening period the emerging Local Plan examining Inspector issued a note indicating that the examination would focus on the proposed spatial strategy and its soundness or otherwise. During the examination he has made certain preliminary comments which are supportive of the allocation of Dunsfold Aerodrome. However, that has little bearing on the issues in this appeal for several reasons:

- For the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004 the development plan which enjoys the statutory presumption remains the Waverley Borough Local Plan of 2002. The emerging Local Plan is merely a material consideration;
- Although increased weight can be given to the emerging Local Plan given that it has now undergone examination we do not know what the Inspector's report will ultimately say. Although he indicated that he was

[19] Core Document 1.23

unlikely to recommend a change in strategy he may still do so. No-one knows if, on reflection, the objections of POW, the Joint Parishes, the Highway Authority, and others, will bear fruit.

- The examining Inspector has in any case indicated that important changes would have to be made to Policy SS7. For that reason it would be premature to anticipate what the outcome of the examination will be. To do so would amount to pre-determination in the terms forewarned in Planning Practice Guidance (PPG) – especially so with regard to changes which can be anticipated to protect ancient woodland and ensure compliance with Garden City principles, none of which is secured by the current application;

- It would be premature to base a decision to grant planning permission for this development on the emerging Local Plan (assuming it is adopted in its current form) until the time has expired for any challenge (or such challenge is unsuccessful). Prospective adoption carries with it the risk that the examining Inspector has misdirected himself in law.

- The Secretary of State has intervened in a way which has afforded him the opportunity to consider the correctness of the draft Policy SS7 approach. He is at liberty to disagree.

The comments of the examining Inspector do not, therefore, carry determinative or significant weight.

Legal and Policy Context

159. Some of the comments of the draft Local Plan examining Inspector do have a bearing on the consideration of this application and have a bearing on the approach that must be taken to the decision:

- The examining Inspector has indicated that the Borough's OAN is higher that the Council previously thought, and PPG makes it clear that this must be taken into account as significant new evidence which has come to light;

- Taking that evidence into account the Borough does not quite have a 5 year housing land supply if Dunsfold Aerodrome is discounted. In addition the adopted Local Plan is silent on housing supply. Hence the tilted balance of paragraph 14 of the NPPF is engaged – the presumption in favour of sustainable development.

160. But that does not, in the end, make much difference to the decision making process for the reasons set out in the Supreme Court judgement in *Suffolk Coastal*[20], and the Court of Appeal judgement in *Barwood Strategic Land*[21]:

- It is decided law that paragraph 14 of the NPPF does not modify or disapply the statutory framework of S38(6) of the 2004 Act. On the contrary it reinforces the statutory presumption in favour of the development plan. Applications must be determined in accordance with

[20] *Suffolk Coastal v Hopkins Homes Ltd sand another, Richborough Estates Partnership LLP and another v Cheshire East Borough Council* [2017] UKSC
[21] *Barwood Strategic Land II LLP v (1) East Staffordshire BC (2) SSCLG* [2017] EWCA

the 2002 Local Plan unless material considerations indicate otherwise. The NPPF is just a material consideration, albeit an important one;

- As held in *Barwood Strategic Land*, the presumption in favour of sustainable development in the NPPF's tilted balance is not a statutory presumption (unlike the presumption in favour of the development plan) but a presumption of planning policy, which is rebuttable;
- The Local Plan policies which underpinned the 2009 refusal are not relevant policies for the supply of housing in any event and are not, therefore, to be deemed out of date by reason of housing shortfall and by reference to paragraph 49 of the NPPF;
- The approach to weighing the planning balance in such circumstances has been considered in *Phides Estates (Overseas) Ltd*[22] and *Suffolk Coastal*. It is made clear that the degree of any housing shortfall is highly relevant to the weighing of that balance. Here the shortfall is very small, just over 100 dwellings, and cannot justify the harm occasioned by the proposed development.
- Here there are specific policies in the NPPF which indicate that permission ought to be refused – not least the policy concerning ancient woodlands.

161. **Paragraph 14 of the NPPF**. The correct starting point for the analysis with regard to decision taking is that the Applicants accept that the proposal does not accord with the development plan. As such the focus is on the second bullet point of paragraph 14, which directs that permission should be granted unless one or both of 2 circumstances apply.

162. The first is that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Paragraph 14 therefore engages all the other policies in the NPPF, and paragraph 6 is pertinent - "*6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.*"

163. Hence sustainability must be considered within the paragraph 14 balance. It is a concept which runs through the NPPF and paragraph 14 mandates that the application of policies must be considered against the NPPF as a whole. The Rule 6 parties rely upon sustainability lying at the heart of paragraph 14 and running through the NPPF policies as a whole. All of the NPPF policies must be considered, a large number of which are directed to the locational sustainability of a site. These include the fifth core planning principle of paragraph 17; the 11th core principle of paragraph 17; paragraph 29, paragraph 32 and paragraph 34.

164. It must follow that the location of a development is inseparable from its sustainability. And whilst sustainability can be a relative concept it is indisputable that some locations can simply be inherently unsustainable locations for development. This location has previously been decided to be inherently

[22] *Phides Estates (Overseas) Ltd* v SSCLG [2015] EWHC

unsustainable. The County Council confirm it is the least sustainable site in the Borough in transport terms.

165. The second part of paragraph 14 is that permission should be granted unless specific policies in the NPPF indicate development should be restricted. That test is accompanied by footnote 9, which gives a non-exhaustive list of examples of policies which might indicate development should be restricted. The Rule 6 parties rely on 2 specific policies in this case. These are NPPF paragraph 118 (bullet 5) on ancient woodlands, and paragraph 32 on traffic impact. In relation to paragraph 32 the secretary of State was prescient in 2009 when finding that additional vehicular movements from the development would put severe and unacceptable pressure on an overstretched road network.

166. For plan making the same words in paragraph 14 make it clear that Local Plans should meet OAN unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or that specific policies in the NPPF indicate that development should be restricted. Two points follow from this.

167. First that the requirement for plan making is not always and inexorably to plan to meet the full OAN of the Borough. The requirement is to meet those needs only insofar as it is possible to do so sustainably.

168. Secondly, having called-in the application for his own determination, and at this time before the emerging Local Plan is adopted, the Secretary of State is making a decision with profound implications for plan making also.

169. On this the Rule 6 parties are clear. The Council should have looked first to the proportionate dispersal of the necessary housing allocations to the most sustainable locations and worked proactively and collaboratively with both willing Parish Councils and willing landowners to that end. It is only if housing needs could not be met in sustainable locations should the Council consider the least sustainable location in the Borough at Dunsfold Aerodrome. In those circumstances the Council should also have asked itself whether that meant that the Borough's needs could not be met in the Borough alone, so that it should plan to meet constrained needs.

170. Alongside urban extensions advocated by the County Council there are countless other smaller sites, with willing landowners, on the edge of towns and villages, which could make a positive, proportionate and sustainable contribution to housing needs. It is notable that the request for a more thorough Green Belt review comes from the Parish Councils themselves, and not from housebuilders. That is because the Parishes are the guardians of the countryside and the communities therein. They want sustainable development and not the unsustainable dumping of homes in the remotest corner of the county.

171. The recent White Paper 'Fixing the Broken Housing Market'[23] indicates that we need to plan for the right homes in the right places, where people are not forced into long commutes – a test which Dunsfold Aerodrome fails. The White Paper also points out that policies in Plans should allow places to grow in ways that are sustainable and that small sites (which would exclude this proposal) can create

[23] Document IQ 11

particular opportunities for custom builders and small developers, and can help to meet rural housing needs in ways which are sensitive to their setting while allowing villages to thrive. Dunsfold Aerodrome fails in this regard too. Paragraph 1.39 indicates that the Government proposes to add to national policy to make clear that planning authorities should consider amending Green Belt boundaries to help meet housing needs if they have examined, fully, all other reasonable options for meeting identified requirements. So far as the use of previously developed land is concerned those reasonable options only include such land if suitable for development. Dunsfold Aerodrome cannot be suitable as it is the least sustainable site in the Borough.

172. This application therefore seeks to apply paragraph NPPF 14 in erroneous circumstances in 3 respects:

- First, it relies upon the tilted balance in paragraph 14 to argue that an application for fundamentally unsustainable development should be permitted. That is wrong.
- Second, it relies upon an assumption that objectively assessed needs should be met no matter how unsustainable the location or proposal. That too is wrong.
- Third, the application seeks to set aside the third core principle of the NPPF – that planning should be genuinely plan led –which is also wrong.

Development Plan Policies

173. The saved policies of the Local Plan are against these proposals as much as they were in 2009.

174. Policy M1 confirms that the Council will seek to resist major trip generating developments in peripheral or rural locations where access would be predominantly by private car and where accessibility by other modes is poor. The remote and isolated rural location of the application site is in clear breach of this policy. The Council implicitly acknowledge that in its case against the concurrent Springbok appeal.

175. Policy C2 applies strict control on residential-led development in the countryside to protect it for its own sake. A large-scale new residential-led settlement such as proposed breaches this policy and would significantly, and adversely, alter the character of the countryside in this location, contrary to Policy C2.

176. Policy C3 provides that the Council will "protect and conserve the distinctiveness of the landscape character areas within the Borough" and seeks to protect the AONB and Areas of Great Landscape Value. For the reasons given in evidence that policy is also breached by these proposals.

177. Policy M2 requires that the developer will be expected to provide for improvements to public transport infrastructure where justified by additional demands generated by new development. As the package of mitigation measures will not overcome the inherently unsustainable location of the appeal proposal, Policy M2 is also breached.

178. Policy M13 seeks to locate developments which are likely to generate heavy goods vehicle movements where highway infrastructure is capable of accommodating those movements. This proposal will breach that policy too – it will generate a significant amount of HGV traffic and the existing highway network around the site is not suitable or appropriate to accommodate it.

179. Policy D1 states that development will not be permitted if it would lead to material detriment to the environment by virtue of harm to the visual character of a locality. This scheme would undoubtedly breach this policy. Further, Policy D1 also seeks to resist levels of traffic which are incompatible with the local highway network or cause significant environmental harm by noise and disturbance. This part of the policy would also be breached due to the impact which the proposal will have on the highway network.

180. Policy D3 sets out the Council's approach to utilising previously developed land where the development is acceptable in principle. This development is not acceptable in principle and therefore there is a breach of Policy D3.

181. Policy IC4 states that the Council will support proposals for the development/re-development of existing industrial and commercial premises where they do not conflict with other policies in the plan. Criterion (v) requires that development outside a settlement will have no detrimental increase in traffic. The scheme would fail to comply with this policy.

182. Policy D13 is also relevant. It states that development will only be permitted where adequate infrastructure, services and facilities are available, or will be made available. Adequate transport infrastructure will not be provided by this scheme and therefore there is a breach of this policy.

183. None of the policies is a housing supply policy and so cannot be rendered out of date by reason of housing shortfall. They can therefore only be rendered out of date, if at all, through being inconsistent with the NPPF. However, none of the policies is inconsistent with the NPPF.

184. Policy M1 accords with the presumption in favour of sustainable development established by the NPPF, reflecting the eleventh core principle, and paragraphs 34 and 35, in seeking actively to manage patterns of growth to make the fullest use of non-car based travel and focus significant development in locations which are, or can be made sustainable. That is why the Council rely upon Policy M1 in the case that they make in the Springbok appeal.

185. Policy C2 is compatible with the fifth core principle of the NPPF, which recognises the intrinsic character and beauty of the countryside. In *Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government, Hinckley and Bosworth Borough Council* [2014] EWHC 754 (Admin), it was held that development policies otherwise compatible with the NPPF do not need to incorporate an NPPF style balancing exercise to remain NPPF compatible.

186. Policy C3 is compatible with the fifth core principle of the NPPF and, alongside that, with paragraphs 109, 114, 115 and 116 of the NPPF, which seek to protect and enhance valued and distinctive landscapes, including Areas of Outstanding Natural Beauty.

187. Policy M2 reflects the eleventh core planning principle, and paragraphs 32, 34, 35 and 36 of the NPPF, in seeking to ensure that the impact of the development upon the highway network is appropriately mitigated.

188. Policy M13 is compatible with the NPPF for the same reasons as in Policy M2.

189. Policy D1(d) which restricts development which is incompatible with the local highway network, reflects paragraph 32 of the NPPF (which states that development should be restricted where the cumulative impacts are severe).

190. Policy D3, which encourages the re-use of previously developed land where the development is acceptable in principle, is consistent with the eighth core planning principle and paragraph 111 of the NPPF.

191. Policy D13, which includes a requirement to secure infrastructure necessary to mitigate the impacts of development, reflects paragraphs 203 to 206 of the NPPF.

192. Policy IC4, which deals with concerns regarding the detrimental impact in terms of traffic associated with employment uses, is consistent with paragraph 32 of the NPPF.

Changes Since 2009

193. The question of what has changed since 2009 flows from the public interest in consistent decision making as established in numerous cases, the seminal authority being *North Wiltshire District Council v Secretary of State for the Environment* [1992] 65 P. & C.R.

194. There has been no change since the previous inquiry to adopted planning policies at the local level. The Local Plan saved policies remain the planning policies on which the current scheme should be considered.

195. The NPPF was adopted in 2012, after the Secretary of State's decision in 2009. However, the NPPF makes clearer than before that sustainability lies at the heart of the national planning system. A development which was concluded to be unacceptable in transport and transport sustainability terms under former Planning Policy Statement and Planning Policy Guidance remains unacceptable when assessed under NPPF guidelines.

196. It is claimed that the introduction of paragraph 52 of the NPPF, and an apparent Government support for new settlements, is material change since 2009. That paragraph states *"The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development…"*. It is clear that paragraph 52 does not represent wholesale Government support for new towns and villages. It merely states that it may be the best way of planning for larger scale development. Crucially it indicates that these large settlements should follow the principles of Garden Cities and should provide the best was of achieving sustainable development. This proposal does neither of those things.

The Proposed Scheme

197. As there has been no change since 2009 in local planning policy or the overarching principles of national policy with regard to transport sustainability and transport impact, the only basis on which there could be a change in the conclusions on the acceptability of the proposals is if there has been a material change in the development proposals.

198. There has been no change in location of the scheme. If it was inherently unsustainable in 2009 it must remain so. The key difference in the scheme proposed now is the reduction in dwelling numbers from 2601 to 1800, albeit that 1800 is phase 1 of a larger contemplated settlement. Although the reduction in numbers of dwellings may be material, it is irrelevant with regards to sustainability of the location, especially in light of envisaged future housing on the site. Furthermore, notwithstanding the reduce number of dwellings there will still be a severe traffic impact.

199. The scheme in 2009 proposed to provide a new bus service connecting with Cranleigh, Guildford, Goldalming and Horsham at frequent intervals for a flat fare of £1 for residents of the site. Shortfalls in the cost of providing the service would be met by proposed charges for employee car parking and a 'cordon charge'.

200. The scheme now proposes less frequent bus services than in 2009, and at increased cost to the passenger. Parking charge proposals for employees have been dropped, as has the 'cordon charge'. Surprisingly, this means that measures proposed to increase modal shift away from private cars to non-car modes have been dropped, even though the location was found to be unsustainable in transport terms in 2009.

Locational Unsustainability

201. As an inherently unsustainable location it is unsurprising that the site cannot offer a real choice of modes of travel.

202. The location of the site is some 6km from Cranleigh, 11.5km from Godalming and 16km from Guildford. It is therefore in excess of the walking and cycling journey distances that can typically be expected. It is unrealistic to think that anyone would walk or cycle to surrounding towns and villages. The only facilities and jobs which would be accessible on foot or cycle are those provided on site, and these are limited, particularly as far as the range of jobs is proposed.

203. The closest railway station is at Milford, about 8.5km away. It is only accessible by minor roads. Parking is limited at Milford, and the alternative more frequent trains from Godalming are restricted in usability by the fact that parking there before 0900 requires a season ticket, for which there is a long waiting list.

204. The main plank of the Applicants' sustainable transport strategy is the provision of 3 new bus services. As the main plank it is essential that they are delivered to make the site as sustainable as practically possible, and that they are delivered in perpetuity. Although the Applicants describe the guarantees proposed as innovative and ground breaking, they are more realistically described by the County Council as a leap of faith.

205. Both the Rule 6 parties' expert witness and the Head of Strategic Development and the Built Environment at Stagecoach have assessed the proposals. The conclusions included that the bus services proposed could make an annual loss of up to £2m; that the site will be exceptionally car dependent; that the strategy proposed is elaborate and ambitious; that the expert witness analysis and assumptions were realistic; that assumed operating costs were conservative; that mode share assumptions were at the high end of expectations; and that much bus mileage would be almost completely unproductive.

206. When these views are added to the further comments made by Stagecoach in relation to the Applicants' further evidence it is clear that the proposals for bus service provision are unlikely to be acceptable, attractive, or commercially sustainable.

207. It is in the light of this situation the County Highway Authority response to consultation must be seen. The response states:

"There is little that can reasonably be introduced in this location, which is cost effective, as well as environmentally sustainable. No evidence has been produced that the proposed bus services will deliver these two fundamental credentials, and the present undertaking to fund them for perpetuity, is likely to be the subject of a serious challenge if over time, as suspected, little use is made of them."

"Given that the development will plainly be overwhelmingly car-reliant, it is disingenuous to accept that there are real opportunities for minimising reliance upon the private car."

"There have therefore been insufficient changes to the previous proposals in 2009, or evidence demonstrating that in fact the development is sustainable in transport terms, to remove this element of objection, and the County Council will therefore express an objection on these grounds."

208. These objections stand, notwithstanding that the County Council has signed the S106 Agreement. That can only mean that the County Council has not signed the S106 agreement because it considers that it resolves its fundamental objection. The objection still stands and the County Council is simply making the best of a bad job.

