

Appeal decision  
WA/2008/0788



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letter of  
8 pages + Appendix  
plus  
report pages  
1-89.

24 September 2009

Mr Colin Peck  
Davies Arnold Cooper  
6-8 Bouverie Street  
London  
EC4Y 8DD

Our Ref: APP/R3650/A/08/2089143  
Your Ref:

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL BY DUNSFOLD PARK LIMITED  
AT DUNSFOLD PARK, CRANLEIGH, GU6 8TB  
APPLICATION: WA/2008/0788**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Mr A J Davison BA(Hons) LLB (Hons) MSc MBA Dip LD RIBA FRTP1, who held a public local inquiry between 10 March and 3 April 2009 into your clients' appeal against a decision of Waverley Borough Council to refuse planning permission for a new settlement with residential development comprising 2,601 units made up of (i) 2,405 Use Class 3 dwellings; and (ii) 196 units of Use Class C2 residential institutions (up to a maximum of 14,000sqm); shops (Use Class A1) up to a maximum of 1,035sqm; restaurants and cafes (Use Class A3) up to a maximum of 230sqm; public house (Use Class A4) up to a maximum of 115sqm; hot food take-away (Use Class A5) up to a maximum of 115sqm; business uses including offices, and research and development industry (Use Class B1a and B1b) up to a maximum of 9,440sqm; light and general industry (Use Class B1c and B2) up to a maximum of 6,099sqm; storage and distribution (Use Class B8) up to a maximum of 7,624sqm; hotel (Use Class C1) up to a maximum of 7,015sqm; non-residential institutions including health centre, two schools, place of worship, museum and community centre (Use Class D1) up to a maximum of 9,906sqm; assembly and leisure uses including sports centre (Use Class D2) up to a maximum of 2,185sqm; monument; open space including water bodies, outdoor sports, recreational facilities and nature conservation areas; public transport routes, footpaths and cycleways; landscaping; all related infrastructure including roads, car and cycle parking, combined heat and power plant and associated equipment, water supply, telecommunications, drainage systems, waste treatment facilities and helicopter landing pad and hangar; the retention of

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36,692sqm of existing buildings and their future permanent use for a specified purpose as defined by the Use Classes (as specified in the Planning Statement); the demolition of 8,029sqm of existing buildings (as specified in the Planning Statement); the removal of three runways and the removal of hardstandings (as specified); the retention of aviation use, but solely for the purposes of helicopter flights (such as air ambulance services, police services, etc); the temporary use of Building 132 (as indicated in the Construction Report) for a construction headquarters at Dunsfold Park, Cranleigh, GU6 8TB in accordance with application number WA/2008/0788, dated 4 April 2008.

2. On 7 November 2008, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990 because the appeal relates to proposals for residential development of over 150 units or on sites of over 5 hectares which would significantly impact on the Government's objective to secure a better balance between housing demand and supply, and create high quality, sustainable, mixed and inclusive communities.

#### **Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be dismissed and planning permission refused. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed for the main parties and a copy of his conclusions is enclosed for all other copyees. All references to paragraph numbers, unless otherwise stated, are to that report.

#### **Procedural matters and matters arising after the close of the inquiry**

4. Having had regard to the Inspector's comments at IR2, the Secretary of State has determined this appeal on the basis of the description set out in that paragraph. He is satisfied that no party would be prejudiced by this approach.
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) (England and Wales) Regulations 1999. He has had regard to the Inspector's statement that the Appellants had submitted an adequate Environmental Statement in support of the planning application, but that during the inquiry the Appellants agreed to revise the Environmental Statement to take account of additional highways matters (IR5).
6. The Addendum to the Environmental Statement (April 2009) provides updated transport information to that supplied with the original Environmental Statement (April 2008) and the first Environmental Statement Addendum (January 2009). It provides information on traffic conditions, trip generation, trip distribution, the effects of the development, site access and the sustainable transport strategy. It does not predict any likely significant environmental effects arising out of this updated transport information. The requisite notice about the revised Environmental Statement was published after the close of the Inquiry and the Secretary of State received a number of representations about it. The Secretary of State has given careful consideration to the representations he received, but

does not consider that these raise any new matters which require him to refer back to parties.

7. The Secretary of State is content that the Environmental Statement, as revised, complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the application.
8. Following the close of the inquiry on 3 April 2009, the Secretary of State received a number of other representations about the appeal scheme. The Secretary of State has given careful consideration to these representations, but does not consider that they raise any new issues which require him to refer back to parties, before reaching his decision.
9. All correspondence received after the close of the inquiry, including that which relates to the Addendum to the Environmental Statement, is listed in the annex to this letter. Copies of the correspondence will be made available on written request to the address at the foot of the first page of this letter.

### **Policy considerations**

10. In deciding the appeal, 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.
11. In this case, the development plan comprises the Regional Spatial Strategy, which is the South East Plan (SEP- published on 6 May 2009) and the saved policies of the Waverley Borough Local Plan (WBLP - adopted 2002). The Secretary of State considers that the development plan policies most relevant to the appeal are:
  - i) SEP policies: H3 - Affordable Housing; SP3 - Urban Focus and Urban Renaissance.
  - ii) WBLP policies: C2 - Countryside Beyond the Green Belt, D1- Environmental Implications of Development; D4 - Design and Layout, IC4 - Existing Industrial and Commercial premises, M1 - The Location of Development and M13 - Heavy Goods Vehicles
12. At the time of the inquiry, the SEP had yet to be published in final form but, as set out by the Inspector at IR15, it had been through all its stages and was on the point of being approved. The Secretary of State has had regard to the fact that all parties at the inquiry agreed that the SEP should be accorded very considerable weight (IR15). The SEP was published during the time between the inquiry and the Inspector's submission of his report to the Secretary of State (IR16). The Secretary of State has determined the appeal on the basis of the published SEP. In view of the consideration given to the draft SEP at the inquiry, and the limited extent of the changes between the draft version considered at the inquiry and the final SEP, he is satisfied that there are no new issues that require him to refer back to parties for further representations prior to reaching his decision.