209. Furthermore, in preparing its emerging Local Plan, the Borough Council commissioned Mott MacDonald to prepare a Strategic Transport Assessment on scenarios for housing growth. The Stage 4 report covers the sustainability matters associated with various housing growth options, and considers the opportunities for encouraging sustainable travel choices at the application site. It concludes: *"For residents in a new Dunsfold development, internal trips to work are assumed to be made by walking and cycling. Therefore, encouraging sustainable travel modes would have to address external trips away from the site. Given the location, walking to other work locations is unlikely and there is low potential for a frequent bus service to major employment centres to be viable in the long term. Therefore, it is difficult to see how increases in sustainable travel could be encouraged at the Dunsfold site."*

210. The Applicants' transport expert is therefore a lone voice. The Rule 6 parties transport expert, the County Highway Authority, Mott MacDonald, and

Stagecoach all think he has got it wrong. The proposed bus service will not work any better this time around that in 2009, and indeed would probably fare worse given the dropping of measures to encourage modal shift.

211. In respect of bus service viability the Bus Service Business Plan[24] suggests a funding gap of £198000 per annum for the first 10 years and £139000 thereafter, based on 6 new buses being required. In contrast the Rule 6 parties evidence indicates that the shortfall could be as high as £2m per annum. Further evidence from the Applicants suggests 10 buses may be required. On that basis the funding shortfall is assessed by the Applicants as being up to £667000 per annum. But that figure uses conservative operating costs of £135000 per bus. More realistic costs of £150000 per bus increase the shortfall to £817000 per annum.

212. The question then arises as to whether the S106 Agreement will secure bus funding in perpetuity, based on subsidies which are likely to be at least £817000 per annum, and possibly significantly higher. If the funding shortfall is not guaranteed to be addressed it is inevitable that the bus service will fail. The consequence of that would be severe given the scale of development and inherently unsustainable location of the site.

213. The S106 Agreement has been reviewed on behalf of the Rule 6 parties[25]. There are fundamental issues with it. These include that the S106 Agreement does not define what the bus service would be, and the procurement and funding agreement (PFA) has not been agreed and there is no obligation within the S106 Agreement to comply with it. Without an obligation to comply with the PFA the PFA ought not be taken into account as a planning obligation. Even if it is to be entered into, the enforcement mechanisms which apply to a S106 Agreement will not be available where there is a breach of the PFA and it will not run with the land.

214. In addition, there is no clarity as to what sum the Bus Service Unit Contribution will be, though it is caped at £667000. If the funding shortfall exceeds that (as the Rule 6 parties evidence believes it will) then it will not be funded by the Applicants. This gives rise to the risk that the service will not be provided.

215. The Transport Review Group set up under the auspices of the S106 Agreement will have extensive powers, including the ability to amend the bus service. It is made up of one voting member from each of the County Council, the Applicants, the Borough Council, and a Travel Plan Manager (TPM). As the TPM is to be appointed by the developer this could lead to an impasse if the TPM and developer vote one way and the Councils another. In such a scenario the issue would be referred to an expert for determination and as such a decision on whether to continue the bus service could be taken out of the hands of the Councils. Critically a representative of the Parish Councils has not been included in the Transport Review Group. This is unsatisfactory as they would be unable to hold the developer to account for the promises it has made.

[24] Evidence of Mr Bird, Appendix C
[25] Document IQ 13

216. It is therefore clear that there can be no confidence that the S106 Agreement will deliver the provision of a funded bus service in perpetuity. Without such certainty the main plank of the Applicants' sustainability package falls away and the scheme cannot be said to render the location sustainable. The fact that the County Council insists that the Applicants underwrite any shortfall in bus service funding indicates that it has no confidence that the buses will be used. Even if the S106 Agreement were to secure the bus service in perpetuity running empty buses cannot render the scheme sustainable.

Highways Impact

217. Development of this nature requires a robust assessment of the highways impact. The assessment carried out by the Applicants may have underestimated the trip rates for the residential element of the scheme. However, criticism of the Rule 6 parties' analysis was logical and fair. It was apparent that the 'private housing' category indicated trip rates lower than would be normally expected, whilst affordable housing trip rates were higher than expected. But given the numbers of private housing units compared with the affordable housing units, at worst, the low private housing trip rates cancel out the high affordable housing trip rates.

218. The Applicants' analysis also underestimates the likely trip rates for the commercial elements at the site. It is more logical to use TRICS data for industrial estates than for B1(c)/B2 floorspace as the application floorspace is more likely to comprise a number of smaller units rather than one large one. Using the Rule 6 parties approach the scheme would generate an additional 29 vehicle trips to that assessed by the Applicants, and an additional 6 trips in the PM peak period. In addition the Applicants have failed to include the use of the TRICS parcel distribution centre category, even though such a use would be possible at the site. Inclusion of this category would increase trips in the AM peak by 53 and in the PM peak by 83.

219. The overall result is that the Applicants' assessment underestimates AM trips by 211 and PM trips by 236. As the calculations are based upon average trip rates there is therefore a 50% chance that these will be an underestimate. The analysis of the Applicants cannot therefore be said to be a worst case scenario. The low level of trip rates used by the Applicant remains a concern of the County Council in its final consultation response[26].

220. There can therefore be no confidence that the Applicants' have accurately and robustly assessed trip generation at the site, or the resultant impact of the development proposals on the local highway network.

221. In 2009, at the time of the previous appeal, the Secretary of State considered the road network to be overstretched. Local residents have indicated that the situation is now worse. The predicted traffic growth from 2015 to 2026, and 2015 to 2031, has been underestimated by the Applicants. The approach of the Rule 6 parties uses 2009 as the base year with reference to traffic counts on the A281 because it equates with the date of the last inquiry. It is sensible to assess whether matters are better or worse than the situation pertaining at that time. The year 2009 was also post-recession, and using an earlier base date would

[26] Mr Bell's proof of evidence – Appendix C

have distorted matters. The Rule 6 parties' position is that traffic will grow by some 12% in the period 2015 to 2026, and by about 20% in the period 2015 to 2031. That is twice as high as the Applicants' assessment.

222. Against this background the impact of the development on Bramley crossroads would be significant, during the morning peak in particular, when queue lengths would double. This is itself a severe residual cumulative impact.

223. With regard to the Shalford junctions the Rule 6 parties' evidence no longer takes issue with the capacity of the junctions if improved as suggested, but there remains a question mark about whether such improvements are achievable. Land required to carry out the improvements is common land and neither the Applicant nor highway authority can guarantee that it will be made available for the works. If those works were not delivered the impact at Shalford would be severe.

224. Deregistration of common land (the Applicants' preference) would be subject to consultation and a hearing or inquiry to hear any objections. It cannot be assumed that the Secretary of State would allow deregistration, or the timetable in which a decision would be made. There is no certainty that the common land can be made available at all, and in any event not by the projected delivery of the 500th dwelling (the trigger point for the improvement works).

225. Local residents have pointed out the concerns that local rural lanes will be used as 'rat runs'. Those lanes are unsuited to handle the increase in traffic likely as a result of this development. The inability of the A281 is already causing traffic to use unsuitable lower order roads. Concerns remain in relation to congestion, air quality and safety, including the safety of pedestrians, cyclists and horse riders.

226. Heavy goods vehicle trips were assessed by the Applicants in relation to morning and evening peak periods. But heavy goods vehicles tend to avoid those times in order to avoid congestion. As a result peak period movements are likely to be a small proportion of movements generated throughout the day. In total the Rule 6 parties' evidence is that there are likely to be about 456 heavy goods vehicle movements per day on the local highway network as a result of the development. When added to the existing 213 movements the total is some 669 daily movements, or more than a 200% increase.

227. Many of the HGVs are likely to want to connect with the wider strategic highway network. The A183 and A3 are to the west, and the A24 to the east. Routes to those strategic highways are generally along rural roads which have sharp bends, restricted visibility, blind summits and sections of narrow carriageway amongst other drawbacks. A number of the routes are signed as being unsuitable for HGVs. The unsuitability of such routes for significant numbers of HGVs has been identified by the Council's consultants, Mott MacDonald.

228. It is unclear what mitigation is being proposed to deal with the impact of any lorry movements generated by the site. Current limits on movements, and network restrictions, are regularly breached. Any mitigation proposed is therefore unlikely to be successful.

229. Policy M13 of the adopted Local Plan seeks to minimise the impact of lorry traffic and locate new development where the highway network can accommodate such traffic. The network in the vicinity of the application site is not suitable and so the proposal is in conflict with Policy M13.

230. Overall the traffic impact of this scheme will undoubtedly be severe in the terminology of NPPF paragraph 32. This is seen from the impacts at Bramley, and the impact of HGVs. But if the impact were to be decided to be less than severe but nonetheless harmful, then the impact would still fall to be assessed against the benefits in the tilted balance.

Landscape Impact

231. Landscape and visual impacts of the scheme also weigh against the proposal. The protection of the landscape is an integral part of both national and local policy.

232. Local Plan Policies C2, C3 and D1 seek to protect the countryside, the AONB and AGLV, and ensure that environmental implications of development are taken into account in decision making. These aims are consistent with the NPPF, which confirms that the environmental role is a key element of sustainability. The core principles of the NPPF confirm that planning should take account of the different roles and character of different areas, recognise the intrinsic character and beauty of the countryside, and contribute to conserving and enhancing the natural environment.

233. NPPF paragraph 109 explains that the planning system should contribute to, and enhance, the natural and local environment by protecting and enhancing valued landscapes. Paragraph 115 indicates that great weight should be given to conserving landscape and scenic beauty in (among other areas) AONBs, which have the highest status of protection in relation to landscape and scenic beauty. But this does not mean that non-designated landscapes cannot be valued for their particular attributes.

234. The Surrey Hills AONB Management Plan 2104 – 2019 is relevant. It sets out the management policies for the AONB, and the vision for the AONB. It recognises the AONB as a national asset with an attractive landscape mosaic of farmland, woodland, heaths, downs and commons. It also recognises that the landscape will change, but that change should be managed in a way that conserves and enhances its special qualities. For land use planning it seeks, through Policies LU1, LU2 and LU5, to attach great weight to any adverse impact of development on amenity, landscape and scenic beauty; to ensure that development respects the special landscape character of the locality, with particular attention given to impacts on ridgelines, public views, tranquillity and light pollution; the avoidance of buildings being conspicuous in the landscape; and to resist development that would spoil the setting of the AONB by harming public views into or from the AONB. The Recreation and Tourism Management Plan includes Policy RT3, which states that significant viewpoints will be identified, conserved and enhanced, and seeks to protect and safeguard access to significant views.

235. The site lies in an area which is acknowledged as being attractive, well wooded and largely unsettled countryside, with little disturbance from settlements and roads. More detailed key characteristics of the site have been identified:

- Studies in 2007 and 2013 confirm the AGLV to the west of the site shares characteristics with the AONB and recommend its inclusion within the AONB;
- There are a number of Grade II listed buildings in close proximity to the site;
- Landscape and visual detractors on the site are minor. The built form is of low, ordinary quality and has limited influence beyond the site itself. Runways, roads and the solar farm are detractors, but less noticeable from the wider landscape;
- The secret nature of the site in the wooded Low Weald landscape is a beneficial attribute, together with the Wey and Arun Canal, woodland copses and ancient woodland.

236. Analysis of the proposed development shows that it runs counter to the character of the site and the wider area in a number of respects, including:

- The proposals indicate buildings of up to 4 storeys in height throughout the residential element of the scheme, excluding any necessary necessity for roof plant, lift overruns and flues/chimneys. Building height could therefore be up to 18m. This would be taller than any existing residential building in the area. Three and four storey development would not be in keeping with the rural setting, but more akin to a town centre;
- The 30m chimney stack of the proposed energy centre would be a sizeable feature and draw the eye from the views out of the AONB and from the A281;
- The expansion of the area covered by the business park, with buildings up to 3 storeys in height, would create a visual and physical barrier between the residential area and the wider countryside to the north;
- The proposed access would result in the loss of irreplaceable ancient woodland;
- The insertion of a settlement of this size, with highways, vehicle movements, lighting and human activity, would result in a degree of landscape and visual harm. 1800 dwellings is almost 4 times the number currently in Alfold Parish. The scale is at odds with the rural tranquil landscape which is largely unsettled;
- The impact on landscape character would be particularly evident from Hascombe Hill, from where no other settlement of this size and scale is seen;
- The failure of the scheme to respect the local pattern of scattered dwellings and small scale secluded villages would lead it to be a discordant element;
- The location of the proposal involves the loss of areas of AGLV to allow for development.

237. The Applicants' landscape and visual assessment (LVA) uses a flawed methodology and pays insufficient regard to the factors set out in GLVIA3[27] which influence landscape value. The matters set out in GLVIA guidance are not reflected in the LVA carried out. The LVA defines value by the level or type of stakeholder, judgements being recorded as international, national, local and community. The method used indicates that only international and national designations (or those valued for scenic quality or cultural landscape importance) are considered to fall in the highest value ranking – that is, capable of being highly valued. On this basis vast expanses of the countryside could never be considered to be highly valued under the methodology used by the Applicants. But a landscape does not have to be designated to be valued, as shown in the *Stroud* case.

238. GLVIA3 indicates that *"The fact that an area of landscape is not designated either nationally or locally does not mean that it does not have a value… The European Landscape Convention promotes the need to take account of all landscapes, with less emphasis on the special and more recognition that ordinary landscapes, also have their value, supported by the landscape character approach"*.

239. In any event parts of the scheme sit within the AGLV, which is undoubtedly a valued landscape, designated at Borough level. It ranks one tier down from AONB and not, as suggested in the Applicants' LVA, in the second lowest ranking of value. Furthermore, the LVA underestimates the susceptibility of the landscape character area to change, assessing it as medium because of the presence of settlements and transport corridors. If that were the correct approach there would be nowhere with settlements or roads capable of being assessed as having a high susceptibility to change from mixed use development.

240. The 2015 Surrey Landscape Character Assessment (LCA) for the area which encompasses much of the site (WW6) describes a rural tranquil landscape with areas of limited disturbance from settlements and roads. Potential forces for change in the Wooded Low Weald include pressure for the expansion of settlements and other development, and increasing traffic on rural tracks and roads. These considerations do not suggest a landscape capable of accommodating large scale mixed use development of the nature proposed. The development cannot be accommodated without undue negative consequences on the underlying unsettled character of the area.

241. Whilst the Applicants' LVA recognises the Surrey Hills AONB is a landscape of national value and has a high susceptibility to the development proposed, it underplays the perceptibility of the scale of landscape change on the special qualities of the AONB. In particular the development would be noticeable from Hascombe Hill where a large settlement of 3 and 4 storey houses and CHP stack of up to 30m would be inserted into the AONB setting. This would be a significant change to the characteristic pattern of development in the Low Weald setting of the AONB.

242. Although the indicative landscape measures set out could soften the development over time they will not fully mitigate the harmful impact of the development on the setting of the AONB. The overall impact of development at

[27] Guidelines for Landscape and Visual Impact Assessment – 3rd Edition

year 10 would remain moderate negative. There would be conflict with AONB management policies LU1, LU2 and LU5. The proposal also cannot be said to conserve or protect the AONB and it runs counter to the NPPF and Local Plan Policy C3.

243. It is noteworthy that the Council has not conducted its own assessment of the landscape and visual impacts of the proposal. Nor has it provided any critical review of the Applicants' claims. Rather it relies on the conclusions of the 2009 decision. This is misguided as, although the site context may have changed little, policy and methodological context has changed significantly. For example the introduction of the NPPF and the European Landscape Convention, as well as the refined assessment techniques of GLVIA3, alongside more detailed character studies both of the AGLV and AONB and wider landscape. The recognition that everyday landscapes may have value is lost on the Council.

244. It is particularly important to have regard to the view from Hascombe Hill where settlements cannot be seen at present. The proposed development would entail significant change to that vista especially bearing in mind building heights proposed, the design of the settlement, features not typical of rural settlements such as parking barns, and 30m high clock and CHP towers, and the likelihood of the settlement expanding and appearing even more incongruous.

Compelling Reasons to Refuse Before the Tilted Balance is Applied

245. The proposed access cuts through ancient woodland and across the floodplain. It therefore engages specific policies in the NPPF which indicate development should be refused. Although the Applicants have claimed that the loss of ancient woodland is unavoidable, that is incorrect. There is land to the north which is unconstrained by either ancient woodland or the floodplain.

246. The Applicants have not assessed the land to the north simply because it is not in their ownership. The NPPF indicates that planning permission should not be granted which would result in the loss of ancient woodland unless the need for and benefits of development outweigh the loss. But here, as the loss is avoidable, the loss cannot be justified. That of itself mandates refusal of permission. Lack of land ownership is not an adequate reason to allow a breach of NPPF paragraph 118.

247. Similarly the Applicants have not investigated the possibility of providing access to the site outside of the floodplain. The delivery of the road in the proposed location cannot therefore be considered necessary. Hence the NPPF policy indicates that permission should be refused for the scheme.

248. In relation to the matter of prematurity, the Council could have refused permission by reference to Planning Practice Guidance. By calling in the application the Secretary of State has positioned himself to decide the application following proper application of NPPF paragraph 14. Similarly the Secretary of State has positioned himself to influence the plan making process in Waverley and indicate that the housing needs of the Borough must not be met on the least sustainable site, but elsewhere, if at all. The remarks of the examining Inspector have little bearing on the issues in this case, and even if the Secretary of State decides not to intervene in the plan making process the principles relating to prematurity as a reason for refusal still kick in and it has to be decided whether it is still too early to approve the proposal in its present form

249. So far as plan making is concerned the emerging Local Plan Policy SS7 has not yet been found sound, and there are outstanding objections to it. Planning Practice Guidance makes it clear that it may be justifiable to refuse planning permission on the grounds of prematurity where:

- The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan; and
- The emerging Local Plan is at an advanced stage but is not yet formally part of the development plan for the area.