13. The Secretary of State has taken into account the fact that the saved policies within the Surrey Structure Plan (2004) no longer form part of the development plan and he gives them no weight.
14. Other material considerations which the Secretary of State has taken into account include: Planning Policy Statement 1 (PPS1): *Delivering Sustainable Development*; Planning Policy Statement: *Planning and Climate Change* (supplement to PPS1); Planning Policy Statement: eco-towns (supplement to PPS1) (PPS - Eco-Towns); Planning Policy Statement 3 (PPS3): *Housing*; Policy Guidance note 4 (PPG4): *Industrial, Commercial Development and Small Firms*; Planning Policy Statement 7 (PPS7): *Sustainable Development in Rural Areas*; Planning Policy Guidance note 13 (PPG13): *Transport*; Circular 11/95: *Use of Conditions in Planning Permission*; and Circular 05/2005: *Planning Obligations*.
15. The Secretary of State notes that the draft PPS1 – Eco Towns formed part of the inquiry evidence and was discussed at the inquiry. The final version of the supplement was published on 16 July, after the Inspector had completed his report. Having given careful consideration to the changes between the draft and the final versions of the PPS1 supplement, the Secretary of State does not consider that any of the changes are such as to require him to refer back to parties following publication of the final version.
16. The Secretary of State has also taken into account draft PPS4: *Planning for Prosperous Economies*, published for consultation on 5 May 2009. However, as this document is still at consultation stage and may be subject to change, he affords it little weight.

#### **Main Issues**

17. The Secretary of State considers that the main issues in this case are.
  - a) The relationship of the proposal to the development plan;
  - b) Development in the countryside;
  - c) Sustainability;
  - d) Housing land supply;
  - e) Allocation of affordable housing;
  - f) Conditions; and
  - g) Obligation.
18. Having had regard to the Inspector's comments at IR352-354 about the fall-back position, for the reasons given in those paragraphs, the Secretary of State agrees with him that there is scope for a considerable intensification of the existing use of the site without the need for further development (IR354). The Secretary of State has also taken account of the Inspector's comments at IR355-358, and he agrees with the Inspector that the operational part of the aerodrome, including the runways and interstitial grassed areas, is previously developed land (IR358).

### The relationship of the proposal to the development plan

19. The Secretary of State has had regard to the development plan, in particular the policies set out in paragraph 11 above. He has considered the extent to which the proposal complies with the development plan below.

### Development in the Countryside

20. The Secretary of State has had regard to the fact that the site is set in a rural area of great character and natural beauty, close to the Surrey Hills AONB (IR360). For the reasons set out at IR360 to IR364, like the Inspector the Secretary of State does not accept that the site in its present state makes a positive contribution to the appearance of the landscape around it (IR364). With regard to the impact the development would have on views from the Surrey Hills AONB, for the reasons set out at IR363, the Secretary of State agrees with the Inspector that the village would feature in these views but that it does not follow that it would be obtrusive (IR363). Furthermore, he agrees with the Inspector that the more muted colours and textures of materials likely to be used in the houses and other buildings of the proposed Eco-Village would result in the development having less visual impact on views from the AONB than the existing aerodrome (IR364).

21. For the reasons set out at IR365, the Secretary of State agrees with the Inspector that the development would not affect the tranquillity of the area (IR365). The Secretary of State observes that the scheme would include lakes, a great deal of landscaping within the village and the creation of a country park and, like the Inspector, he considers that these elements of the scheme would help blend the development into the surrounding countryside, as well as increasing the visual interest and attractiveness of the site (IR366). He has also had regard to the extent to which the scheme would give improved public access to the site and, like the Inspector, the Secretary of State considers that this could only be a benefit to the wider community (IR367). Overall, for the reasons set out by the Inspector at IR360-367, the Secretary of State agrees with the Inspector's conclusion that the proposed development would not cause material harm to the character or appearance of the countryside and that, in that respect, it would comply with saved policies C2, D1 and D4 of the WBLP (IR368).

### Sustainability

22. The Secretary of State has taken account of the Inspector's comment at IR369 about the very high overall level of sustainability and a low carbon lifestyle which the development would achieve. He has had regard to the Inspector's comments about the reason for the rejection of the Appellants' bid to have the Eco-Village included in the Eco-Towns programme (IR370). He has also taken account of the Inspector's comments (IR371) about the conclusions reached by Friends of the Earth in relation to the scheme. The Secretary of State agrees with the Inspector's analysis on these matters (IR369-371) and, like the Inspector, he accords very great weight to the conclusion reached by Friends of the Earth in this case.

23. For the reasons set out at IR372, the Secretary of State agrees with the Inspector that, in so far as the existing situation is concerned, the site is not in a sustainable location and little can be done to improve the existing infrastructure beyond minor alterations to road junctions (IR372). He has had regard to the fact that the Appellants have sought to make the village as self-contained as possible, and have developed a package of other measures designed to ensure that the scheme would minimise the use of motor transport (IR373). Like the Inspector, he accepts that the Appellants' estimate of 12,000 daily additional movements gives a reasonable impression of the scale of additional traffic likely to be generated by the development (IR373-374).
24. The Secretary of State agrees with the Inspector that there is a reasonable prospect that aviation, commercial and industrial uses would intensify if the appeal were to fail, and that this would have a direct impact on the amount of traffic, both private and commercial, using the roads in the area (IR375). However like the Inspector, he considers that even allowing for that, the additional vehicular movements resulting from the development would put severe and unacceptable pressure on an overstretched road network in which there is only limited scope for improvement (IR375). Furthermore, the Secretary of State agrees with the Inspector that the consequences of the failure of the various measures included in the S106 Undertaking would be very severe given the scale of the development and the inherently unsustainable location of the site (IR376).
25. The Secretary of State agrees with the Inspector that the 5,000 new houses to be built in Waverley over the twenty year period of the SEP are likely to have a major impact on traffic wherever they are placed (IR377). He has had regard to the Council's case that they would be best accommodated in an urban extension such as that proposed at Slyfield on the outskirts of Guildford, and also to national policy as set out in PPS3 and PPS7 and the development plan, all of which seek to focus new development on existing urban areas (IR377). However, he agrees with the Inspector that whether or not this could be achieved in Waverley with similar or smaller impact on traffic generation remains a matter of conjecture pending formulation of the Local Development Framework, the preparation of which is still at an early stage (IR377).
26. The Secretary of State agrees with the Inspector that the proposals would benefit the wider area as well as residents of the Eco-Village by introducing a high quality bus service (IR378). For the reasons set out at IR378, he agrees that Cranleigh is too far away for access by either walking or cycling, and he also agrees that there is some doubt as to whether some of the improvements could be achieved (IR378).
27. The Secretary of State agrees with the Inspector's conclusion that, notwithstanding the reduced reliance on the private car, the development would still generate a considerable amount of additional road traffic (IR379). Like the Inspector, he considers that in this respect the appeal scheme would not be compatible with the existing transportation infrastructure of the area, and would not be sustainable in transport terms. He shares the Inspector's view that the proposal would conflict with WBLP policies D1(d), IC4(v), M1 and M13 (IR380).