250. The Applicants and the Council argue that the site would only provide some 18% of the total need across the plan period, and therefore would not undermine or predetermine decisions which should be made in the Local Plan forum. But it is estimated by the Rule 6 parties that the proposal would represent some 47% of the uncommitted housing land supply. Even if that figure were to be the 30% suggested by the Applicants it would clearly undermine the plan making process by predetermining decisions regarding the scale and location of new housing development in the Borough.

251. It is accepted that the preliminary remarks of the Local Plan examining Inspector are a material consideration. But the examining Inspector does not appear to have lawfully considered whether the Local Plan should plan for a constrained housing figure bearing in mind the remote and unsustainable location of Dunsfold Aerodrome. Nor has there been any comment about whether any individual scheme is sustainable or could be made so. The examining Inspector's comments are not final – any proposed modifications to the emerging Local Plan will be the subject of consultation before soundness is confirmed or otherwise. There will also be a 6 week period as and when the Local Plan is adopted within which the lawfulness of adoption may be challenged.

252. The Local Plan examining Inspector's remarks do not mean that the outcome of this planning application can be a foregone conclusion. Permitting the scheme now would undoubtedly be premature. It cannot be known what the required modifications to Policy SS7 will seek at this stage, and hence there is no certainty that this proposal meets the terms of any modification. Furthermore if Policy SS7 were to be adopted with modifications it would be so within some 6 months. It would therefore be possible for a policy compliant and plan led scheme to come forward within 6 months of the adoption of Policy SS7. Any delay to development would therefore be likely to be no more than one year and any harm brought about by the delay would be minimal.

The Tilted Balance

253. Although NPPF paragraph 14 applies, little changes. The application is agreed to be contrary to the development plan and the statutory presumption in favour of that development plan applies. The tilted balance is only a material consideration.

254. NPPF paragraph 216 indicates that the weight should be given to emerging Local Plans according to how advanced they are in terms of preparation, the

extent to which there are unresolved objections and the degree of consistency between the emerging policies and the policies in the NPPF. The emerging Local Plan here is at an advanced stage but there remain significant objections to its policies, including the spatial strategy and the inclusion of Dunsfold Aerodrome as an allocation. The inclusion of significant development at Dunsfold Aerodrome is contrary to the NPPF which promote sustainable development.

255. There are benefits included in the proposal, including a significant amount of housing and employment land. These can be framed as both social and economic benefits and weighed in the balance. But the benefits should not be considered in the abstract, but in the light of the particular scheme. That leads to the question of whether the benefits can be delivered without harm to ancient woodland and development in the floodplain – the answer is yes. Secondly, it leads to the question of whether the benefits be delivered elsewhere, and that goes to the heart of locational sustainability.

256. Against those benefits is the harm. First, the site is in the remotest corner of Surrey and is inherently unsustainable. This weighs heavily in the balance. It is the conclusion of the Secretary of State in the previous appeal and the concept of sustainability goes to the heart of national planning policy.

257. Second, the scheme fails to render the proposal sustainable. The main plank of the sustainability package is the bus service. This has been rejected by a major bus operator and the County Council, who do not believe that it makes the site sustainable. Even if the finance to secure the bus service can be secured (which is not shown to be so) the provision of empty buses does not make a sustainable scheme.

258. Third, the traffic impact of the scheme will be severe. This has been demonstrated at the Bramley junction. Severe impact would also result from the use of 'rat runs' on unsuitable roads.

259. Fourth, there would be undoubted harm to a valued landscape which forms part of the setting of the AONB. The introduction of a development fundamentally out of character would be harmful and this should weigh heavily in the balance.

260. Overall the development breaches the development plan, there are specific policies in the NPPF which indicate permission should be restricted, and the adverse impacts of development significantly and demonstrably outweigh the benefits of the scheme when taken as a whole.

OTHER REPRESENTATIONS MADE AT THE INQUIRY

261. A number of other representations were made at the inquiry. Some of the points made have already been included in the case made on behalf of the Rule 6 parties. However, I set out here the matters raised by those who appeared, arranged in topic areas. Those appearing and speaking at the inquiry are listed at the end of this report.

Speaking in Opposition to the Proposal – the main points are:

Traffic and Transport

262. These concerns are widespread amongst the local community. The matters which give rise to that concern include:

- The increase in congestion expected as a result of the increase in traffic caused by this development and others. It is likely that commuters from the development would seek to access Guildford, Godalming, Basingstoke, Farnborough, Woking, Horsham, Farnham and London for work. The A281 is already over capacity and this proposal would make it worse. The estimates of vehicle trip generation are too low - modelling is no substitute for common sense;

- The proposed bus service is an unviable option for the quantum of commuters concerned. The route to Godalming is difficult when approaching the town and there is no suitable location to drop off passengers wishing to access the rail station – a ten minute walk is required. There is also a problem in relation to passenger access to supermarkets and other shops. Bus access to other railway stations would also be slow and difficult;

- The B2128 also suffers from severe congestion at peak hours. This leads to difficulties at the A248 junction and in Shalford. As a result traffic from the development would lead to an increase in 'rat running' of local lanes, and this would also affect the lanes through the AONB, with resultant deterioration on its tranquillity. There would also be an increase in traffic using the B2128 to avoid the A281;

- The pollution likely to result from the increased traffic and congestion, including outside local schools such as that at Bramley;

- The impact on extra traffic on highway safety in its widest sense, including on pedestrians, cyclists and horse riders. Local lanes, such as the Hydestile crossroads, Markwick Lane and narrow village streets have experienced vehicular collisions which would become more frequent with this development. Carriageway and pedestrian footpaths are particularly narrow in Bramley. Any reduction in highway safety is rightly seen as a severe impact;

- The impact of extra traffic on the use of the lanes leading to and from the application site. The lanes to Milford (Markwick Lane, Salt Lane and Station Lane/Road) and in the direction of Witley and Godalming are difficult for vehicles, with narrow sections, bends and hidden dips and crests. Such lanes are unsuitable for extra traffic. The estimate of the Applicants' that only one extra vehicle trip per minute would be generated along Markwick Lane is not credible. The stations at Godalming and Guildford already become gridlocked and this proposal would make matters worse;

- The harmful impact of traffic using the Compasses Gate exit on the Alfold Crossways junction and the 'B' road through the village of Alfold;

- The harmful impact of commercial traffic from the expanded business park seeking to use minor roads for access to the A3 to the west;
- Local villages cannot cope with any more HGV traffic. What there is now is already causing structural damage to homes in places.

Infrastructure

263. The development would place undue pressure on existing infrastructure. This includes schools, health facilities and sewerage. The Fire Service has been known to 'run out' of appliances and there are plans to close existing stations. In addition the service has lost many firefighter posts since 2010. Waverley is one of the worst areas for ambulance services and beds in hospitals are scarce. This proposal would also add to the burden upon the police.

264. The energy infrastructure proposed on site is unclear and there are no calculations of emissions. Installation of solar energy generation on each property would be a better option

Conservation, Landscape and Design

265. There are specific policies in the NPPF which indicate that development should be restricted including in AONBs and the Green Belt, and in countryside beyond the Green Belt. Sustainability includes maintaining the rural environment for future generations in the public interest. Policies which restrict development in the countryside are entirely consistent with the NPPF and weight should be afforded to Local Plan Policy C2.

266. The views from the Surrey Hills to the north should be protected. These views are enjoyed by an increasing number of people and have inspired many, including artists, over the years. The public access to these areas gives the public opportunities to experience the sublime landscape with barely a building in sight. This proposal is a major threat to the integrity of the landscape.

267. Whilst the plans are in outline the presence of 2 towers of 30m in height is a concern, and the plume from the energy centre would be higher. These towers will impinge on views and will be seen from a wide area. Vertical features are not typical of local villages and are more typical of towns. If built the towers and tall residential buildings would be incongruous and intrusive. Light pollution from the development would also be intrusive where none currently exists.

268. The airfield in its original wartime form of runways and perimeter track is a rare survivor. There are still some rare features on the aerodrome which should be preserved, such as original cast iron light fittings. It is difficult to understand why a conservation area appraisal has not been carried out given the expressed view that the site is an undesignated heritage asset. An assessment of what is there is essential. The proposed runway park and static aircraft displays would not create a sense of place or respect the undesignated heritage asset.

269. The aerodrome is currently an amenity and sanctuary for wild birds but it would be unable to remain as such with the proposed development. The natural world is disappearing and this proposal would be a reckless experiment driven by a dream of a new settlement. The proposal would disrespect the natural world. There are already many living creatures killed on the A281. In addition the loss of ancient woodland and its pristine uncontaminated soils should be avoided.

270. In seeking to preserve the rural atmosphere and tranquillity of Waverley outside the main settlements it may be necessary to slow development and not meet the full OAN for the Borough.

Wrong Location

271. Support for this proposal is in part derived from the resistance to development from residents of other parts of the Borough. It is not so much support for this site as a vote to avoid development in their own location. Public consultation in 2014 was divisive and polarising. The Council has failed to carry out its strategic planning role correctly in favour of relying on a joint venture with the Applicants. This undermines the evaluation which the Council should carry out in the public interest. It was premature to include Dunsfold Aerodrome in the public consultation on the draft Local Plan as it had not been established whether highway issues could be properly addressed. Development should be led by the Local Plan, not the other way around.

272. New homes, for which there is an acknowledged need, should be in the right places. Nothing has changed since the 2009 decision and the dumping of new homes in this location in the middle of nowhere is a recipe for clogging up the surrounding area as the development would lead to widespread commuting. It is also clear that if this proposal is permitted it would quickly lead to housing numbers at the site rising to the 2600 allocated in the draft Local Plan, or more. Providing 30% affordable housing on this site may lead to people being moved away from the friends and work.

273. Space for the new homes could be found elsewhere. The Borough Council could allocate houses to each town and village and sites could be found in the countryside or Green Belt.

274. The Council was right to refuse planning permission for the Springbok proposal, but is being inconsistent in seeking to support this proposal which is only about 1km from the Springbok site. The site is unsustainable.

Flooding and Water Quality

275. Surface water discharge to local streams which flood would increase flooding elsewhere. The river running through Dunsfold already floods after heavy rain. Cranleigh Waters consists of many small streams and there are problems with both flow and water quality. Algae is now present and it is nitrate rich, with no fish. Cranleigh sewage treatment works (STW) has reached capacity (designed to serve 15000 people, a figure exceeded in 2016) and there is no capacity to serve the proposed development. It would be unlawful to do anything which would worsen the quality of Cranleigh Waters by adding further treated foul water.

276. It would not be possible to send discharge to the canal as this is not flowing water and would become, in effect, a huge cess pit.

Public Rights of Way

277. The provision of open space and access within the development does not include any statutory protection for those facilities. Hence the benefits of these provisions could be lost in the future. Public rights of way for whatever purpose are important in assessing sustainability. Any decision to grant permission on

the site should be conditional on greater connectivity to the public at large in and around the site, for all classes of user. There should be provision for 'Pegasus' crossing points where bridleways cross the A281 and all classes of rights of way should be improved.

Previously Developed Land

278. It is an arguable point as to whether the aerodrome is really previously developed land to the extent claimed. Such uses as are related to aviation are temporary, and when permission for them expires no permanent aviation related use will remain.

Common Land

279. The proposal to take common land at Shalford has blighted the plans by Shalford Cricket Club to carry out major refurbishment of its facilities. The proposed dual carriageway may also have a more permanent impact on future development plans by having a negative impact because the club would offer a less safe and enjoyable environment for members. In the long run it could lead to cricket no longer being played on the green.

The Committee Decision

280. At the time the Joint Planning Committee met to consider this proposal 10 of the 22 members did not attend, and only 6 of them were substituted. The 12 full members of the committee voted against the proposal by 7 to 5. The six substitutes voted for by 5 to 1. This begs the question of how the vote would have gone with a full committee turnout. The decision of the committee was not a sound basis on which to proceed and the inquiry into the proposals is therefore welcome.

Speaking in Favour of the Proposal – the main points are:

281. There is support for a new community at this location. The Manifesto for Healthy Places[28] has been produced by the Place Alliance, a grouping of built environment professionals. This proposal fits into that manifesto in many ways in that it envisages a fully sustainable community. The potential for the use of less polluting vehicles should be recognised, with associated air quality benefits. The development would therefore offer an opportunity for heathier living such as is supported by the Secretary of State for Health. This proposal is the best and most human friendly solution for the needs of the Borough. The alternatives – of tacking development on to existing settlements and/or using green fields, are less advantageous and present challenges of providing the necessary infrastructure and achieving inclusiveness for new residents..

WRITTEN REPRESENTATIONS

282. The application generated a significant number of written representations. The majority were opposed to the development (3371 recorded in the officer report to Committee) but a significant number were in favour (346 recorded). The

[28] Attached to Document IQ 63

representations include the matters raised by the parties above, which do not need to be repeated, but I deal with some other specific matters here.

Opposing the development – main points raised

283. There is a perceived parallel with the now abandoned Hook New Town. The significance of this is that Hook was abandoned in favour of developing where facilities already existed – in that case Basingstoke. That was the right decision and Basingstoke was expanded and its facilities reinforced. In the current case Cranleigh could be used as the basis for expansion. It has a good shopping centre, churches, social facilities, road connections and the possibility of a rapid transit route to Guildford and Horsham. Cranleigh could be extended without upsetting the rural character further afield or the modest character of Cranleigh itself.

284. The developer has failed to show that the proposed bus services are adequate. They would not continue late enough into the evening. However, if the scheme is to be judged acceptable then any infrastructure improvements should be provided up front and not piecemeal as the development progresses.

285. Nightingales are a summer visitor and remain in only a few places in Surrey. One of those borders Dunsfold Aerodrome. The Applicants submission includes a Surrey Wildlife Trust research document which indicates that nightingales have not been recorded at Dunsfold since 1996. That is not correct as they are there each year to date. Other species are present, including red kites, buzzards and skylarks, which will be displaced or lost.

286. There is a danger that the provision of retail and other facilities on site would lead to the loss of small local businesses such as village shops. In addition there is no provision for a secondary school on site and no indication of where students would attend secondary school.

287. Insufficient information is available on the cumulative impact of other developments on the use of the local transport infrastructure. Consultation carried out has been flawed and insufficient.

288. There would be significant levels of noise and other pollution during construction, which could last for 10 years or more.

289. Loss of the aerodrome would result in the loss of the annual airshow and motoring uses on site. Both of these bring visitors to the area. In addition there would be the loss of the emergency runway for Gatwick and Heathrow.

Supporting the development – main points raised

290. The development would protect the Borough's green field sites from development and this is a better solution than incremental additions to existing villages and towns.

291. This is one of the few opportunities for the younger generation to aspire to own their own home in the locality. The area is so overpriced that it becomes difficult to save for a deposit on even a modest property. People should not have to move away in order to be able to afford their own home. It is not unreasonable to support the building of more homes in order to create affordable homes for young people and those on low and average incomes.

292. There is an increasing trend for younger people to want to avoid long commutes to work and to have a better work/life balance. Schemes like this should be encouraged. This is a forward thinking and visionary proposal making best use of previously developed land whilst offering some protection to green field land and the Green Belt.

293. The conditions on the A281 are not unusual. There are worse traffic problems when driving into Farnham or Woking. The congestion argument in this case has been exaggerated.

294. The decision on the application by the Joint Planning Committee was made after fair debate. The democratic process was followed and the Committee reached a decision with a clear majority. The calling in of the application is undemocratic and undermines the planning process. It wastes time and causes unnecessary delays.

295. The application site contains the largest employment site in the Borough, and is the largest area of previously developed land. The Local Plan Inspector has no plans to change the spatial strategy and the development can be delivered with generous S106 contributions. More houses have to be built in Waverley and this proposal will follow the agenda for growth which has previously been absent in the Borough.

296. The proposal gives successful businesses security in their location and a settlement close by where staff could live. This is important to employers and potential members of staff. It would also be an opportunity for exiting staff members to relocate closer to their employment and is crucial in attracting high quality new members of staff. There are no viable alternatives from either a business or residential viewpoint.

297. The emphasis of the masterplan on the creation of a balanced community offering new jobs, affordable homes, sustainable location and economic development whilst respecting long term residents and the natural qualities of the area are consistent with the modern employers on site. The location is perfect for the consolidation of business operations in a harmonious environment where individuals and families can live and work.

298. The renewable energy facility immediately adjacent to the proposed development which is now in the process of being constructed sits alongside the vision and ambition behind the proposal. Sustainable housing on site is a key factor for recruiting staff for the renewable energy facility.

299. The Jigsaw School offers specialised education and lifelong learning opportunities. There is an increasing demand for its services, which are rated as outstanding. The school employs 150 staff and many would benefit from the affordable housing options proposed on site. Without that option staff are forced to other areas and into long commutes. The plans for this site allows the extension of services by providing further community based resources, social enterprises and employment opportunities. Staffing levels are due to increase to about 200, and their housing needs must be met. This is the best solution.

CONDITIONS AND OBLIGATION

300. An agreed list of suggested conditions was prepared by the Applicant and the Council. The Rule 6 Parties made further comments and suggestions. In addition a planning obligation pursuant to S106 of the 1990 Act has been executed in the form of an agreement between the Applicants, Waverley Borough Council and Surrey County Council.