### Housing Land Supply

28. In respect of a five year supply of housing land, the Secretary of State agrees with the Inspector that difficulties associated with major housing sites that are referred to by the Appellant are not such as to prevent there from being a reasonable prospect of the sites being available (IR381). He also agrees that the five year figure is of limited significance in this instance because the appeal scheme would not start to make a significant contribution to housing provision until after the five years have elapsed (IR381).
29. The Secretary of State has had regard to the severe shortage of affordable housing in Waverley, and to the evidence about the social and economic consequences of the failure to deal with the problem (IR383). Having had regard to SEP policy H3, he has given careful consideration to the fact that the appeal scheme would include 910 affordable homes, of various types and tenures, dispersed throughout the development (IR384). Given the identified need, the Secretary of State accords substantial weight to the affordable housing offered.
30. The Secretary of State has had regard to the Inspector's comments that the Council faces a challenge in deciding how to accommodate the residual SEP housing requirement for Waverley to 2026 and agrees that, within this context, for the reasons set out at IR382, the appeal proposal has many advantages (IR382). Like the Inspector (IR386), the Secretary of State has also had regard to the requirement in PPS3 that local planning authorities should not refuse applications solely on the grounds of prematurity. For the reasons set out at IR385-IR387, the Secretary of State agrees with the Inspector that, with regard to the presumption against the refusal of planning permission on the grounds of prematurity, there are exceptional circumstances in this instance (IR386), and that a decision to allow the Eco-Village to proceed at this stage, prior to the formulation of the Local Development Framework, would be premature and would effectively pre-empt the proper consideration of alternatives as part of the development planning process (IR387).
31. The Secretary of State agrees with the Inspector that the proposal to site major housing and industrial development in a rural area would conflict with current national planning policy as set out in PPS3 and PPS7, and would conflict with Policy SP3 of the recently approved SEP, and Policy C2 of the WBLP (IR388). He does not consider that the affordable housing offered by this scheme, to which he has attributed substantial weight, is a matter which outweighs the harm set out above.

### The Allocation of Affordable Housing

32. For the reasons set out at IR389-IR391 the Secretary of State agrees with the Inspector's conclusion at IR392 that the proposed method of allocating affordable housing within the appeal scheme is consistent both with the aims and objectives of the development, and with Policy H3 of the SEP.

Comment [JH1]: Although the Inspector refers to WBLP policy DN11 at IR392, DN11 was a Surrey Structure Plan policy so is now not part of the DP.

### Other matters

33. The Secretary of State has had regard to the Inspector's comments about the evidence put forward to the inquiry about the considerable economic and social problems in the Cranleigh area, and he agrees with the Inspector that the Eco-Village would be of very great assistance in helping to overcome them (IR393). However, he also agrees with the Inspector that this is not an overriding factor given that the SEP has only just been approved (IR393). The Secretary of State agrees with the Inspector that the habitat surveys carried out by the Appellants seem to have been very thorough and observes that they satisfied the requirements of English Nature and the Council (IR394).

### Conditions

34. The Secretary of State agrees with the Inspector's reasoning at IR395-IR407 about the proposed planning conditions. He is satisfied that the proposed conditions in Annex 3 to the IR comply with the provisions of national policy in Circular 11/95, but does not consider that these overcome his substantive concerns with the proposal.

### Obligation

35. The Secretary of State has considered the provisions of the executed planning obligation referred to by the Inspector at IR348-IR350, IR395 and IR408-IR414, which has been submitted by the Appellant in the form of a Unilateral Undertaking. The Secretary of State has also had regard to national policy as set out in Circular 05/2005. For the reasons set out at IR409-IR411, the Secretary of State agrees with the Inspector that there are a number of important points within the Undertaking which remain unresolved (IR408). Whilst the Secretary of State also agrees that the defects identified by the Inspector are almost certainly capable of resolution (IR414), in view of his overall conclusions on the appeal scheme, he does not consider it necessary to pursue these matters further.

### Overall Conclusions

36. The Secretary of State has taken account of the very high overall level of sustainability and low carbon lifestyle which the development would achieve. He has concluded that the appeal scheme would not cause material harm to the character or appearance of the countryside and that it would comply with WBLP policies C2, D1 and D4 in this respect. He has had regard to the severe shortage of affordable homes in Waverley, and has attributed substantial weight to the 911 affordable homes offered by the appeal scheme.

37. The Secretary of State has concluded that the development would generate a considerable amount of additional road traffic and he considers that this would have a severe and unacceptable impact on an overstretched local road network, and that the scheme would be unsustainable in transport terms. The scheme would therefore conflict with WBLP policies D1(d), IC4(v), M1 and M13. With regard to the proposed siting of major housing and industrial development in a rural area, the Secretary of State has concluded that the scheme would conflict with national policy in PPS3 and PPS7, SEP policy SP3 and WBLP policy C2.



Furthermore, he is of the view that a decision to allow the proposals to proceed at this stage, prior to the formulation of the LDF, would effectively pre-empt the proper consideration of alternatives as part of the development planning process.

38. Overall, the Secretary of State concludes that the benefits offered by the proposed development do not outweigh its shortcomings and overcome the conflicts with the development plan and national policy which he has identified above. Given this, the Secretary of State concludes that the material considerations set out above are not of sufficient weight to determine the appeal other than in accordance with the development plan, and he therefore concludes that the appeal should be dismissed.

#### **Formal Decision**

39. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your clients' appeal and refuses planning permission for

- Part outline application for a new settlement of 2,601 new dwellings comprising 2,405 independent dwellings, 150 sheltered/warden accommodation and 46 student accommodation. Erection of buildings to provide the following (the maximum amount of floor space is given in brackets) A1 shops (1,035sqm); A3 restaurants/cafes (230sqm); A4 public house (115sqm); B1a and B1b business use including offices and research and development (9,440sqm); B1c and B2 light and general industrial use (6,099sqm); B8 storage and distribution (7,624sqm); C1 hotel (7,015sqm); D1 non-residential institutions including health centre, two schools, place of worship, museum and community centre (9,906sqm); D2 assembly and leisure use including sports centre (2,185sqm); monument; combined heat and power plant; together with associated works following demolition of 8,029sqm of existing buildings and removal of runways. Part full application for change of use of 36,692sqm of existing buildings as specified, retention of aviation use solely for helicopter flights including air ambulance service, use of land for outdoor sports and recreational facilities, at Dunsfold Park, Cranleigh, GU6 8TB in accordance with application number WA/2008/0788, dated 4 April 2008, as amended.

#### **Right to challenge the decision**

40. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

41. A copy of this letter has been sent to Waverley Borough Council and all parties who appeared at the inquiry.

Yours faithfully

**Christine Symes**

Authorised by Secretary of State to sign in that behalf

## Representations received following the close of the inquiry.

7 April	Miss L S Dadak
20 April	Richard Woof, Stop Dunsfold Park New Town Ltd (SDPNT)
2 May	Ms Victoria Bassington
4 May	Nigel Gibbons
4 May	Adrian, Karen, Matthew and James Clarke
5 May	Ed Heap
5 May	Mrs V Spackman
6 May	R M Bryant
12 May	Mrs Alexandra Cookson
12 May	Nicholas Cookson
13 May	TRM Sewell
18 May	J M Dawkins
18 May	Richard and Sally Gravenstede
19 May	Anne Milton MP
20 May	Nigel A Wheble
21 May	Miss L S Dadak
21 May	J W Jeffrey MBE
22 May	J W Jeffrey MBE
24 May	Peter and Monica Bartley
6 June	R A C Mead
8 June	Nigel B Tyler
11 June	Anne Milton MP
23 June	The Earl of Liverpool
6 July	Mr J A McAllister, Dunsfold Park Ltd
6 July	Derek Gardiner, SDPNT
8 July	Derek Gardiner, SDPNT
12 July	Celia Saunders
14 July	Davies Arnold Cooper
22 July	Professor Christopher Marks, SDPNT
14 August	Gerald Eve



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# Report to the Secretary of State for Communities and Local Government

The Planning Inspectorate  
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Bristol BS1 6PN  
☎ GTN 1371 8000

by **A J Davison BA(Hons) LLB(Hons)  
MSc MBA Dip LD RIBA FRTPI**  
an Inspector appointed by the Secretary of State  
for Communities and Local Government

Date 15 July 2009

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REPORT ON AN APPEAL

by

DUNSFOLD PARK LIMITED

against

WAVERLEY BOROUGH COUNCIL

Inquiry opened on 10 March 2009 and closed on 3 April 2009

Dunsfold Park, Cranleigh, GU6 8TB

File Reference: APP/R3650/A/08/2089143/NWF

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**File Reference: APP/R3650/A/08/2089143/NWF  
Dunsfold Park, Cranleigh, GU6 8TB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant part outline and part full planning permission.
- The appeal is made by Dunsfold Park Limited against the decision of Waverley Borough Council.
- The application Reference WA/2008/0788, dated 4 April 2008, was refused by notice dated 24 September 2008.
- On the application form the development is described as a new settlement with residential development comprising 2,601 units made up of (i) 2,405 Use Class 3 dwellings; and (ii) 196 units of Use Class C2 residential institutions (up to a maximum of 14,000sqm); shops (Use Class A1) up to a maximum of 1,035sqm; restaurants and cafes (Use Class A3) up to a maximum of 230sqm; public house (Use Class A4) up to a maximum of 115sqm; hot food take-away (Use Class A5) up to a maximum of 115sqm; business uses including offices, and research and development industry (Use Class B1a and B1b) up to a maximum of 9,440sqm; light and general industry (Use Class B1c and B2) up to a maximum of 6,099sqm; storage and distribution (Use Class B8) up to a maximum of 7,624sqm; hotel (Use Class C1) up to a maximum of 7,015sqm; non-residential institutions including health centre, two schools, place of worship, museum and community centre (Use Class D1) up to a maximum of 9,906sqm; assembly and leisure uses including sports centre (Use Class D2) up to a maximum of 2,185sqm; monument; open space including water bodies, outdoor sports, recreational facilities and nature conservation areas; public transport routes, footpaths and cycleways; landscaping; all related infrastructure including roads, car and cycle parking, combined heat and power plant and associated equipment, water supply, telecommunications, drainage systems, waste treatment facilities and helicopter landing pad and hangar; the retention of 36,692sqm of existing buildings and their future use for a specified purpose as defined by the Use Classes (as specified in the Planning Statement); the demolition of 8,029sqm of existing buildings (as specified in the Planning Statement); the removal of three runways and the removal of hardstandings (as specified); the retention of aviation use, but solely for the purposes of helicopter flights (such as air ambulance services, police services, etc); the temporary use of Building 132 (as indicated in the Construction Report) for a construction headquarters.
- In a letter dated 7 November 2008 the Secretary of State directed that she would determine the appeal instead of an appointed person. The reason for this direction was that the appeal involved proposals for residential development of over 150 units, or on sites of over 150 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

**Summary of Recommendation: That the appeal be dismissed.**

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**PRELIMINARY MATTERS**

***The Application and Supporting Documents***

1. The application is for full planning permission in respect of the change of use of existing buildings on the site and for outline planning permission – with all matters of detail reserved for future consideration – in so far as new buildings and infrastructure are concerned. The drawings and other documents submitted with the application are listed in Appendices 3 and 4 of the Statement of Common Ground (Doc. CD O28) agreed between the Appellant and the Local Planning Authority.