Conditions

301. In the event of planning permission being granted by the Secretary of State planning conditions would be necessary and reasonable in respect of a number of matters relating to the outline part of the proposal:

- In order to define time limits for the submission of details. In this case, given the size of the proposed development it is reasonable to require details to be submitted in a phased manner;
- It is reasonable to define the permission by requiring a masterplan process and by reference to the parameter and other plans submitted, and to require general adherence with the matters set out in those plans as they form the basis for the evidence given at the inquiry;
- Because of the scale of the development proposed it is necessary and reasonable to be specific at this stage in relation to the details required to be submitted in respect of:
    - Ecology, in order to ensure protection for the natural environment;
    - Archaeology, to protect and record any archaeological resource;
    - Drainage, to ensure a satisfactory standard of development;
    - The village centre and community provision, in order to ensure that appropriate facilities are provided;
    - Highway works and access, to ensure that appropriate mitigation is provided[29];
    - Play and sport provision, in order to ensure acceptable facilities are provided on site;
    - Contaminated land, in order to avoid potential harm;
    - Air Quality, in order to provide a satisfactory environment[30];
    - Sustainable Building, so that buildings follow best practice in relation to being sustainable;
    - Soil re-use, to minimise the loss of this resource;

[29] The plans referenced in condition Nos 24, 25, 26, 27 are found in the Appendices to Mr Bird's proof of evidence
[30] The Air Quality Construction Assessment referred to in Conditions 32 and 44 is within the Environmental Statement, Volume 3 Technical Appendices

- Flood risk, in order to ensure that flooding does not result from the development.

So far as the full application part of the proposal is concerned the conditions which are reasonable and necessary would cover the following matters:

- Specifying the time limit for implementation;
- Identification of the relevant drawings and plans to which that part of the permission relates;
- Specifying the limitations of use in order to ensure satisfactory development;
- Requirement for a construction transport management plan, and management of on-site activities, in order to ensure that development is carried out in an acceptable manner;
- The method of dealing with any unforeseen contamination.

302. I have given consideration to whether the extra conditions suggested by the Rule 6 Parties[31] would be reasonable and necessary in this case.

303. The conditions agreed by the Applicants and Council already cover the details of the village centre and its delivery. As such I do not consider that further conditions requiring a concept layout, stipulating the uses in the centre and requiring subsidy by the developer to secure them in perpetuity would be reasonable. I have no reason to doubt that the details of the facilities to be provided will be required in order to satisfy the agreed conditions, or that they would prove to be successful in their own right.

304. The reliance on paragraph 52 of the NPPF forms part of the Applicants' case, but it is not necessary to impose a condition requiring adherence to garden city principles – those principles not being defined in the NPPF. It is a step too far to suggest that the NPPF inevitably means the principles suggested by the TCPA. If the NPPF had meant that it would have said so. Here, the Council would retain sufficient control over detail to ensure that maximum adherence to the principles it sees as being important in this respect are adhered to.

305. It would seem to me to be too onerous to expect the developer to identify the jobs expected to be generated at the application site and seek to design the type and number of houses around what are currently unknown job types. 'Internalisation' is an expectation of the proposal and I do not doubt that the developer will seek to satisfy those who have, or aspire to have, jobs nearby. The affordable housing is in any event geared towards those working at the business park as part of the S106 Obligation.

306. In relation to design the Council retains control, there are agreed conditions for the requirement to submit a masterplan and reserved matters, and the Council is aware of the crucial role that design will play here. The position of the Rule 6 Parties is already covered adequately, including the provision of a lighting strategy in the revised agreed conditions list. Similarly the agreed conditions allow for soil translocation from the ancient woodland affected. I am also

[31] See Document IQ 12

satisfied that there are adequate safeguards in the agreed conditions relating to drainage and access.

307. Amendments of and additions to the agreed list of conditions have been made as a result of the Rule 6 Parties comments. In total I am satisfied that the list set out in Annex 1 of this report is suitable and meets the tests set out in Practice Guidance.

Planning Obligation

308. The S106 Agreement is dated 1 August 2017. Inquiry Document 33 gives a concise summary of what the Obligation would deliver. Inquiry Document 13 is a critical review of the Obligation carried out on behalf of the Rule 6 Parties.

309. It is not necessary for me to repeat the summary of the Obligation contained in Inquiry Document 33, but I assess here whether the matters contained in the Obligation meet the terms of the Community Infrastructure Levy Regulations 2010 and PPG. In this regard the Council produced a helpful compliance table (Inquiry Document 20).

310. The provision of affordable housing meets an urgent need in this Borough and is necessary to make the development acceptable. The level of housing proposed accords with policy and is, of course, directly related to the development. In addition there is provision for up to 25 plots of self-build land, pursuant to recent legislation and guidance[32] and is directly related to the development. These provisions therefore meet the tests for them to be acceptable.

311. The Obligation makes provision for a Community Trust and for the management and maintenance of community assets. These are directly related to the provision of the community assets to be provided on site. In my judgement these are matters which reasonably relate to the development and meet the tests of the Regulations and PPG.

312. A number of contributions are included in the Obligation. These are for such matters as the Cranleigh Leisure Centre replacement, provision for Surrey Police premises on site, and police equipment, as well as contributions to the improvements in public rights of way nearby, education facilities, and transport improvements. Given the increase in local population which would result from this development all of these facilities and services would be put under increased pressure and would need to provide extra and improved services. The development is directly related to them, and the contributions are reasonable in scale and kind and where necessary would provide mitigation for the impacts of the development. There are no contributions which would fall foul of pooling restrictions and they therefore meet the tests of the CIL Regulations.

313. Some works would be provided directly, such as a primary school and early years facilities, community centre, health centre, village centre and package treatment plant (the latter if connection to the public sewer is not feasible). These facilities are directly related to the development and are necessary to make it acceptable. They meet the tests of the Regulations and PPG.

[32] Self-build and Custom Housebuilding Act 2015 and Planning Practice Guidance

314. The transport infrastructure improvements, and bus service provision (with its commitment to funding in perpetuity) stem directly from the establishment of the proposed settlement, and are necessary to make the proposal acceptable. They are also related in scale and kind and therefore meet the tests of the Regulations and PPG.

315. In order to further make the development acceptable the Obligation makes provision for the implementation of a travel plan, the establishment of a Transport Review Group, a Car Club, and monitoring. These too are directly related to the development and fairly and reasonably related in scale and kind. They meet the tests of the Regulations and PPG.

316. In assessing these matters I have had regard to the comments in the analysis carried out on behalf of the Rule 6 Parties. It is notable that the analysis concludes that the Obligation is, overall, well thought out and sensibly and reasonably drafted. Some of the residual criticism of the Obligation is that there are areas where a different approach might have been taken, and that some matters are dependent on future agreement, or might have been made clearer at this stage. However, I bear in mind that the Borough and County Councils are both content with the terms of the Obligation, and it does not seem to me to have flaws which would render it unacceptable or unenforceable.

317. Taken overall I am satisfied that the S106 Agreement meets the tests of the CIL Regulations and PPG and can be taken into account in determining this application.

CONCLUSIONS

318. In this section of the report the numbers in square brackets refer to paragraphs above. I deal first with some background matters. I identify what I judge to be the main considerations later, but first it is appropriate to report on the decision making and policy context within which the decision is to be reached.

Background

Relationship of the application with the Local Plan Process

319. Some of those people who appeared and gave evidence at the inquiry, and many more who wrote representations opposing this scheme, made the point that alternative locations should be investigated for development. The drawing up of a spatial strategy is, of course, one of the purposes of the emerging Local Plan. Alternative scenarios have been consulted upon, proposed, and examined as part of the emerging Local Plan process. It is no part of my role to seek to go behind that process. In preparing this report I must deal with the application as it stands, taking into account current and emerging policy.

Previously Developed Land [92, 113, 278]

320. A number of representations also question the quantum of previously developed land which it is claimed would be utilised in this scheme. In the 2009 appeal the Inspector clearly indicated that he was of the opinion that the majority of the site fell into that category. In the interim the publication of the NPPF has amended the definition of previously developed land. However I see no reason to resile from the description of the parts of the site which can be regarded as previously developed which was set out in the report of 2009 – The Inspector stated then as below.

321. "*The aerodrome has been in existence for the best part of a century and has to be considered as a whole. Many of the hangars and other buildings in the northern part of the site are actively used for aviation purposes…There are also other buildings and structures, such as fuel storage tanks, scattered about elsewhere. All of these either were or still are associated with the aviation use. The rest of the land is open but that does not mean that it is undeveloped. The runways, taxi ways and perimeter road are central to the functioning of the aerodrome. They are engineering structures that quite clearly constitute development. The grassed areas in between the runways are functionally related to them. They provide safe run off areas for aircraft and a means of direct access to them for emergency vehicles. They are managed so as to maintain the necessary visibility for aircrew, air traffic controllers and emergency staff. They include a grass runway for aircraft that cannot land on concrete. These areas are all ancillary to and essential to the established use of the site. In short, the operational part of the aerodrome, including the runways and interstitial grassed areas, is developed land.*"

322. This description is as apt today as it was then, and leads me to the same conclusion – that the majority of the site is rightly regarded as previously developed land.

***Illustrative Material and Design Ethos** [17, 88, 196, 236, 267]*

323. Although the majority of the proposals form part of the outline application there has been some illustrative material (as noted earlier, in the guise particularly of parameter plans) which indicates how the form of the development is envisaged. Nonetheless the detail of any subsequent reserved matters application would be for later consideration.

324. It was suggested at the inquiry that any reliance on paragraph 52 of the NPPF (achieving the supply of new homes through larger scale development such as new settlements following the principles of Garden Cities) should mean that the garden city principles explained in Town and Country Planning Association (TCPA) literature should be followed. Here, it is said that there is no adherence to those principles. I do not see that as a drawback for 2 reasons. First the NPPF makes no mention of any particular garden city principles, and those of the TCPA, admirable as they are, do not form a template to be followed slavishly. Secondly, and in any event, the design ethos of the proposal (as explained in evidence) does seem to me to follow those principles in large part. I note in particular (but not exclusively) that the scheme would be intended to provide mixed tenure homes and affordable housing, long term stewardship of assets, a wide range of local jobs, enhancement of the natural environment, well designed homes, and integrated and accessible transport. As a result I do not afford weight to the criticism of the scheme on the basis that it fails to follow garden city principles.

***Fallback Position** [11, 145]*

325. In the event of this application being turned down the Applicants confirmed at the inquiry that they would continue to seek to develop the site for employment purposes and that the existing employment uses would continue. Following the expiry of the time limited permissions in 2018 the Council confirmed that the site would technically revert to its lawful use as permitted in 1951; that being unrestricted by planning conditions (paragraph 11 above). It therefore seems to me that the site would inevitably continue to be used for aviation and motoring purposes as now, alongside the commercial uses.

***The Springbok Appeal** [146, 174, 184, 274]*

326. Planning permission has been sought for development on land close to the application site in this case, on the Springbok Estate. The Council opposes that development and it was argued that the Council was being inconsistent in opposing that development nearby whilst at the same time being in favour of the application scheme. The evidence given at the Springbok appeal (the inquiry for which was held by another Inspector concurrently with this inquiry) was not before me, though some of the written material was produced. It would not be appropriate for me to comment on the merits of that case, and I have restricted my consideration to the proposals at Dunsfold Aerodrome.

327. As a general premise, however, I would comment that the Council is entitled to determine applications in the light of the circumstances of each case. Those circumstances clearly include the intended allocation of land through the Local Plan process. It is not intended that the Springbok land should become an allocated site. In this regard I do not accept that the Council can be regarded as being inconsistent in its decision making.

Decision Making Context and Changes Since 2009 [95, 100 – 103, 110, 193 – 200]

328. It is self-evident that the decision taken in 2009 relating to the site is a material consideration. At that time the then proposal for 2601 homes, and other development, was refused. Summarising briefly the reasons for refusal given then, it was determined that the location was inherently unsustainable and that mitigation measures would not overcome the identified harm in relation to traffic impacts. The Secretary of State also agreed that the development proposed would have been premature prior to the formulation of the Local Development Framework, and would conflict with the then national policy relating to major development in rural areas.

329. The Applicants and the Council now point to a number of material considerations which have changed in the intervening period. These are not in dispute and I deal with them next.

***Housing Requirement** [18, 102, 108, 129]*

330. There is acknowledgement that the housing requirement for Waverley has risen very significantly. The main dispute between the parties is whether the need should be partially satisfied on this site or elsewhere. There is agreement that the need for affordable housing in the Borough is acute. With or without the development the Council is able, on the figures presented to me, to demonstrate a 5 year supply of housing sites, or very close to it. For that reason the matter of housing land supply per se is not a significant factor in this decision, though the benefit to be attached to the provision of housing to meet the requirement must be weighed in the ultimate balance.

***National Policy and the Tilted Balance** [26, 111, 144, 159, 160]*

331. The NPPF was published in 2012. The presumption in favour of sustainable development has been established, alongside the 'tilted' balance resulting from the application of paragraph 14 of the NPPF when the development plan is out of date, absent or silent. There is agreement between all parties that the tilted balance is engaged in this case. I regard this as a very significant change in circumstances from the position in 2009.

Local Policy

332. In 2009 the Local Plan was more attuned to national and the then regional strategies. Now, there is little dispute that the Local Plan is of an age which sees it being increasingly detached from other strategies and policies. In any event the adopted Structure Plan and emerging South East Plan no longer exist. This is a fundamental change to the policy environment.

***Emerging Local Plan** [14, 15, 23 – 25, 95, 98, 102, 103, 104 – 110, 158, 159, 249]*

333. The emerging Local Plan is at an advanced stage, and the direction of travel is acknowledged by the Rule 6 Parties. It seems to me to be most unlikely that there will be any significant change in the spatial strategy put forward. That strategy flows in part from the recognition that the objectively assessed housing need for the Borough is massively greater than the identified need in 2009 at a time when development was subject to policies of restraint. In addition, there is clear evidence that there is a need to take development from the neighbouring borough of Woking, pushing up the housing requirement still further. The

Council expects the annual housing requirement to be about 590 dwellings. This is not in dispute. The requirement is a huge increase from that which precedes it and is bound to involve policies and allocations which have a greater impact.

334. I agree with the Applicants and the Council that the appropriate representations have been made at the Local Plan examination and that the examining Inspector has given clear guidance on his views. It is of great significance that having weighed the evidence before him on alternative methods of meeting the housing requirement he has concluded that the emerging spatial strategy is appropriate subject to modifications. Neither the Council nor the Applicants expect the modifications to make a material difference to the strategy, and having read the transcript of the examining Inspector's comments I agree that that seems the most likely outcome. On that basis I would not expect there to be any material change to the strategy in the emerging Local Plan and the strategy can be given significant weight.

335. Within that strategy the application site is allocated for a new settlement of up to 2600 dwellings. Given my comments above it seems most unlikely that the allocation of Dunsfold Aerodrome for development will change. In this regard I consider that the evidence of the Rule 6 parties was in part tantamount to an attempt to re-run the Local Plan examination in an entirely inappropriate manner. That debate has been had and, to all intents and purposes, has been settled in favour of development of the application site. That is a very substantial change in circumstances since 2009.

336. I do accept, however, that any development on the site must be subjected to rigorous testing. It cannot be right for development to take place if harm would be so great as to significantly and demonstrably outweigh the benefits. That rigorous testing is the purpose of the inquiry which was held before me.

337. Given the fact that the Council is pressing ahead with the proposed allocation of the application site, and in the expectation that the emerging Local Plan will be found sound, I cannot agree that there is any scope here to find the proposal premature. Precisely because the Local Plan examination has been held, and its strategy endorsed subject to modifications which will not alter its principles, it can be confidently predicted that the strategy will be found sound and adopted. It may not quite be the 'racing certainty' claimed by the Applicants and the Council, but it must be very close to it. In any event the quantum of housing which would be provided on this site would be relatively small in comparison with the overall requirement over the Local Plan period.

338. Furthermore, given that the application is being determined almost in parallel with consideration of the emerging Local Plan I find it inconceivable that a decision on this application would be taken if any last minute difficulties were to be encountered in the Local Plan process. I do not expect such difficulties to arise, but in the event that they did there would be an opportunity to take that into consideration before issuing a decision on this proposal.

The Borough Council's Position [95, 98, 99, 100, 155]

339. In 2009 the Borough Council opposed the development of Dunsfold Aerodrome. The changing expectations in relation to housing provision are clearly of importance here, and overall the Council's considered position to

support the development, taken after due consideration by the elected Members, is a significant change in circumstances.

***The County Council's Position** [95, 101, 208]*

340. The County Council as highway authority was opposed to the development in 2009. Although retaining an objection in terms of the location of development in the current case, the County Council no longer has a technical objection to the measures proposed as highway impact mitigation. Indeed it is fair to say that the County Council accepts that the mitigation measures bring an expectation of improvement to the A281 corridor. That results in large part from the fact that the mitigation proposed includes greater alteration to junctions than was previously proposed. This is a very different position from that in 2009 and is also a significant change in circumstances.

***Planning Obligation** [95, 213 – 216, 308 – 317]*

341. There were acknowledged unresolved issues with the unilateral planning undertaking offered in 2009. However, there is now a S106 Agreement (noted above) in which the Applicants, the Borough Council, and the County Council are signatories. Clearly the Borough and County Councils would not have signed the Agreement unless it was considered to be fit for purpose. The credibility of the likelihood of the measures being implemented, and enforcement mechanisms being in place to ensure implementation, has therefore been enhanced since 2009. I regard this as a significant matter which has changed since 2009.

Development Plan Policies [18 – 22, 111, 112, 173 – 192]

342. As noted above the development plan includes the saved policies of the Waverley Borough Local Plan. It is agreed that the plan is silent on housing provision, and that as a result paragraph 14 of the NPPF is engaged. It is further agreed that there is conflict with Policy C2 of the Local Plan. However, the Applicants argue that Policy C2 is not consistent with the NPPF, and that reduced weight should therefore be afforded to the conflict with it. I deal with that, and the other relevant policies brought to my attention, in my report on the main considerations below.