2. Amendments were made to the appeal proposals after the planning application had been submitted. The following description was agreed by the parties prior to the Inquiry: "Part outline application for a new settlement of 2,601 new dwellings comprising 2,405 independent dwellings, 150 sheltered/warden accommodation and 46 student accommodation. Erection of buildings to provide the following (the maximum amount of floor space is given in brackets) A1 shops (1,035sqm); A3 restaurants/cafes (230sqm); A4 public house (115sqm); B1a and B1b business use including offices and research and development (9,440sqm); B1c and B2 light and general industrial use (6,099sqm); B8 storage and distribution (7,624sqm); C1 hotel (7,015sqm); D1 non-residential institutions including health centre, two schools, place of worship, museum and community centre (9,906sqm); D2 assembly and Leisure Use including sports centre (2,185sqm); monument; combined heat and power plant; together with associated works following demolition of 8,029sqm of existing buildings and removal of runways. Part full application for change of use of 36,692sqm of existing buildings as specified, retention of aviation use solely for helicopter flights including air ambulance service, use of land for outdoor sports and recreational facilities."
3. In a letter dated 7 November 2008 the Secretary of State directed that she would determine the appeal instead of an appointed person. The reason for the direction was that the appeal involved proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Governments objective of securing a better balance between housing demand and supply and creating high quality, sustainable, mixed and inclusive communities.
4. This report includes a description of the appeal site and surroundings, the planning history, proposals and planning policies, the gist of the representations made and my conclusions and recommendations. The documents referred to the report include proofs of evidence, written statements by interested parties and closing submissions. These are as originally submitted and do not take account of how the evidence may have been affected by cross examination or other aspects of the Inquiry. Similarly, the closing submissions do not include all the points referred to during their delivery at the Inquiry.

#### ***Environmental Impact Assessment***

5. The Appellants had submitted an adequate Environmental Statement in support of the planning application. During the Inquiry the Council drew attention to the fact that certain additional highways matters raised by the Appellants in the course of their evidence to the Inquiry should have been included in that Statement. The Appellants agreed to revise the Environmental Statement accordingly. I understand that publication of the requisite notice was subsequently delayed and the period for submission of representations extended until 22 May 2009. This report is based on the evidence given at the Inquiry and takes no account of any comments that may have been made with regard to the revised Environmental Statement.

#### ***Pre-Inquiry Meeting***

6. I held a Pre-Inquiry Meeting on 8 January 2009 to consider the procedural and administrative arrangements for the Inquiry (Doc. CD N6).

### **Rule 6 Parties**

7. One of the three original "Rule 6" parties, Mr Turrall-Clarke, withdrew before the Pre-Inquiry Meeting but reserved the right, which he did not in the event exercise, to make submissions at the end of the Inquiry. The other two Rule 6 parties, the Campaign to Protect Rural England (CPRE) and Stop Dunsfold Park New Town Ltd (SDPNT), made it clear at the Inquiry that, although they were represented by the same legal team and would make consistent and mutually supportive cases, they wished to be considered as separate objectors.

### **Site Visits**

8. On 9 March 2009, before the start of the Inquiry, I visited the site and the surrounding area in the company of representatives of the main parties. On 28 and 29 April 2009 I made a further accompanied inspection, which included visits to the appeal site and to the various viewpoints and other locations requested by the parties.

### **THE SITE AND SURROUNDINGS**

9. Dunsfold Park is about 7km from the small town of Cranleigh. It is some 15km from Godalming and 18km from Guildford, both of which are to the north. Horsham is also about 18km to the south. The villages of Alfold, Dunsfold and Hascombe are a short distance away to the south, west and north respectively. There are two entrances to the site, one being at the southern end of Stovolds Hill, providing access to the B2130 and the A281 north while the other is at Compasses Bridge, giving access to the A281 south at Alfold Crossways. There are scattered residential properties and two large gypsy sites to the north of the site and a mobile home park to the south.
10. The site is in open countryside characterised by woodland and agricultural land and is within an area that the Waverley Local Plan designates as "Countryside beyond the Green Belt". Small parts of the site are within an Area of Great Landscape Value and there are two Sites of Nature Conservation Interest - as designated by the Local Plan - in the northern part of the site. The boundary of the Surrey Hills AONB lies 1.35km to the north. The site is bounded to the South East by the Wey and Arun Canal.
11. The site, which has an area of 248ha, was developed as a wartime aerodrome in 1942 and has been in aviation use ever since. For many years following the war it was used by the Hawker Aircraft Company and subsequently by British Aerospace for the development and manufacture of aircraft. The Appellant Company acquired the site from British Aerospace in 2002. There are three runways on the site as well as extensive hard standing and aircraft dispersal areas, perimeter tracks and some 44,721sqm of industrial buildings housing a variety of businesses.

### **PLANNING HISTORY**

12. The aerodrome has been the subject of a large number of planning applications and these are set out in the SCG. As a result the site has permanent planning permission for the production, repair and flight testing of aircraft. There is no longer any requirement, should that use cease, to remove the buildings and return the site to agricultural use, nor is the aviation use restricted to a particular user.

13. Among other restrictions, only aircraft with an unladen weight of 70 metric tonnes or less may use the aerodrome. Aircraft movements are limited to 5,000 in any one calendar year, of which no more than 2,500 are to be associated with aircraft repair, assembly and flight testing and 2,500 with the movement of staff and customers of occupiers of the site. There are also restrictions on the times of aircraft movements and the duration of running of engines on the ground. There are no restrictions on aircraft noise levels or on vehicle movements associated with the aviation use.
14. Planning permission has also been granted for the change of use of some of the buildings and temporary planning permission granted for various other uses listed in Appendix 5 to the SCG. These are subject to restrictions on vehicle movements. As a result the site now houses a wide range of industrial, commercial, distribution and storage uses as well as flying activities. It is also used for filming and police driver training.