Main Considerations

343. There are a number of main considerations in this application. These are:

i) The impact of the proposal on the highway network, and whether the proposed mitigation is sufficient to overcome any harmful effect;

ii) The impact of the proposal on the character and appearance of the area, including the AONB;

iii) The impact of the proposal on other relevant interests;

iv) The benefits of the proposal;

v) Whether, in light of the above, the proposal can be regarded as sustainable development, and the subsequent application of the balance set out in paragraph 14 of the NPPF – the planning balance;

Impact on the Highway Network [46 – 69, 124 – 130, 201 – 230, 262, 284]

The A281 Corridor

344. The A281 is a busy road which carries traffic from the south towards Guildford and from Guildford towards Horsham. I have experienced this traffic on a number of occasions at peak and other times and my observations confirmed the evidence I heard that it can be subject to delays and queueing traffic in both directions. However, that is not unusual on any road which serves commuters and other users in the south-east of England. Inevitably some days are worse than others and I accept that school traffic during term time has an impact. My visits on 11 and 12 September coincided with the greatest degree of congestion I witnessed personally.

345. The proposed development would add traffic to the A281, though there is some disagreement by how much. The Rule 6 parties consider that the Applicants have underestimated trip generation, but on the other hand the Applicants have used figures which assume no travel plan measures are introduced, and a lower than expected rate of trips being internal to the site. As such the trip generation assessment of the Applicants may well be on the high side. In any event the County Council does not think that the assessment of the Applicants is inaccurate in the sense that it would make any material difference to the predictions of how the A281 corridor would perform. That too is the conclusion of the highways expert employed by the Council to scrutinise the figures.

346. There was no dissent from the view expressed in evidence that trip generation predictions are not an exact science, and therefore some variation between experts would be expected. To some extent this may be explained by the use of different modelling techniques, but the Rule 6 parties did not seek to challenge the modelling carried out by the Applicants. I am also aware that the evidence of the Applicants has been subjected to rigorous testing by the County Council and has not been found wanting in any material sense. That evidence is therefore persuasive. It seems to me that there are also some doubts as to the efficacy of the Rule 6 parties evidence in places, such as the decision to rely on a restricted period for predications of traffic growth.

347. In any event, so far as non heavy goods traffic is concerned, the Rule 6 parties' case evolved into a position in which it had concerns in relation to one principal technical matter (setting aside the need to take common land at Shalford which I deal with later). That is the effect of the extra traffic at the crossroads in Bramley (currently a mini roundabout). At this location the dispute centred on the ability of the proposed traffic lights to deal efficiently with traffic and pedestrian flows.

348. Having considered the submitted evidence it seems that there is actually little between the parties. What became clear is that the Bramley junction would function satisfactorily so long as the timings of the red and green phases were properly optimised. In particular it was shown that the pedestrian priority phase at the junction would only be likely to be needed every third cycle, rather than every cycle, and that the cycle time should be reduced to 90 to 100 seconds from the modelled time of 120 seconds. These are matters which are capable of sophisticated control to match the needs of traffic and pedestrian requirements. The Applicants demonstrated (with the agreement of the Council's expert) that

the signals at Bramley could be optimised such that the junction would function effectively.

349. I agree with the Applicants that it is inconceivable that the County Council would choose to operate the junction other than at its optimum. Hence, assuming optimum performance settings, the County Council agreed that Bramley junction, and the other junctions along the A281 where alterations are proposed, would be satisfactory. Even when factoring in generic traffic growth, future committed development, and this development, the overall conclusion reached was that the A281 would see net gains in performance, with increases in average speed and only marginal increases in queueing. In other words the A281 corridor would perform better in the future, even with development, than it currently does.

350. Other improvements to the junctions along the corridor are not disputed in technical terms, and all are covered by conditions and/or the S106 Obligation. However, I mention here the Shalford improvements, which would require the taking of common land in order to enable implementation of those improvements. In my experience it is more usual for any requirement for the taking or deregistration of common land to run in parallel with development proposals, but it is not essential. The land in question here is owned by Guildford Borough Council, and that Council is fully aware of the proposals in this case. I do recognise the fact that any future proposal to take common land would be subject to a Secretary of State decision, and it is no part of my remit to try to pre-empt such decision. However I am aware that the common land which would be required appears to be little used (not being part of formal sport provision) and essentially forms part of a highway verge. Taking a pragmatic approach here I recognise that it would be some time before the land in question was needed; ample time indeed to make the necessary provisions. Overall therefore I do not consider that the need to take common land for the Shalford improvement proposals should weigh against the proposals.

351. Taken in the round, in relation to trip generation and non heavy goods movements, I find the evidence of the Applicants, supported by the scrutiny of the Council's expert and the County Council, to be convincing. I am satisfied that the A281 corridor would be able to perform satisfactorily in the future, and quite possibly better than now. There would be no severe residual cumulative impact and the restrictive policy of paragraph 32 of the NPPF does not come into play.

Heavy Goods Traffic

352. The Rule 6 parties and local residents have concerns in relation to the use of local roads in general by heavy goods vehicles. I completely understand the concerns, particularly as they apply to the narrow sections and pinch points on the higher order routes. During my unaccompanied site visits I did observe heavy vehicles having difficulty passing each other even on the A281 in Bramley. Greater difficulty is encountered on other roads such as the Dunsfold to Godalming route at Busbridge (B2130) which is essentially restricted to a single lane in one place.

353. There is no agreement on the likely increase in heavy vehicle movements resulting from the proposal though I accept that the majority of the existing movements are not connected with the commercial enterprises at Dunsfold Aerodrome. Clearly this is another area where there can be no certainty as the

figures produced are predictions and will to an extent be influenced by the nature of businesses on the site. However, the suggestion that the existing commercial uses on site lean towards B8 uses which are high generators of heavy vehicle movements does not seem to me to have been borne out. Simple observation on site reveals the diverse nature of businesses there.

354. There would, of course, be some extra heavy vehicle movement in the future. However I am not persuaded that the extra trip generation would be as high as suggested by the Rule 6 parties. It is more likely to fall into the area between the predictions of the Applicants and the Rule 6 parties. In any event the increase would be a small percentage of the existing road use by heavy vehicles, most of which are unconnected with the site. It is also the case that there is, as accepted by the Rule 6 parties' expert witness, mitigation available in the form of traffic regulation orders should it be necessary.

355. I am not satisfied that the evidence supports a conclusion that there would be any significant impact on the highway network by the increase of heavy goods vehicle movements. I cannot find that there would be any severe residual impact in this respect.

Secondary Roads and Country Lanes

356. Many of the local residents appearing at the inquiry expressed concerns about the anticipated impact of extra residential or commercial traffic using secondary roads and country lanes nearby. In the main the 'B' roads seem to me to be capable of accommodating the anticipated level of traffic without great detriment. The lack of objection in this regard from the highway authority endorses this finding. That is not to say that the use of such roads is currently trouble free, or likely to become so. It was abundantly clear during my many traverses of the 'B' road network that there are narrow sections, bridges, bends, blind corners and dips which can all provide hazards to motorists. Local residents cannot be faulted for bringing these to my attention.

357. Probably of greater concern are the minor lanes which criss cross the locality, and perhaps the most worrisome to residents, is Markwick Lane/Salt Lane/Station Lane leading from the B2130 to Milford. As my experience in using it attests, it is a road which must be used with the greatest of caution and any approaching traffic has the potential to cause difficulty in passing. This is exacerbated if the traffic conflict involves one or more larger vehicles. This route is one of many signposted hereabouts as being unsuitable for heavy goods vehicles.

358. I do accept that the lanes in general are used by some as 'rat runs' to avoid main routes, or used to gain access to railway stations at Witley, Milford or Godalming. Any extra traffic feeding onto these lanes is bound to have some impact, and indeed the Applicants accept that there would be some extra traffic. It is doubtful, though, whether the extra traffic would alter the current situation a great deal. The few additional vehicles predicted to use the lanes would be a relatively small proportion of the existing flows. There is no disagreement between the expert witnesses on this point, and whilst the experiences of local residents must be respected it is my judgement that there would be likely to be little difference in the use of country lanes as a result of this proposal. The County Council also raises no issue in this respect.

359. It was suggested that any extra traffic using lanes to traverse the AONB would affect its tranquillity and affect the enjoyment of that area. But the lanes are already quite well used as I was able to observe, and again I do not accept that there would be likely to be a material increase in the use of those lanes. In any event, given the extent of the AONB in Waverley it is likely that development located almost anywhere in the Borough would increase traffic in the AONB to some extent.

360. Whilst being acutely aware of the concerns expressed in relation to the use of country lanes and secondary roads I am not in a position, on the evidence, to find that this proposal would result in the use of these roads by materially greater numbers of vehicles. On that basis there would be no severe residual cumulative impact. Furthermore, given that the proposal is expected to improve the usability of the A281 corridor it is not unreasonable to expect that this would deter future use of lanes as 'rat runs'.

Cycling and Walking

361. There would be clear opportunities to cycle and walk within the overall development site if delivered as proposed. Beyond the site there would be some opportunity for cycling, though I regard this as extremely limited. The nearest settlement of any size, Cranleigh, involves the crossing of the A281, and the improvement of Alfold Lane as suggested would be a minor improvement only. I do not regard the likelihood of cycling and walking beyond the site for anything other than leisure purposes as being an attractive option.

362. That said, the expectation that there would be a high rate (relatively speaking) of internalisation of trips means that cycling and walking within the site becomes a realistic and safe option. The provision of community facilities and a retail offer alongside employment opportunities makes these modes of transport attractive, especially as the site is flat and lends itself to these modes of transport. Overall I see the site having some attraction for walking and cycling in a localised area. This would give encouragement to some residents not to use private motor vehicles for short trips.

The Proposed Bus Service

363. A crucial part of the strategy to minimise the use of private motor vehicles is the provision of bus services to and from the site, in perpetuity. The Applicants accept that the service would be unlikely to be financially self-supporting, and for that reason have proposed measures through the S106 Obligation which would provide subsidy.

364. The bus services would not be 'stand-alone' in the sense that they would only serve the development, but would be designed to mesh with existing services. I agree, therefore, that there would be likely to be some benefit to existing residents of the area in the provision of the services. The County Council, as the authority which would procure services, is content with the proposals.

365. I am not wholly convinced by the evidence of the Rule 6 parties (which relies in some measure on information on bus running costs supplied by Stagecoach) which suggests that the deficit in running the service would be higher than predicted by the Applicants. In part that is because the Rule 6 parties' assessment appears to have been made on the basis of the need for a greater

number of buses than is in fact the case. The worst case scenario assessed by the Applicants, of a deficit of £667000 per annum, has also been agreed with the County Council. Given the fact that an erroneous starting point has been adopted by the Rule 6 parties there is no alternative financial appraisal on which I can rely.

366. The most important matter here is whether the shortfall in annual funding identified is realistic, and whether it would be catered for in the S106 Obligation. On the evidence given I am satisfied that the assessment figure provided by the Applicants demonstrates a shortfall in funding of far less than £667000. Indeed it may be around 25% of that figure, so the assessment by the Applicants appears to me to be sufficiently cautious and realistic. The S106 Obligation makes provision for a fund to be established which would result in the funding gap being subsidised up to the assessed maximum of £667000. The County Council would receive finance as a result of the terms of the obligation so that services could be procured.

367. There has been some criticism of the fact that the bus service would be in the control of a small group (the Transport Review Group set out in the S106 Agreement) on which the residents would not be represented. The proposed mix would be one representative each from the County Council, the Borough Council, the Applicants, and the travel plan manager. However, I cannot see that there would be much room for disagreement since each of the Councils and the Applicants would be represented and would have an interest in ensuring the success of the scheme. In the event of a dispute resulting in a tied 'vote' an independent expert would be appointed to deal with the dispute. The risk of the service being discontinued in future seems to me to be small.

368. Taking the proposals for the bus service in the round I conclude that it would provide a realistic alternative to the use of the private car (though I know that some people would choose not to use it) and would provide reasonable service intervals over sufficient hours to be attractive to residents of this scheme and other locations along the routes. I note that the houses to be provided would all be located within a short distance of a bus stop and that real time information for the services would be provided to aid their attractiveness.

Other Mitigation

369. There are also other measures proposed which seek to mitigate traffic impacts and enhance the sustainable credentials of the proposal. These include the adoption of a travel plan, the provision of individual travel plans, and the establishment of a car club. These matters are part of the requirements of the S106 Obligation and would enhance the offer to site residents to restrict the use of private vehicles.

Would any Residual Impact be Severe?

370. I have found that individual elements of the proposal would not in themselves result in severe residual impact. Cumulatively the impacts would also be less than severe. Indeed some impacts may well be beneficial, such as the impact on the A281 corridor. There would be no severe residual cumulative impact overall and the potential for refusing planning permission pursuant to paragraph 32 of the NPPF which would result from such an impact does not come into play.

Relationship to the Local Plan

371. Policy M1 of the Local Plan seeks to ensure that development is located so as to reduce the need to travel, especially by private car, and to encourage other modes of transport. It seems to me that this proposal goes as far as is reasonably practical in achieving these aims on this site. This policy also seeks to locate major trip generating development in locations in Farnham, Godalming, Haslemere and Cranleigh and avoid peripheral or rural locations. However that part of the policy is being rapidly overtaken by the emerging Local Plan spatial strategy, and in any event does not preclude development elsewhere as it is aspirational rather than being directive. That aside it is clear that the policy intends to promote development which is sustainable in transport terms. The NPPF indicates at paragraph 52 that there may be cases where the supply of new homes is best achieved through larger scale development such as new settlements. In the round this proposal does not seem to me to conflict with Policy M1 since it would improve accessibility by means other than the private car and encourage a higher proportion of travel by walking, cycling and public transport.

372. Policy M2 requires that development schemes provide safe access, and where necessary are accompanied by a Transport Assessment and a Travel Plan. Any highway works or transport infrastructure necessary should be funded by the development. The proposal in this instance is in accordance with this policy.

373. Policy M13 seeks to ensure that development generating heavy goods vehicle movements are appropriately located. As I have noted above I have not found there to be unacceptable impact in this respect and there is no conflict with the policy. Similarly there is no conflict with Policy IC4 which is supportive of the development of existing industrial and commercial premises if there is no conflict with other policies in the Local Plan. That is the case here.

374. Taking the highways impact of the proposal overall it is my judgement that:

- There would be no severe residual cumulative impact in transport terms;
- There is no restriction on development being granted planning permission by virtue of paragraph 32 of the NPPF;
- The proposed mitigation, in particular the bus services and the highway improvements, would be appropriate, would encourage non car transport and would be likely to result in overall improvement on the A281;
- There would be likely to be a high rate of trip internalisation on site, improving the transport sustainability of the site, especially by encouraging walking and cycling in the local area;
- There is no conflict with the development plan in this respect.

Character and Appearance of the Landscape including the AONB [72 – 79, 133 – 135, 231 – 244, 265 – 267]

375. The appeal site lies in the Low Weald, between the Surrey Hills AONB to the north and the distant South Downs to the south. The Low Weald is in general characterised by it relatively flat topography, well wooded but interspersed with mixed agricultural uses, scattered settlements and smaller groups of buildings.

376. The more fine grained landscape character assessment carried out in 2015[33] places the site in the Wooded Low Weald character area WW6 - Dunsfold to Pollington. The key characteristics noted in the assessment include the presence of woodland, the low lying landform, the patchwork of fields, woodland blocks and hedges/tree belts, the high proportion of open larger scale farmland, limited settlement outside Cranleigh and Alfold/Alfold Crossways. It is described as a rural and tranquil landscape because of the limited influence from settlement and roads. There is a specific reference to Dunsfold airfield occupying the western end of the character area.

377. In relation to built development the study suggests that new development should maintain the enclosure of the wooded setting and that built form should be contained within a wooded or treed setting. It is also an aspiration that new development does not impact on the existing dark skies of the area. There are naturally other guidelines set out on the assessment but in relation to this proposal these seem to me to be the most important.

378. My own observations in visiting the area extensively reflect the characteristics set out above, with Dunsfold Aerodrome being difficult to see from most locations because of the wooded setting. The principal viewpoints of the airfield are from higher ground to the north, and I deal with those later.

379. Part of the site around the western edge is included within an area designated locally as being of Great Landscape Value (AGLV). This area is not proposed for built development but would become an integral part of the proposed country park (with the exception of the solar farm on site which has already been constructed).

380. Given its current use as a business park and operational aerodrome the landscape of the appeal site has little in common with the character of the wider Low Weald. Although it has blocks of trees and tree belts around it, the wide open spaces of the aerodrome are atypical of the wider landscape character. In addition the intermittent noisy activities which take place there, including flying and motor sports and testing, set the site apart from the more tranquil character of much of the surroundings. Because of these factors the sensitivity of the landscape character of the site, even allowing for the presence of some of the AGLV, is not high. I consider that the susceptibility of the landscape to change is correctly identified as medium.

381. The value of the areas of the AGLV cannot be in doubt, but the value of the remainder of the site in landscape character terms is open to question. Taking the approach identified in GLVIA3 I agree with the analysis carried out on behalf of the Applicants. The intactness of the landscape was lost when the aerodrome was created and it has little scenic quality. Whilst there are some features of relative rarity (such as ancient woodland and a single listed building) the aerodrome as a whole is not a rare landscape feature. The site is not representative of the Low Weald landscape and conservation interests are principally limited to small areas around the periphery of the site. The fact that the site has limited public access means that its recreational value is poor, and it is not perceived as wild or tranquil. The only material association is with the fact

[33] Surrey County Landscape Character Assessment (2015)

that it represents a WW2 airfield, which does not add to the perceptions of landscape character.

382. Given these factors I am satisfied that overall the aerodrome has limited value in landscape terms with the exception of the peripheral AGLV. Set against this is the fact that the proposal would be intended (subject to later confirmation of detail) to include significant areas of publicly accessible open space in the form of a country park and other recreational facilities. These provisions would have the potential to return the landscape in much of the site to something more akin to the prevailing character of the Low Weald. There would, of course, be extensive areas of built development, and these would bear little relation to the sparsely populated Low Weald landscape character. Even so, in my judgement the overall impact on character would show some pluses and some minuses, resulting in a final effect which would be quite moderate.

383. Visually the main impact would occur from the elevated viewpoints to the north. I visited a range of these, as requested, which look out over the Low Weald. The panoramic vistas are impressive. The view from Hascombe Hill has the aerodrome in the middle foreground. It is clearly visible and there are certain features which are prominent, such as the runways, perimeter tracks, hangars, miscellaneous buildings and some aircraft. The business park is largely hidden behind Stovolds Hill. The situation has changed little since the appeal in 2009 in that the aerodrome is a limited part of a wide panorama, and to the extent that it would be seen in the future (given the extensive landscaping which would be likely to be provided) the proposed village would not be unusual in an extensive view of the English countryside.

384. The views from other elevated points, including Winterfold Hill and Pitch Hill, would be at a more oblique angle and the open spaces in the aerodrome become more obvious, albeit at great distance. The proposed development would therefore be visible in its wooded setting, but this would be little different to the views currently experienced, which take in glimpses of settlements such a Cranleigh and Ewhurst.

385. Some concern has been expressed in relation to the potential for towers up to 30m in height, and up to 4 storey development, as part of the development. However, I do not put great weight on such concerns since these are detailed matters which could well change at the stage of detailed applications being drawn up. In any event I am not convinced that the centre of a development of this scale could not successfully encompass varying building heights.

386. From the publicly accessible areas around the application site below the elevated viewpoints the visual containment is at a high level. There are few places where any real impression of the totality of the aerodrome are available. Hence the visual impact from these positions would be small.

387. Taken together it is my judgement that the impact of the proposals on the character an appearance of the area can be assigned no greater than moderate weight. Although any harm to visual character or distinctiveness could run counter to Local Plan Policy D1 in some circumstances, the policy makes provision for the resolution or limitation of environmental impacts. This is a case where such impacts can, in my judgement, be resolved by careful design. The parameter plans provide the basis for some confidence that this can be achieved.

As such I do not find conflict with Policy D1. Similarly, if the development is found to be acceptable in principle, there would be no conflict with Policy D3.

388. The parties acknowledge that there is conflict with Local Plan Policy C2. This policy is restrictive of development in the countryside beyond the Green Belt, seeking to protect the countryside for its own sake. It is the type of policy which was commonplace in the past, and sets out what development categories may be acceptable in the countryside. In that sense it is prescriptive. As such the policy does not seem to me to carry the necessary assessment and balancing required on a case by case basis which is implicit in the NPPF, including within the core principles of paragraph 17 of the NPPF, and which requires recognition of the intrinsic character and beauty of the countryside to be taken into account within that balance. Policy C2 therefore sets the bar too high in countryside protection terms for areas outside valued landscapes (which are specifically dealt with elsewhere in the NPPF). This policy should therefore be seen in that context, and any conflict with it is reduced in weight as a result.

389. The impact on the setting of the AONB is a different point. The AONB has national importance and the conservation of its landscape and scenic beauty carries great weight, as set out in the NPPF. Planning Practice Guidance makes it clear that the duty to protect such areas applies to development outside the boundary of the area which might affect its setting and the implementation of statutory purposes.

390. The setting of the AONB can reasonably be taken to be that part of the surroundings within which the AONB is experienced. Hence it is fair to consider views into and out of the AONB as having the potential to impact on the setting and the enjoyment of the AONB. Here, the extensive views out from the AONB are fairly to be regarded as part of the setting contributing to the special character of that area. That said, it seems to me that the replacement of the aerodrome, with its relatively sterile areas of flat land criss crossed by runways and interspersed with buildings, by a comprehensively designed and landscaped village, would have little impact on the setting of the AONB. In particular, the panoramic views would be little changed, and to the extent that it would be visible, the new development would not be perceived as impinging upon the extensive views, but would become an integral and unsurprising part of them. The AONB would be visible in new public views from the development, but these would be a positive benefit as they are not currently available.

391. I acknowledge that light emanating from the development would be likely to have some impact both to the general visibility and character of the area, and to the perception of the setting of the AONB. But a well designed lighting strategy could reduce the light emission from the site and, with properly designed landscaping, would not be likely to cause anything other than minor detriment. This is particularly so since the site is so well self-contained at lower landscape levels, and the likelihood of the public being present at the higher public viewpoints of the AONB when lighting is in use must be slim. In any event the lights of a village would simply add modestly to the lights of the settlements of the Low Weald generally.

392. I have dealt with the matter of traffic being attracted to the lanes through the AONB above. I do not agree that this development would add to the pressure on

the lanes to any material degree since development anywhere in Waverley would be likely to increase such pressure.

393. The Surrey Hills AONB Management Plan includes Policy LU5, which seeks to resist development which would harm public views into or out of the AONB. In this case there would be little impact looking out, and some benefit to the public in new views looking in. There is no conflict with this policy. I also consider that there would be no impact on the tranquillity of the AONB, and no impact on light pollution within the AONB. Hence there would be no conflict with Policy LU5. For similar reasons I find no conflict with the terms of Local Plan Policy C3(a) which has similar aims to those of the AONB Management Plan.

394. Overall I do not accept that the setting, tranquillity or other attributes of the AONB would be materially affected by the proposed development. This accords with the views of Natural England. I can therefore record that I do not consider that footnote 9 of the NPPF is engaged in relation to the impact on the AONB, and as such planning permission should not be restricted on this basis.

395. Taking this main consideration as a whole I can find no reason to depart from the findings of the appeal Inspector from 2009 that this proposal, as the proposal then, would not cause material harm to the character or appearance of the area.

Impact on Other Relevant Interests

396. There are other matters which have been brought into consideration which I deal with here.

***Ancient Woodland** [30, 31, 131, 245, 246, 269]*

397. A small area of ancient woodland would be lost in order to provide access to the site from the A281. The total area lost would be some 360sqm. It is clear that this is a very small part of the total ancient woodland area in Waverley and Surrey. Even so, the NPPF is clear (paragraph 118) that planning permission should be refused for development resulting in the loss of ancient woodland unless the need for, and benefits of, the development in that location clearly outweigh the loss.

398. For access to be gained across land controlled by the Applicants the loss of this small area of ancient woodland would be inevitable. No evidence was produced which indicated that access to the north, away from the ancient woodland, would not be possible. Conversely I have no evidence that it would be possible. It has been pointed out that there would be environmental improvements carried out, including the linking of areas of ancient woodland with new woodland planting, and that translocation of soil from the ancient woodland would assist in preserving that ecological resource. The area lost would be mostly sycamore with an understorey of other species which does not appear to be well managed. The potential to improve existing ancient woodland and provide better linkage can be seen as a positive benefit. In the end, though, whether the small loss of ancient woodland is warranted boils down to a judgement as set out in the NPPF. I deal with that in the planning balance.

***Flooding and Water Quality** [32, 81, 138, 245, 247, 275]*

399. The access road would cross a small area which is liable to flooding (flood zones 2 and 3). However, no vulnerable development would be located in the

flood zone – it would be restricted to the small area of the road only. The Local Plan process has clearly carried out a sequential test and proposes to allocate the site for development. I agree with the Applicants that the road would constitute essential infrastructure, and hence could be accommodated in flood zone 2, and flood zone 3 after an exception test has been carried out. Given that the site must have been the subject of a strategic flood risk assessment prior to its draft allocation, and in light of the fact that the land to the north is not within the draft allocation, I do not consider that the fact that the access road would cross small areas of flood zones 2 and 3 should preclude development. I am also mindful of the fact that other access points to the site would be available for use in an emergency. In this respect footnote 9 of the NPPF is not engaged.

400. There is a holding objection from the Environment Agency and local residents are rightly concerned that the proposal should not cause harm to the local water environment. With regard to foul sewage disposal the Applicants have 2 potential solutions. The first is to install a stand-alone treatment plant to serve the site. The second is to improve and gain access to the existing treatment works at Cranleigh. Thames Water has advised that either solution is deliverable and I accept that position. This is a matter which can be resolved. Of course the final discharge from whatever solution is implemented would require a separate permit issued by the Environment Agency. I am therefore satisfied that there are practical solutions available which would ensure that foul sewage is appropriately dealt with and that discharge meets appropriate quality standards.

401. Surface water drainage is also of some concern locally given that streams and other watercourses are reported as flooding from time to time. Again, however, I have no reason to doubt that a satisfactory surface water drainage system, following sustainable drainage principles, can be designed and delivered on site. As such there would be no reason to suppose that any flooding would result for the development, or that flooding elsewhere would be exacerbated.

402. These matters are capable of being resolved by technical solutions, they can be controlled by condition, and there is no conflict with the advice of the NPPF in relation to flood risk. Footnote 9 is not engaged in this respect and there is no conflict with Local Plan Policy D13 which requires adequate infrastructure to be provided.

Heritage Assets [33, 34, 82, 268]

403. There is a single listed building on the application site. This is the recently listed Grade II Primemeads, a modest dwelling close to the southern access to the site at Compass Bridge. The building has been listed in part for its historical construction interest, and in part for its historic association with the airfield use in housing Hawker Siddeley test pilots. The listing makes reference to its former use as a farmhouse, and later use as part of the activities on the airfield. However, the principal matters noted in the listing refer to its construction and likely history of use. There is little mention of setting.

404. In fact the setting of the building is rather nondescript, including the access from Compasses Bridge, with former airfield buildings to the rear. There is no apparent historical association with its former use as a farmhouse, and nothing to indicate that it was once utilised for housing aircraft personnel. As such I agree with the assessment submitted on behalf of the Applicants that the setting is not an important part of the interest of this building. It is the fabric and history of

use which is more important in terms of its special interest. Neither of these would be affected by the proposed development. Whilst the setting of the building would change, it would not be likely to be changed for the worse. Indeed it is likely to improve. The significance of the asset would be unaffected.

405. My conclusion here is that there would be no harm to the fabric or setting of this heritage asset and therefore footnote 9 of the NPPF is not engaged.

406. Whilst there are other listed buildings outside the site, and acknowledged non-designated heritage assets within the site, there is no evidence that any of these would be materially affected by the proposal, either directly or indirectly. There would also be an opportunity to integrate some, if not all, of these non-designated assets, such as the alignment of the runway, in the final layout of the development. In total I am satisfied that the proposed development would not be harmful to heritage assets.

***Ecological and Biodiversity Matters** [87, 89, 269, 285]*

407. I have given careful consideration to the representations made in respect of ecology and biodiversity. The Environmental Statement (ES) has addressed these matters and its conclusions have not been challenged with any other substantive evidence. Local residents are concerned about these matters and I understand those concerns. However I have no other material evidence with which to compare the findings of the ES.

408. The proposal to include a country park in the development would be intended to provide a wide range of habitats, though it is acknowledged that there would be some disturbance through construction activities and the inflow of population as the development is occupied. Mitigation proposals are such that predicted impacts are not significant, with some positive impacts offsetting negative impacts. I am satisfied that ecological matters have been appropriately addressed in the application and that this is not a matter which weighs against the proposal.

The Benefits of the Proposal [83 – 93, 139 – 142, 255, 281, 290 – 299]

409. The benefits of this proposal as put forward by the Applicants are accepted in part. Those which are uncontroversial can be briefly summarised as:

a) The provision of 1800 new homes in a range of sizes, types and tenures is a benefit which would accrue over more than the current 5 year supply period. In my judgement this carries substantial weight and is far from the 'dumping' of homes here, as suggested by some opponents of the scheme;

b) The provision of 540 affordable homes is a significant benefit in an area of acute need (the need being identified at 314 per annum). This is a benefit of great weight;

c) The provision of accommodation for older people. This carries significant weight;

d) The provision of new employment opportunities and consolidation of the existing business park. The fact that the site might make provision for about 1000 new jobs carries great weight.

e) The improved provision of accommodation for the well regarded Jigsaw School is a benefit of significant weight;

f) The improved accessibility to the site, and the public open space on the site, for the benefit of the public beyond the residents of the development is a benefit of moderate weight.

410. Other provisions which stem directly from the requirements of the development itself, such as the need to provide schools, medical centre, village retail and community facilities, the bus service and contributions to offsite works may bring some benefit but would be expected to be provided in conjunction with a development sited anywhere. As such I afford less weight to these matters.

411. Taken in the round the benefits of the scheme are very substantial in economic terms (jobs) social terms (housing and school) and environmental terms (access to the countryside, public open space). Other less weighty benefits also add to the balance in favour of the proposal.

Other Matters [94, 97, 143, 144, 245 – 260]

412. I refer here to some of the other matters raised at the inquiry.

413. With regard to the ability of existing infrastructure to cope with the development there are contributions contained within the S106 Obligation. I have no evidence that the Fire Service would be overstretched by this proposal. Similarly I have no indication that any existing business would be likely to suffer from the development. Indeed the influx of new residents in the area may well assist other businesses. The loss of the motoring uses on the site, and the annual airshow, must be balanced against the benefits of the proposal.

414. Public access to the proposed country park and across the site is part of the proposal. Whether such access is formalised by the creation of public rights of way is not a matter which has been addressed in evidence, but in any case this can be taken up at the reserved matters stage if necessary.

415. It is undoubtedly the case that there would be some noise resulting from construction activities. However these would be time limited and there are few dwellings in close proximity to the site. I would not expect unacceptable noise disturbance, or any other pollution from construction activities, to occur here given the isolated location of the site.

416. Some comments have criticised the manner in which the Council's putative decision on the application was taken. However there is nothing before me to indicate that there has been any impropriety. In any case, as this matter is now before the Secretary of State the matter is rather academic.

417. I have no knowledge of the situation relating to Hook New Town, or the subsequent abandonment. This is not a matter which carries weight in the determination of the application. The expansion of Cranleigh is a matter which relates to the local plan process rather than consideration of an individual planning application.

418. In total, either individually or cumulatively, none of these other matters is sufficient to affect the balance of my considerations and recommendation.

The Planning Balance [94, 97, 143, 144, 245 – 260]

419. As agreed between the main parties the silence of the development plan on the matter of housing supply leads to paragraph 14 of the NPPF being engaged. This does not reduce the primacy of the development plan, but provides the so called 'tilted' balance such that planning permission can be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed in the NPPF as a whole, or unless specific policies of the NPPF indicate that development should be restricted.

420. The benefits as set out above are very substantial. There is acknowledged conflict with Local Plan Policy C2, but that policy is not entirely consistent with the NPPF. Hence the conflict with the policy carries reduced weight.

421. Any harm to highway interests would, on the evidence, be at a level far less than can be defined as severe. Mitigation addresses the predicted impact and indeed some benefit would accrue. This means that the site should no longer be seen as being an inherently unsustainable location. Harm to landscape character and appearance would be moderate at worst and there would be no unacceptable impact on the setting of the AONB. There would be no material harm to heritage assets or other interests brought to my attention which could not be mitigated by the imposition of the conditions agreed or by the terms of the S106 Obligation.

422. As I have set out above I have not found conflict with any development plan policy other than Policy C2. I am also satisfied that there would be no harm to the interests set out in NPPF footnote 9 which indicate that planning permission should be restricted. There would be no unacceptable impact in relation to flood risk. So far as ancient woodland is concerned there is an unchallenged need for development of this type, and in my judgement the benefits of the development in this location clearly outweigh the very limited loss of that habitat.

423. No other impact is of a weight, either individually or in combination with any other impact, to outweigh the substantial benefits. There are no policies in the NPPF which indicate that planning permission should be restricted. Material considerations indicate that the development should be determined other than in accordance with the development plan. The development can be regarded as sustainable development and acceptable in principle on what is a site principally made up of previously developed land. This results in there being no conflict with Local Plan Policy D3. Planning permission can be granted in accordance with the tilted balance engaged by paragraph 14 of the NPPF.

RECOMMENDATION

424. I conclude that the application should be permitted and planning permission be granted subject to the conditions set out in the attached annex.