### **PLANNING POLICY**

15. At the time of the Inquiry the statutory development plan comprised the 2001 Regional Planning Guidance for the South East (RPG9) and the saved policies of the 2004 Surrey Structure Plan (SSP) and the 2002 Waverley Borough Local Plan (WBLP). The replacement for RPG9, the South East Plan (SEP), was still in draft form but had been through all its stages and was on the point of being approved. There was agreement between all parties that it should therefore be accorded very considerable weight.
16. It has since been approved and now forms part of the development plan. References to SEP page and paragraph numbers in the Inquiry documents all relate to the final draft version (Doc. CD B4), which differ from those in the approved version. To avoid confusion, references to the SEP in this report should also be taken as referring to Document CDB4 unless otherwise stated.
17. The Council's Local Development Scheme has been revised (Document LPA11). In so far as the replacement of the Structure and Local Plans is concerned there is as yet no Core Strategy in place.
18. It is agreed that the national planning guidance of direct relevance to the appeal scheme is to be found in PPS1 (Delivering Sustainable Development) and its Supplement on Planning and Climate Change, PPS3 (Housing), PPS7 (Sustainable Development in Rural Areas) and PPG13 (Transport).

### **THE CASE FOR THE APPELLANTS, DUNSFOLD PARK LIMITED**

The Appellants' case is summarised in detail in their closing submissions (Document DP73), the salient points of which are:

19. By developing Dunsfold Park Aerodrome, the single most important existing employment site in the Borough, the scheme would deliver a truly mixed use community on a brownfield site with a critical mass of market and affordable homes alongside smart economic growth. 910 of the 2,601 homes would be affordable - the largest single provision of such homes ever made in Waverley. The sustainability credentials of the scheme are also unprecedented. It would be the most ecologically advanced community in Europe. The new village would be a socially cohesive and life-enhancing place to live and work.



20. The scheme would provide leadership and deliver tangible results for Government policies that call for decent homes for all and economic prosperity while facing up to the critically important issue of tackling climate change.
21. As for the urgent challenge of addressing climate change, even the current application for what by Waverley's standards is a large site (East Street, Farnham; 235 units) has a resolution to permit with the most mundane expectations in terms of sustainable construction. It will be only be required to build to Code Level 3 standards. The fundamental issues in Waverley, of decent homes for all, of smart economic growth, of tackling climate change, will not be addressed without this pioneering and thought-provoking scheme.

#### *Contribution of the Eco-Village to Housing Land Supply*

22. There is a substantial housing shortfall in Waverley and in the wider local housing market area (HMA) which also includes Guildford. Government policy as set out PPS3 seeks a more responsive approach to local land supply in order to ensure that everyone has the opportunity of living in a decent home that they can afford. PPS3 makes it a fundamental requirement of local planning authorities to identify a five-year supply of specific deliverable sites as well as a further specific developable supply of sites for years 6-10 and, where possible, years 11-15.
23. However, neither Waverley nor the HMA has a five year supply of deliverable sites when measured against the requirements of the SEP while the prognosis for years 6-10 is dire. This is all the more serious given that the SEP targets in Policy H1 are expressed as a minimum and Policy H2 calls for an upward trajectory of housing completions. The clear message in the supporting text is that the H1 targets are the absolute minimum. Indeed the recent West Surrey SHMA indicates that overall housing needs in Waverley are 706dpa – nearly three times the Policy H1 minimum target.
24. The Council has historically relied on windfalls. The advice in PPS3 is that allowances for windfalls should not be included in the first 10 years of land supply unless the LPA can provide robust evidence of genuine local circumstances that prevent specific sites being identified. The Council has not done this so no account should be taken of windfalls.
25. For years 0 to 5, there will be a deficit of between 184 and 242 dwellings in Waverley (Doc. DP7 App C). According to the Council the deficit would be only 20 (Doc. LPA1/4), the difference being due to disagreement as to the deliverability of certain sites. PPS3 and the DCLG Advice Note *Demonstrating a Five Year Supply of Deliverable Sites* place the onus of demonstrating that sites are deliverable on the Council (Doc. CD A3c). The burden is not one that is easily discharged, as is shown by the references in the Advice Note to LPAs needing to "clearly demonstrate" a reasonable prospect of deliverability and to the investigations necessary to achieve this.

#### *The Disputed Sites*

26. Planning permission for the site at 24 Brighton Road, Godalming, was granted two years ago and nothing has happened since. The current occupiers need to find alternative premises before development can commence and all the Council can say is that, according to the owners' agent, they are actively looking for such premises.