Philip Major

INSPECTOR

APPEARANCES

FOR PROTECT OUR WAVERLEY AND THE JOINT PARISHES:

Mr Paul Stinchcombe QC and Ms Victoria Hutton of Counsel	Instructed by Mr R Shepherd, Barton Willmore LLP

They called

Ms N Brown BA(Hons) BALandArch CertUD CMLI	Huskisson Brown Associates, Landscape Architectural Consultants
Mr P Bell BEng(Hons) MCIT MILT MCIHT	Motion Consultants Limited, Transport Planning and Infrastructure Design
Mr R Shepherd BSc (Hons) DipTP MRTPI	Barton Willmore LLP
Mr T Rice	Barton Willmore LLP - conditions discussion only

FOR THE LOCAL PLANNING AUTHORITY:

Mr Wayne Beglan of Counsel	Instructed by Mr D Bainbridge, Solicitor to Waverley Borough Council

He called

Mrs V Lamont BE(Civil) CEng MICE MCIHT MCMI	Mayer Brown Limited, Transportation Consultants
Mr J Adams BSc(Hons) MRTPI	Deloitte Real Estate
Mr S Coult	Browne Jacobson LLP - S106 discussion only

FOR THE APPLICANT:

Mr Christopher Katkowski QC and Mr Richard Turney of Counsel	Instructed by Mills and Reeve LLP

They called

Mr A Beharrell MA DipArch RIBA	Pollard Thomas Edwards Architects
Mrs R Knight DipLA MA CMLI	Land Use Consultants Limited
Mr D Bird BSc CEng MICE	Vectos Transport Consultants
Mr M Derbyshire BS(Hons) MRTPI	Bidwells LLP
Mr R Seaborn	Mills and Reeve LLP - S106 discussion only

INTERESTED PERSONS:[34]

Mr Ian Hunter	Local Resident
Ms S Capsey	Plaistow and Ifold Parish Councils
Mr G MacLean	President, Shalford Cricket Club
Mr A Cresswell	Local Resident
Mrs S Smith	British Horse Society
Mrs C Britton	Local Resident
Mr S Haines	Dunsfold Parish Council and resident
Mr N Pidgeon	Alfold Parish Council
Mrs S Sullivan	Local Resident
Mr W Birkett	Shalford Parish Council
Mr C Orange	Hascombe Parish Council
Cllr J Gray	Ward Councillor
Mr R Milton	Local Resident
Mr C Orange	Statements on behalf of Chiddingfold, Hambledon and Busbridge Parish Councils
Mr P Molineux	Bramley Parish Council
Mr A Isaacs	CPRE Surrey
Mr R Bryant	Cranleigh Civic Society
Mr P Osborne	Local Resident
Mr M Sutcliffe	Local Resident
Mr R Weale	Wonersh Parish Council
Mr A Ground	Local Resident
Mr T Whittall	Local Resident
Mr R Burdett	Local Resident
Mr J Jeffrey	Local Resident
Mr C Smith	Planning Adviser, Surrey Hills AONB Board
Mrs C Sandars	Local Resident
Miss L Dadak	Local Resident
Ms Celina Colquhoun of Counsel	On behalf of Surrey Police at the S106 discussion
Ms N El-Shatoury	On behalf of Surrey County Council at the S106 discussion

DOCUMENTS FROM THE MAIN PARTIES HANDED IN DURING THE INQUIRY

From Protect Our Waverley and the Joint Parishes	
IQ 1	Opening statement of Mr Stinchcombe
IQ 2	Proof of evidence of Mr R Cooper relating to the appeal at Satchel Court Mews, Alfold
IQ 3	Proof of evidence of Mr R Reay relating to the appeal at Springbok Estate
IQ 4	Email from Stagecoach to Mr P Bell
IQ 5	Person Trip Rate table
IQ 6	Not used
IQ 7	Results of video survey at Bramley
IQ 8	Bramley High Street traffic survey report
IQ 9	Expanded flood zone and ancient woodland map

[34] In order of appearance

IQ 10	Letter from the Environment Agency to The Rutland Group dated 23 January 2017
IQ 11	Copy of 'Fixing our broken housing market' DCLG 2017
IQ 12	Notes on draft conditions from Mr T Rice
IQ 13	Review of draft S106 Agreement carried out by Gowling WLG
IQ 14	Closing submissions of Mr Stinchcombe
From Waverley Borough Council	
IQ 15	Opening observations of Mr Beglan
IQ 16	Notification of the inquiry and list of those notified
IQ 17	Appeal decision (APP/R3650/W/16/3163050) relating to land at Wheeler Street, Witley
IQ 18	Note on changes to Mrs Lamont's evidence based on changes to the draft S106 Agreement
IQ 19	Review of Bramley High Street traffic survey by Mrs Lamont
IQ 19A	Bramley pedestrian survey analysis by Mrs Lamont
IQ 20	S106 Agreement compliance table
IQ 21	Revised draft conditions
IQ 22	Closing submissions of Mr Beglan
From the Applicant	
IQ 23	Opening submissions of Mr Katkowski
IQ 24	Note from Mr Bird on Mr Bell's Linsig analysis
IQ 25	Note from Unobuses (Northampton) Ltd
IQ 26	Employment update to Mr Derbyshire's evidence
IQ 27	Five year housing land supply update
IQ 28	View from Winterfold Hill
IQ 29	Comparison graph of projected traffic growth on the A281 north of Dunsfold
IQ 30	Plan of viewing opportunities
IQ 31	Note on residential trip rates from Mr Bird
IQ 32	Response to the additional submissions of Mr Osborne and Mr Jeffrey
IQ 33	Summary Guide to S106 Agreement
IQ 34	Signed and dated S106 Agreement
IQ 35	Note on potential amendment to the description of development
IQ 36	Closing submissions of Mr Katkowski

DOCUMENTS FROM OTHER PARTIES HANDED IN DURING THE INQUIRY

IQ 37	Speaking notes of Mr McClean, Shalford CC
IQ 38	Speaking notes of Mrs Smith, British Horse Society
IQ 39	Speaking notes of Mrs Britton
IQ 40	Speaking notes of Mr Haines
IQ 41	Speaking notes of Mr Pidgeon, Alfold PC
IQ 42	Speaking notes of Ms Sullivan
IQ 43	Speaking notes of Mr Birkett, Shalford PC
IQ 44	Speaking notes of Mr Orange, Hascombe PC
IQ 45	Speaking notes of Cllr Gray
IQ 46	Speaking notes of Mr Milton
IQ 47	Speaking notes of Mr Orange, presented for Busbridge PC
IQ 48	Speaking notes of Mr Molineux, Bramley PC

IQ 49	Speaking notes of Mr Isaacs for CPRE Surrey
IQ 50	Speaking notes of Mr Bryant, Cranleigh Civic Society
IQ 51	Speaking notes and addendum of Mr Osborne
IQ 52	Speaking notes of Mr Sutcliffe
IQ 53	Speaking notes of Mr Weale, Wonersh PC
IQ 54	Speaking notes of Mr Ground
IQ 55	Speaking notes of Mr Whittall
IQ 56	Submissions and addendums from Mr Jeffrey
IQ 57	Letter from Mr M Wheeler, Instigate Media
IQ 58	Letter from Ms K Grant, Jigsaw Trust
IQ 59	Letter from Mr A Bond, AFC Energy
IQ 60	Letter from Mr G Murray, Gordon Murray Design Limited
IQ 61	Letter from Mr C R Young, Cranleigh Freight Services Limited
IQ 62	Speaking notes and addendum from Mr C Smith, Surrey Hills AONB
IQ 63	Speaking notes of Mrs Sandars
IQ 64	Letter from Mr M Edwards
IQ 65	Speaking notes and addendum of Miss Dadak
IQ 66	Written submission from Dunsfold Parish Council
IQ 67	Written submission from Loxwood Parish Council
IQ 68	Written submission from Chiddingfold Parish
IQ 69	Written submission from Ms A Williams
IQ 70	Email from Mr D Hewett
IQ 71	Letter from Ms J Carling, Carling Partnership
IQ 72	Letter from Cllr M Foryszewski
IQ 73	Letter from Mr S Sharratt, DBE Energy Limited

STATEMENTS OF COMMON GROUND

SoCG 1	SoCG between Waverley Borough Council and the Applicant
SoCG 2	SoCG between Waverley Borough Council and the Rule 6(6) parties

CORE DOCUMENTS

1.0 Policy and Background Documents	
CD 1.1	National Planning Policy Framework (2012)
CD 1.2	Waverley Borough Council Local Plan (2002)
CD 1.3	Submission Version Local Plan Part 1: Strategic Policies and Sites with tracked changes (2016)
CD 1.4	Land Availability Assessment (2016)
CD 1.5	Sustainability Appraisal Report for the Waverly Borough Local Plan Part 1, Aecom (August 2016)
CD 1.6	Waverley Settlement Hierarchy Update, Waverley Borough Council (2012)
CD 1.7	Draft Waverley Cultural Strategy, Waverley Borough Council (update 2016)
CD 1.8	Open Space, Sport, Leisure and Recreation (PPG17) Study, Waverley Borough Council (2012)
CD 1.9	Waverley Playing Pitch Strategy (March 2013)
CD 1.10	Waverley Play Areas Strategy 2015 – 2024

CD 1.11	Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard England. Fields in Trust (2015)
CD 1.12	Sustainability Appraisal Report; Core Strategy Pre-submission (July 2012)
CD 1.13	Correspondence between 2013 Core Strategy Inspector and Waverley Borough Council
CD 1.14	Sustainability Appraisal of the Waverley Local Plan Part 1: Interim SA Report (September 2014)
CD 1.15	Inspector's letter regarding Emerging Local Plan (2016) ID-1 'Initial Questions and comments' (6 February 2017)
CD 1.16	Inspector's letter regarding Emerging Local Plan (2016) ID-3 'Matters and Issues for Examination' (5 April 2017).
CD 1.17	Inspector's Note accompanying the Hearings Agenda (1 June 2017)
CD 1.18	Secretary of State's Direction Letter dated 25 September 2007
CD 1.19	Planning Practice Guidance on Determining a planning application
CD 1.20	Planning Practice Guidance on Local Plans
CD 1.21	Planning Practice Guidance on Minerals
CD 1.22	Planning Practice Guidance on Planning Obligations
CD 1.23	Consultation on Potential Housing Scenarios and Other Issues for the Waverley Local Plan September 2014
2.0 Housing	
CD 2.1	Five Year Housing Supply (January 2017)
CD 2.2	West Surrey Strategic Housing Market Assessment (September 2015)
CD 2.3	Affordable Housing Viability Study (2012)
CD 2.4	Authority Monitoring Report 2014 - 2015
CD 2.5	Housing Implementation Topic Paper - Waverley Borough Council (December 2016)
CD 2.6	Appeal Decision – Hewitt's Industrial Estate, Elmbridge Road, Cranleigh (PINS Ref. APP/R3650/W/15/3141255)
CD 2.7	Appeal Decision – Former Weyburn Works, Shackleford Road, Elstead (PINS Ref. AP/R3650/W/16/3150558)
CD 2.8	Dunsfold Aerodrome: Delivery Rates Assessment (November 2016)
CD 2.9	WBC Five Year Housing Land Supply Statement (April 2017)
CD 2.10	Local Plan Inspector Note – 5% Buffer Position (May 2017)
CD 2.11	Appeal Decision - land at Backward Point, Cranleigh Road, Ewhurst, Cranleigh GU6 7RJ
CD 2.12	Housing Our Ageing Population: Positive Ideas. June 2016
CD 2.13	Planning Practice Guidance on Housing and economic development needs assessments
CD 2.14	Planning Practice Guidance on Housing and economic land availability assessment
CD 2.15	A Report into the Delivery of Urban Extensions by Hourigan Connolly (February 2014)
CD 2.16	Start to Finish: How Quickly do Large-Scale Housing Sites Deliver? by Nathanial Lichfield & Partners (November 2016)
CD 2.17	Urban Extensions; Assessment of Delivery Rates by Savills (31 October 2014)
CD 2.18	Locally-Led Garden Villages, Towns and Cities (DCLG 2016)

CD 2.19	West Surrey SHMA – Waverley Sub Area Addendum
3.0 Economy	
CD 3.1	Waverley Employment Land Review, Atkins Limited, (2016)
CD 3.2	Town Centres Retail Study Update (Main Text), (February 2013)
CD 3.3	Surrey Local Economic Assessment, Surrey Economic Partnership Ltd, (December 2010)
CD 3.4	Waverley Economic Strategy 2015 – 2020
4.0 Environment	
CD 4.1	Waverley Green Belt Review Parts 1 and 2, AMEC (August 2014)
CD 4.2	Waverley Landscape Study Parts 1 and 2 (August 2014)
CD 4.3	Waverley Borough Council Local Landscape Designation Review, AMEC Environment and Infrastructure UK Limited, (August 2014)
CD 4.4	Waverley Air Quality Action Plan July 2008; (2015 update)
CD 4.5	Waverley Air Quality Action Plan, Waverley Borough Council, (July 2008)
CD 4.6	The Surrey Hills AONB Management Plan –2014 – 2019
CD 4.7	The Surrey Hills AGLV Review 2007
CD 4.8	Biodiversity 2020: A strategy for England's wildlife and ecosystem services, DEFRA, (2011)
CD 4.9	Biodiversity & Planning in Surrey, Surrey Nature Partnership, (2014)
CD 4.10	Making Space for wildlife in a changing climate, Natural England, (2010)
CD 4.11	Waverley Local Plan Part 1: Habitats Regulations Assessment, Aecom (2016)
CD 4.12	Dunsfold Village Design Statement (2001)
CD 4.13	Green Belt Topic Paper -Waverley Borough Council (Updated December 2016)
CD 4.14	SANG Topic Paper -Waverley Borough Council (Updated December 2016)
CD 4.15	Historic England Correspondence – awarding Grade II status to Primemeads – 03.04.17
CD 4.16	Surrey Landscape Character Assessment: Waverley Borough (April 2015)
CD 4.17	PINS ref. APP/R3650/W/15/3129019 – Berkeley Homes, Cranleigh
CD 4.18	PINS ref. APP/U2235/A/14/2226326(/7) – SoS Decision, Medway
CD 4.19	Applicant Plans of Previously Development Land at the Application Site
CD 4.20	Plan of Waverley Borough showing Policy Designations
CD 4.21	Plan of Proposed Development and Flood Zones
CD 4.22	Officer Report to WBC Executive – Dunsfold Park Conservation Area
CD 4.23	Court of Appeal – East Northants and others v SoS [2014]
CD 4.24	Court of Appeal – Mordue [2015] EWCA Civ 1243
CD 4.25	Bedford BC v SSCLG [2013] EWHC 2847 (Admin)
CD 4.26	R (Palmer) v Herefordshire Council [2017] 1 W.L.R.411
CD 4.27	HE Consultation Report Dunsfold Airfield
CD 4.28	HE Consultation Report Engine Running Pens & V/STOL blast grids
CD 4.29	HE Consultation Report Royal Observation Corps post

CD 4.30	Surrey Hills AONB Areas of Search: Natural Beauty Evaluation by Hankinson Duckett Associates (October 2013)
CD 4.31	Guidelines for Landscape and Visual Impact Assessment (GLVIA3) by the Landscape Institute and the Institute of Environmental Management and Assessment (April 2013)
CD 4.32	Planning Practice Guidance on Natural Environment
CD 4.33	Planning Practice Guidance on Open Space, Sports and recreation facilities, public rights of way and local green space
5.0 Infrastructure and Water	
CD 5.1	Future Water, the Government's Water Strategy for England, DEFRA, (February 2008)
CD 5.2	Waverley Borough Council Level 1 Strategic Flood Risk Assessment (update),Capita, (March 2015)
CD 5.3	Waverley Borough Council Level 2 Strategic Flood Risk Assessment, Capita, (August 2016)
CD 5.4	The Wey Catchment Abstraction Management Strategy, Environment Agency, (March 2008)
CD 5.5	Water stressed areas – final classification, Environment Agency (July 2013)
CD 5.6	Waverley Borough Council High Level Water Cycle Study, Capita (August 2016)
CD 5.7	Draft Infrastructure Delivery Plan, Waverley Borough Council (August 2016)
CD 5.8	Surrey Infrastructure Study, Aecom (January 2016)
CD 5.9	Aviation Study (2011)
CD 5.10	Water Quality Assessment - Amec Foster Wheeler (December 2016)
6.0 Transport	
CD 6.1	Strategic Highway Assessment, Surrey County Council (August 2016)
CD 6.2	Surrey Transport Plan, Surrey County Council, LTP3: (2011-2026)
CD 6.3	Parking Guidelines, Waverley Borough Council (October 2013)
CD 6.4	Waverley Cycling Plan SPD (Main Text & Cranleigh Appendices), Waverley Borough Council (2005)
CD 6.5	Mott MacDonald Transport Report Stages 1-4 (2016)
CD 6.6	Vehicular and Cycle Parking Guidance, Surrey County Council (January 2012)
CD 6.7	Technical Note: HGVs Associated with Dunsfold Development - Mott MacDonald (August 2016)
CD 6.8	Transport Topic Paper - Waverley Borough Council (Updated December 2016)
CD 6.9	Technical Note: Commercial Vehicle Surveys – Mott MacDonald (November 2016)
CD 6.10	Planning Practice Guidance on Travel Plans, Transport Assessments and Statements
7.0 Planning History and Related Reports	
CD 7.1	WA/2015/0695 -Area C Planning Application Committee Report and Decision notice
CD 7.2	WA/2016/0634 - Area C (s)73 Planning Application Officer Report

	and Decision Notice
CD 7.3	Schedule of Documents (SoD) – Planning Application Documents and Representations sent by Waverley Borough Council to PINS in response to Start Letter requested papers
CD 7.4	W/2015/2395 - Call-In Inquiry application Committee Report
CD 7.5	W/2015/2395 - Call-In Inquiry application Committee Report update sheet
CD 7.6	W/2015/2395 - Call-In Inquiry application Committee Minutes
CD 7.7	2009 Appeal Inspectors Report – APP/R3650/A/08/2089143/NWF (LPA ref:WA/2008/0788)
CD 7.8	2009 Appeal Secretary of State Decision Letter – APP/R3650/A/08/2089143 (LPA ref: WA/2008/0788)
CD 7.9	2009 Appeal - Proof of Evidence of Michael Green APP/R3650/A/08/2089143 (LPA ref: WA/2008/0788)
8.0 Inquiry Papers	
CD 8.1	Call-In Letter 08.03.17
CD 8.2	Applicant Statement of Case
CD 8.3	WBC Statement of Case
CD 8.4	Rule 6 Party Statement of Case

Annex – CONDITIONS

Part 1 - The following conditions relate only to the part of the planning permission granted in outline and references to development in Part 1 means the part of the development subject to the outline element of the permission. In this part 1, a reference to a phase shall mean a phase identified on the phasing plan approved pursuant to condition 7 and reference to a sub phase shall mean part of a phase for which a reserved matters application is submitted for approval.

1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters for the first phase or sub phase shall be made to the Local Planning Authority not later than 3 years from the date of this permission. Applications for approval of the reserved matters for the remaining phases and sub phases shall be made within 10 years from the date of this permission.

3) The development hereby permitted shall begin not later than two years from the date of approval of the reserved matters for the first phase or sub-phase.

4) Subsequent phases or sub-phases of the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved in respect of that phase or sub phase.

5) The plan numbers to which this outline permission relates are:

- Site Location Plan: Drawing No. PL – 01 – Revision B
- Masterplan Land Use Parameter Plan: Drawing No. PL – 04 Revision K
- Masterplan Access Parameter Plan: Drawing No. PL – 05 Revision J
- Masterplan Landscape and Open Space Parameter Plan: Drawing PL-06 Revision I
- Masterplan Density Parameter Plan: Drawing No. PL – 07 Revision G
- Masterplan Building heights Parameter Plan: Drawing No. PL – 08 Revision G

The development shall be carried out in general accordance with these approved plans.