27. The site at Langham Park, Godalming, is intended to accommodate the police station and nursery which need to be relocated in order to deliver the Godalming Key Site (GKS). These elements together with the provision of affordable housing are cross-subsidised by the GKS so the development cannot proceed independently of the GKS. There is only a year left before the permission expires and the GKS is unlikely to come forward by that time.
28. An appeal in respect of the GKS was dismissed in 2008 (Doc. CD O3d). The reasons for this can be overcome but a new application is needed and this may affect the number of dwellings that can be provided. No application or revised draft scheme has yet been submitted. Even the Council accepts that there is uncertainty about this site, yet it assumes 100% delivery of the 225 dwellings which were the subject of the failed application.
29. Applying the test set out in the Advice Note, the Council has not clearly demonstrated that there is a reasonable prospect of housing being delivered on any of these sites within 5 years. It has not provided evidence of direct discussions with the developers or landowners, nor has it analysed current housing market conditions in order to make an informed judgment as to whether the dramatic worsening of the economic climate in the last 3-6 months may cause further delay.
30. An application for 58 dwellings at Bourne Mill, Fareham, is currently before the Council but the site is subject to environmental and access constraints which could prevent its development. There are objections on highways grounds from the County Council. An alternative access would require the purchase of land owned by the Council. As well as adding procedural hurdles, this would trigger the Council's duty to get best value for the land. No evidence has been provided as to any negotiations on this matter. Moreover, the Council treats this site as delivering 35 dwellings within the five year period (Doc LPA1/4), which means that the 58-dwelling scheme would have to be rejected and replaced by a new scheme. The size reduction and the need for land acquisition cast serious doubt over the viability of this site for housing development.
31. There are also serious doubts as to whether the Milford Hospital site could support a sustainable mixed community such that it is 'suitable' for development within the meaning of PPS3. Given that PPS3 puts the onus on the LPA to demonstrate the deliverability of sites this site should be excluded from the five-year supply.
32. A resolution to grant planning permission for development at East Street, Farnham, is subject to a particularly complex section 106 agreement that has not been completed. The developers have said that the scheme is unlikely to commence within the next two years owing to the current economic climate (Doc. DP6). The Council's assumption that this 235-dwelling development will nonetheless be completed within the five year period is plainly unrealistic.
33. Moreover, a CPO is required to deliver this development. There are 5,848 objectors to the Order so an Inquiry is likely to be needed, further prolonging the process. The Council resolution to make the CPO was also subject to completion of a Cost Indemnity Agreement. No such agreement has been entered into (Doc. LPA14). The CPO is some way from being made, let alone confirmed.

34. The developer's insistence upon a rolling viability test at intervals of no greater than 6 months is a further indication of the doubts surrounding the viability of this site. The Council has not clearly demonstrated that there is a reasonable prospect of this development being delivered within five years.
35. Paragraph 71 of PPS3 states that planning applications for housing should be considered favourably if a local planning authority is unable to demonstrate a five-year supply of deliverable sites,. As it makes clear, this requirement can supersede policies in the Development Plan. The fact that the Eco-Village could deliver some 220-480 homes within the 0-5 year period (Doc. DP29) is therefore an important benefit and the PPS3 requirement for favourable consideration is plainly engaged. Recent decisions by the Secretary of State (Docs. DP6, CD 03e & CD 03f) demonstrate the significant weight that she gives to this requirement.
36. This conclusion is not affected by the Cranleigh Brick & Tile (Doc. CD 03a) or Flambard Way (Doc. CD03d) decisions. In the former case the conclusion that the Council had a five year supply was based on the requirements of the now outdated SSP and was not contested by the appellants. In the latter case, the Inspector and Secretary of State did not reach any conclusion as to whether the Council had a five year supply when measured against the SEP. In neither case did they have the benefit of the evidence on this issue which is now before the inquiry.
37. Whichever figures are used, there is a substantial shortfall for years 6-15, the period in which the substantial majority of the Eco-Village would be completed. Even the Council accepts that there will be a deficit of 2,217 dwellings for years 6-15 (Doc. LPA1/4). Its approach to the fact that a supply of just 180 dwellings has been identified for that period is one of seeming indifference on the grounds that there is no requirement to identify sufficient sites. Similarly, it has suggested that the requirement to identify sites for years 6-15 is a matter for the strategic planning process rather than development control decisions. That is a reckless approach in a Borough where it will have taken over 6 years to produce an adopted Core Strategy. The timescale for implementing large scale developments is generally 10-15 years and permission for such developments is needed imminently if they are to deliver completions by the beginning of the 6-15 year period. The Secretary of State has consistently made clear in recent decisions that, for a proposal which would deliver a substantial number of dwellings in the 6 to 15 year period, a shortfall in identified sites for that period is a highly material consideration in deciding whether to grant planning permission (Docs. CD 03e and CD 03c).
38. It is necessary to act now if the shortfall in identified sites for the 6-15 year period is going to be remedied in time. This is all the more important given that the SEP targets are deliberately expressed as minima. Without intervention by the Secretary of State, Waverley will not deliver the necessary step-change in housing delivery called for by PPS3.

*The affordable housing shortfall*

39. PPS3 emphasises the Government's commitment to providing high quality housing for people who are unable to afford market housing and in particular those who are vulnerable or in need. One of the key strategic housing policy objectives is to widen opportunities for home ownership.

40. These objectives apply with particular force in Waverley due to the high cost of market housing. According to the Council's Draft Spatial Portrait, house prices in Waverley are amongst the highest in the region with the average house price being twelve times the average household income and some 75% higher than the average for England and Wales (Doc. CD D21). It recognises that, within the context of the scale of provision determined by the SEP, there is a particular need to achieve more housing which is affordable.
41. The Council's 2005 Housing Needs Survey identified an annual affordable housing need in the Borough of 622dpa. The annual delivery rate across the Borough has been between 67dpa and 80dpa at best, leaving a shortfall of over 540dpa. Indeed the most recent evidence suggests that the delivery rates are even worse than this. Between April 2007 and March 2008 only 37 affordable units were provided, 14.5% of total housing completions. There are more than 3,000 applicants on the Council's Housing Needs Register (Doc. LPA4/1) with many people in need of affordable housing not even bothering to sign up on the register since they would not stand a hope of receiving an affordable home.
42. Most of those in need of affordable housing in Waverley will live their entire lives with no hope of a decent home. The level of need, growing year on year, swamps the level of provision. The divergence between need and supply of affordable housing in the Borough is growing year on year and is likely to be exacerbated if the Council continues to rely on small sites to meet its overall housing requirements, since the majority of these schemes will fall below the size threshold over which affordable housing is required. 1,737 applicants on the Housing Needs Register have expressed a preference to live in Dunsfold, Alfold or Cranleigh. Some people may have put their name down for more than one location but there will also be many omissions given the futility of registering in most cases.
43. Although the Council describes this situation as one of its key corporate priorities, it has yet to produce any strategy for dealing with it. If this trend of chronic under-provision is allowed to continue, most of those who are in need of affordable housing in the area will live their entire lives with no hope of having their needs met.
44. Policy H2 of the SEP emphasises a need (on top of the minimum annual housing targets in Policy H1) for LPAs to address any backlog of unmet housing needs within the housing market areas they relate to in the first 10 years of the Plan. The statistics plainly show an overwhelming backlog of unmet affordable housing needs in this area that urgently needs to be addressed.
45. Against this background, the 910 affordable housing units that the Eco-Village would deliver are of fundamental importance in the overall planning balance. It would be the largest single provision of new affordable housing that the Borough has seen.
46. It would provide the widest possible tenure mix, ensuring a mixed and balanced community and making the local market more liquid (Doc. DP21). The affordable homes would mainly be social rented, as required by SEP Policy H3 and would be spread across the entire Eco-Village, fully delivering the objectives of inclusiveness and integration enshrined in PPS3.