6) The details referred to in condition 1 for each phase or sub phase shall include insofar as relevant to that phase or sub phase details of the materials and external finishes of the buildings, surfaces for roads/footpaths, earth remodelling, means of enclosure and the parking of vehicles, and the provision of samples of materials and finishes. Development shall be carried out in accordance with the approved details.

7) No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the location of the phases of the development and a programme of phasing for the implementation of the development. The phasing plan shall also identify any enabling or mitigation works which may

be carried out in advance of the construction of the new spine road access and the junction with the A281 in accordance with condition 17. The phasing plan shall contain a mechanism for reviewing and amending the phasing of the development and the programme of phasing contained therein. The development shall be carried out in accordance with the approved phasing plan (and programme of phasing contained therein).

8) Prior to the approval of the first reserved matters application for a building, a Masterplan Document, detailing design principles and character areas (including density, scale, car parking, external lighting strategy) for the entire site shall be submitted to and approved in writing by the Local Planning Authority. The document shall describe the procedure to allow for review and amendment of the Masterplan Document. All subsequent reserved matters applications must demonstrate general compliance with the approved masterplan. The development shall thereafter be carried out in general accordance with the approved Masterplan.

9) The development shall be carried out strictly and fully in accordance with the mitigation set out in Chapter 7 Ecology and Nature Conservation of Environmental Statement and Addendum Environmental Statement, including the detailed biodiversity enhancements and any required translocation site.

10) No development of a phase or sub phase shall take place until a Landscape and Ecological Management Plan (LEMP) for that phase or sub phase to ensure the appropriate management of existing and proposed habitats in the long term, has been submitted to and approved in writing by the local planning authority. The LEMP shall include methodologies of the sensitive management of both new and retained/enhanced habitat and a landscape, planting and seeding plan (with species list) and a scheme for soil translocation from any removal of ancient woodland. Replacement native tree and hedgerow planting is required to exceed any such habitat removed. The development on a phase or sub phase shall be carried out in accordance with the approved details.

11) No development of a phase or sub-phase shall take place until the applicant has secured the implementation of a programme of archaeological work for that phase or sub-phase in accordance with a Written Scheme of Investigation which has been submitted to and approved by the Planning Authority.

12) The development of any phase or sub phase hereby permitted shall not commence until details of the design of a surface water drainage scheme for that phase or sub phase (which accords with the approved Drainage Strategy September 2015 that formed part of the Outline Planning Application) have been submitted to and approved in writing by the Local Planning Authority. Those details shall include (where relevant in respect of that phase or sub-phase):

    a) A design that satisfies the SuDS Hierarchy;

    b) A design that is compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS;

c) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+CC% allowance for climate change storm events, during all stages of the development (pre, post and during)), associated discharge rates and storages volumes shall be provided. This shall include confirmation of greenfield and current brownfield discharge rates as per the principles detailed in "Dunsfold Park a New Surrey Village, Drainage Strategy Novembers 2016";

d) A drainage phasing plan, that details how each phase of development will be drained;

e) A finalised drainage layout plan that details the location of each SuDS element, pipe diameters and their respective levels;

f) Long and cross sections of each SuDS element;

g) An impervious area plan;

h) Details of how the sustainable drainage system will be protected and maintained during the construction of the development;

i) Details of the proposed maintenance regimes for each of the SuDS elements and details of who is responsible for their maintenance.

The development of each phase or sub-phase shall be carried out in accordance with the details approved for that phase or sub-phase.

13) Prior to the first occupation of the development on a phase or sub-phase, a verification report carried out by a qualified drainage engineer for that phase or sub-phase must be submitted to and approved in writing by the Local Planning Authority to demonstrate that any sustainable urban drainage System to be provided on that phase or sub-phase has been constructed in accordance with the agreed scheme.

14) No development of a building pursuant to a reserved matters application shall commence until a foul drainage strategy for that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include evidence that the proposed drainage strategy does not have a detrimental effect upon water quality and would comply with the requirements of the Water Framework Directive. The strategy must also include a programme for its implementation. No building shall be occupied in a phase or sub-phase until the works identified in the approved foul drainage strategy in respect of that building have been carried out in accordance with the approved foul drainage strategy.

15) No occupation of any building constructed pursuant to the planning permission shall take place until a drinking water strategy has been first submitted to and approved in writing by the Local Planning Authority. The strategy shall detail the works and infrastructure required to provide drinking water for the development. The delivery of works and infrastructure for the provision of drinking water for the development shall be carried out in accordance with the approved strategy.

16) Prior to or concurrently with the submission of any Reserved Matters application(s) for the village centre, details of the nature, scale and extent of the D1 Use Class floorspace within the village centre, shall be submitted to and approved in writing by the Local Planning Authority. Any reserved matters application(s) for D1 use in the village centre shall accord with

these approved details and be carried out in accordance with the approved phasing plan secured under Condition 7. The development shall be carried out in accordance with the approved details.

17) Prior to or concurrently with the submission of any Reserved Matters application(s) for the village centre, a programme of delivery for the Village Centre element of the development shall be submitted to and approved in writing by the Local Planning Authority. The programme of delivery shall identify and justify the timing of completion of the proposed village centre which should comprise a mix from A1, A2, A3, A4, A5 and D1 uses and not exceed a total quantum of floorspace of 3,750 square metres (excluding any D1 education uses).

The reserved matters application for the village centre shall accord with these approved details and be carried out in accordance with the approved phasing plan secured under Condition 7. The development shall be carried out in accordance with the approved details.

18) With the exception of the construction of the new spine road access from the existing perimeter road within the site to the A281 and the junction with the A281 no other development, apart from enabling or mitigation works in accordance with a phasing plan secured under Condition 7, shall take place until the new spine road access from the existing perimeter road within the site to the A281 and a roundabout junction with the A281, to include cycle, and pedestrian priority, in general accordance with either drawing numbered VD15289-SK-057B has been constructed.

19) With the exception of the construction of the new spine road access from the existing perimeter road within the site to the A281 and junction with the A281, no other development apart from enabling or mitigation works in accordance with a phasing plan secured under Condition 7 shall take place until a scheme to deliver the following works is submitted to and approved in writing by the Local Planning Authority:

- works required to close the existing vehicular access at Stovolds Hill to vehicular traffic, with the exception of buses and emergency vehicles;
- works required to restrict the existing vehicular access at Compass Gate so as to allow access to all vehicles other than heavy goods vehicles (being of a gross vehicle weight above 3.5 tonnes);
- works required to close the existing vehicular access at High Loxley Road to vehicular traffic, but keep it open for pedestrian, footway and cycleway and bridleway traffic;
- works required to close the existing vehicular access at Benbow Lane to vehicular traffic, but keep it open for pedestrian, and bridleway footway and cycleway traffic;
- works required to restrict the existing vehicular access at Tickner's Heath so as to allow only pedestrian, cycle, horse, bus and emergency access.

The development shall thereafter be carried out in accordance with the approved details.

20) Within 12 weeks of the opening of the new road access and junction to the A281 to traffic:

- The existing vehicular access at Stovolds Hill will be closed to vehicular traffic, with the exception of buses and emergency vehicles;
- The existing vehicular access at Compass Gate will be restricted so as to allow access to all vehicles other than heavy goods vehicles (being of a gross vehicle weight above 3.5 tonnes);
- The existing vehicular access at High Loxley Road will be closed to vehicular traffic, but kept open for pedestrian, footway and cycleway and bridleway traffic;
- The existing vehicular access at Benbow Lane will be closed to vehicular traffic, but kept open for pedestrian, and bridleway footway and cycleway traffic;
- The existing vehicular access at Tickner's Heath will be restricted so as to allow only pedestrian, cycle, horse, bus and emergency access.

All in accordance with the scheme approved pursuant to condition 19.

21) No construction works forming part of the development shall commence until a Construction Transport Management Plan, to include details of

a) parking for vehicles of construction site personnel, construction site operatives and construction site visitors;

b) loading and unloading of plant and materials for the construction of the development;

c) storage of plant and materials for the construction of the development;

d) programme of construction works (including measures for construction traffic management);

e) HGV deliveries for construction and hours of construction operation;

f) construction vehicle routing;

g) measures to prevent the deposit of materials on the highway;

h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused by construction traffic;

i) on-site turning for construction vehicles;

has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Construction Transport Management Plan.

22) Prior to commencement of any phase or sub phase containing residential development, full details of the parking provision for each dwelling within that phase or sub phase shall be submitted to, and approved in writing, by the Local Planning Authority. The development of that phase or sub phase shall thereafter be carried out in accordance with the approved details.

23) Prior to commencement of development, a scheme detailing the network of footpaths, bridleways, pedestrian paths, cycle paths, footways and cycle ways linking all external accesses/desire lines within and across the site,

shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved scheme and the approved scheme shall be implemented in accordance with approved phasing plan secured under Condition 7.

24) Before occupation of 100 residential units constructed pursuant to the planning permission, improvements to the signalised junction of A281/B2130 Elmbridge Road, to include provision for cyclists and buses, in general accordance with drawing number 110047/A/23 rev A, shall be carried out.

25) Before occupation of 100 residential units constructed pursuant to the planning permission, the provision of a right turn lane at the junction of A281/Barrihurst Lane, in general accordance with drawing number 110047/A/02 Rev C, shall be carried out.

26) Before occupation of 100 residential units constructed pursuant to the planning permission, the provision of Rights of Way route improvements to construct a Dunsfold Park to Cranleigh Cycleway and a Dunsfold Park to Dunsfold Village Cycleway in general accordance with Drawing VD15289-SK60 and Drawing 110047/A/24 shall be carried out.

27) Before occupation of the 501st residential unit constructed pursuant to the planning permission, the construction of the roundabout junction of Broadford Road/A281 to include provision for pedestrians, and cyclists, the improvement of the existing roundabout at the junction of A281/Kings Road, to include provision for pedestrian and cyclists, and the improvement of the road link between the two junctions, generally as shown on drawing number VD15289 – SK055 Rev C shall be carried out.

28) Before occupation of the 501st residential unit constructed pursuant to the planning permission, traffic signals within the existing highway maintainable at public expense at the junction of Station Road/Snowdenham Lane/A281 Bramley, to include provision for pedestrians, cyclists and buses, in general accordance with drawing number 11047/A/22 rev B shall be carried out.

29) Prior to the approval of the first reserved matters application for residential development, an Open Space and Sports Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall identify the delivery of public open space, sports and leisure pitches and buildings, which should be largely in accordance with the Fields in Trust Standard, and the provision of the Canal Basin and Public Art. The development shall be delivered in accordance with the approved Open Space and Sports Strategy and be delivered in accordance with the approved phasing plan secured under Condition 7.

30) Prior to commencement of development of any phase or sub phase of the development which includes sports facilities there shall first be submitted to and approved in writing by the Local Planning Authority details of the design, specification, siting and layout of pitch provision and sports facilities for that phase or sub phase. The development of that phase or sub phase shall be carried out in accordance with the approved details for that phase or sub phase.

31) Prior to commencement of development in each phase or sub phase other than that required to be carried out as part of an approved scheme of remediation, unless otherwise agreed in writing by the Local Planning Authority, points 1 to 3 below shall be complied with in respect of that phase or sub phase. If unexpected contamination is found after development has begun, development must be halted in that area within that phase or sub phase affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until point 4 has been complied with in relation to that contamination:

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the phase or sub phase, whether or not it originates on the phase or sub phase. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

i) a survey of the extent, scale and nature of contamination including unexploded ordnance risks;

ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the phase or sub phase to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development of that phase or sub phase other than that required to carry out remediation, unless otherwise

agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development on a phase or sub phase that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of point 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2 of this condition, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point 3 of this condition.

32) Prior to commencement of development in each phase or sub phase of a reserved matters application for residential development a scheme detailing the provision of Electric Vehicle Charging Points (EVP's) within that phase or sub phase shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

33) Prior to commencement of development on a phase or sub phase a site management plan for the suppression of mud, grit, dust and other emissions during any deconstruction and construction of that phase or sub phase should be submitted to and approved in writing by the Planning Authority. The approved mitigation proposals in the Air Quality Construction Assessment should form the basis for the Site Management Plan for each phase or sub phase. Development on a phase or sub phase shall accord with the Site Management Plan for that phase or sub phase.

34) No burning of any construction materials on site shall take place.

35) Prior to the commencement of construction of a non-residential building a BREEAM scheme to achieve BREEAM Very Good shall be submitted in writing for approval by the Local Planning Authority for that building. The scheme shall include a lower level of BREEAM along with a justification if a building cannot technically or viably achieve BREEAM Very Good. The approved scheme shall be implemented for that building.

Within six months of occupation of each non-residential building, a final Code Certification shall be issued certifying that the standard identified in the approved BREEAM scheme for that building has been achieved.

36) No development shall take place until a strategy for the sustainable re-use of soils on-site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved strategy.

37) Any reserved matters application that includes the access road to link the A281 to the existing perimeter road within the site shall include details to deliver the mitigation and flood compensatory storage measures relating to the Flood Zone 2 and 3 areas on the Site as set out within the approved documents Flood Risk Assessment by Mott McDonald, dated November 2015 and the Flood Risk Assessment Addendum by Mott McDonald, dated May 2016. The mitigation and flood compensatory storage measures shall be fully implemented prior to the opening of the access road to traffic, or within any other period as may subsequently be agreed, in writing, by the local planning authority

38) Notwithstanding the description of development, the scheme shall not include the 9,966sqm of flexible commercial space (Use Classes B1(b), B1(c), B2 and/or B8.

Inspector's Note – this condition can be omitted if the Secretary of State accepts the revised description of development as set out at the beginning of this report.

Part 2 - The following conditions relate only to the part of the planning permission granted in detail (change of use of existing buildings on site 36,692 square metres of B1, B2 and B8 Use Classes) and references to development in Part 2 means the part of the development subject to the detailed element of the permission.

39) The effect of Section 91 of the Town and Country Planning Act 1990 (as amended) is that the development for which permission is hereby granted shall be begun not later than the expiration of three years beginning with the date of this permission.

40) The plan numbers and retention schedule to which this permission relates are:

- Site Location Plan: Drawing No. PL – 01 – Revision B
- Building Demolition and Retention Plan: Drawing No. PL – 03 Revision D
- Dunsfold Park Demolition and Retentions Table

The development shall be carried out in accordance with the approved plans and Demolition and Retention Tables. No material variation from these plans shall take place.

41) The buildings (as shown on the 'Building Demolition and Retention Plan: Drawing No. PL – 03 Revision D') shall not be used for any purpose other than for purposes falling within Classes B1(b) and B1(c) Business use; B2 General Industry and B8 Storage and Distribution use as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015, or any other orders revoking these Acts.

42) No materials, including products or parts, crates, packing materials or waste shall be stacked or stored externally except within the area defined as 'Commercial' on drawing PL-04 revision K 'Masterplan: Land Use Parameter Plan'.

43) Prior to the new spine road access from the existing perimeter road within the site to the A281 and the junction with the A281 being open to traffic

and save as provided for below, there shall be a limit of no more than 3,348 total road vehicular movements (excluding pedal and motor cycles) per day allowed to gain access to any part of the airfield. Upon commencement of construction of the new spine road access or the junction with the A281, and during their construction, the limit shall increase to 3,850 total road vehicular movements (excluding pedal and motor cycles) per day to allow for the related construction traffic. Upon the opening of the new spine road to access to traffic no limit on road vehicular movements shall apply on the application site or in relation to access to the application site. For the purpose of this condition, a vehicular movement shall include a movement into or out of the site.

44) No demolition works shall commence until a Construction Transport Management Plan, to include details of

a) parking for vehicles of demolition site personnel, demolition site operatives and demolition site visitors;

b) loading and unloading of plant and materials for the demolition works;

c) storage of plant and materials for the demolition works;

d) programme of demolition works (including measures for demolition traffic management);

e) HGV deliveries for demolition and hours of demolition;

f) demolition vehicle routing;

g) measures to prevent the deposit of materials on the highway;

h) before and after demolition condition surveys of the highway and a commitment to fund the repair of any damage caused by demolition traffic;

i) on-site turning for demolition vehicles.

has been submitted to and approved in writing by the Local Planning Authority. The demolition works shall be carried out in accordance with the approved Construction Transport Management Plan.

45) Prior to commencement of any demolition a Site Management Plan for the suppression of mud, grit, dust and other emissions during any demolition works shall be submitted to and approved in writing by the Planning Authority. The approved mitigation proposals in the Air Quality Construction Assessment should form the basis for the Site Management Plan. Any demolition works shall accord with the Site Management Plan.

46) No burning of any construction materials on site shall take place;

47) Following commencement of the development hereby approved, if unexpected contamination is found on any part of the site at any time, the Local Planning Authority shall be immediately notified in writing and all works shall be halted on that part of the site. The following shall be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of works on that part of the site:

a) An investigation and risk assessment, in accordance with a scheme to assess the nature and extent of any contamination on that part of the site, whether or not it originates on that part of the site. The

investigation and risk assessment shall be undertaken by a competent person as defined in Annex 2: Glossary of the NPPF;

b) Where required, a detailed remediation scheme shall be prepared to bring that part of the site to a condition suitable for the intended use of that part of the site by removing unacceptable risks to human health, buildings and other property. The scheme shall include:

    a. All works to be undertaken;
    b. Proposed remediation objectives and remediation criteria;
    c. Timetable of works;
    d. Site management procedures;

c) Following completion of approved remediation works, a verification report demonstrating the effectiveness of the approved remediation works carried out shall be completed and shall be submitted to the Local Planning Authority

Ministry of Housing, Communities & Local Government

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand,London,WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act
With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act
Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.