47. In the Harry Stoke decision (Doc. CD O3e), the Secretary of State considered that the provision of 400 affordable units, set against a background of urgent need, carried significant weight. It was one of the factors justifying a breach of development plan policy and comprising very special circumstances for development in the Green Belt. The same applies with more force at Dunsfold Park, given that over twice as many affordable units are proposed and on a site that the WBLP designates as merely "countryside beyond the Green Belt".

*Implications of the Recession*

48. The need for housing to be delivered on the ground is all the more pressing given the current recession. Planning applications, commencements and completions have all reduced in the last year but the Government remains committed to the 240,000 target in the Housing Green Paper in order to increase housing supply and respond to long term demand. The Communities and Local Government Select Committee's report Housing and the Credit Crunch, published on 24th February 2009, emphasised the need to stick to house-building targets notwithstanding the recession (Doc. CD A70).
49. The importance of this issue has been underlined firstly by the National Housing Federation (NHF) in a statement on 19 March 2009, which called for dramatic action to address the housing supply implications of the recession and, secondly, by the Housing Minister in an interview on BBC News. Against this background of housing shortfall exacerbated by the recession, the Eco-Village's new market and affordable homes should be warmly welcomed as a rare opportunity to make a real difference.

*Prematurity*

50. PPS3 makes clear that for housing applications prematurity is not a sufficient reason for refusal in its own right. Thus, if there is no other good reason for dismissing this appeal, it cannot be dismissed on the grounds that it is premature pending the Council's Core Strategy and Site Allocations DPD.
51. The General Principles companion to PPS1 (Doc. CD A56) says that in some circumstances, such as where a DPD is being prepared or is under review but has not yet been adopted, it may be justifiable to refuse planning permission on grounds of prematurity. However, it goes on to say that where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.
52. At present there is not even a draft DPD for Waverley so the earliest point at which prematurity might be raised has not been reached. It is too early for the Council to suggest that, as a development of unprecedented scale the Eco-Village ought not to be allowed to pre-empt the Council's LDF process.
53. It is over four years since the Council told a previous inquiry concerning this site that it hoped to adopt its Core Strategy in 2006 (Doc. DP26). The original draft Core Strategy was withdrawn in 2007 and a revised draft has yet to appear. The Council has not allocated a site for housing since 2002. There is an urgent need to address the shortfall in housing supply in the area, in particular affordable housing, as well as real urgency for exemplar sustainable low-carbon developments.

*The sustainability credentials of the Eco-Village*

54. The Supplement to PPS1 (PPS1S) says that addressing climate change is the Government's principal concern for sustainable development and that there is an urgent need for action. It sets out seven Key Planning Objectives aimed at delivering a full and appropriate response to climate change. The central importance of these objectives is enshrined in paragraph 40, which says that applications for planning permission for developments that would contribute to the delivery of the Key Planning Objectives set out in the PPS should expect expeditious and sympathetic handling. This must mean that such proposals should receive favourable consideration.
55. The Council accepts that the Eco-Village would perform very well against a range of key sustainability themes, that it would be ahead of all other national and European examples of sustainable development and that, where available data allows a comparison to be made (including transport-generated emissions), the carbon footprint of an Eco-Village resident would be less than half the average UK, South-East or Waverley resident, and that the overall carbon footprint is likely to be between a third and a half. This shows that the Eco-Village would indeed contribute to the Key Planning Objectives in PPS1 Supplement and the general case for "expeditious and sympathetic" consideration is made. At a time when the response to climate change is now central to public policy, the Eco-Village will act as an exemplar for future development.

*Carbon footprint*

56. Across the areas where carbon emissions can be accurately assessed in advance – housing and home energy, transport and water supply – the average Eco-Village resident will have a carbon footprint of 2.23 tonnes per capita, compared with the UK average of 4.79 tonnes and the South East average of 5.05 tonnes. Taking into account the additional factors which cannot be accurately assessed at this stage, the overall carbon footprint of a resident at the Eco-Village would be about one third to one half of that of a present-day UK citizen (Doc. DP13). No previous or current scheme in the UK has achieved a carbon reduction anything like on this scale.
57. It is wrong to focus on transportation to the exclusion of the other sources of carbon emissions. Transportation and accessibility is just one strand. What counts when it comes to combating climate change is the overall sustainability of a development and in particular the overall carbon footprint.
58. This message is strongly emphasised in The Taylor Review Doc. CD A52 points out that a narrow view of sustainability based on the belief that rural areas are inherently unsustainable because their inhabitants make more use of the car is far too simplistic and ignores the principle of adopting a positive and integrated approach to promote sustainable development.
59. The carbon footprint of 5,000 annual flights to and from the aerodrome would exceed the entire carbon footprint of the Eco-Village (Doc. DP13). That excludes ground-based carbon emissions associated with aviation use such as traffic movements and engine testing. The Eco-Village would achieve a net reduction in carbon emissions compared to the likely alternative use of the site.

60. The need to address climate change is at the forefront of the political agenda. There is an urgent and pressing need for a pioneering low-carbon scheme to come forward and raise the bar for future development. There is only a finite amount of carbon emissions that we can afford to generate by 2050 and an opportunity to set a trailblazing example in low carbon development should therefore not be dismissed lightly.

*Performance against latest objectives for sustainable development*

61. The Eco-Village performs well against a range of sustainable development standards. These include the intentionally testing standards set out in the draft PPS on Eco-Towns, which represent the Government's latest thinking on sustainability standards. They also include the standards applied in the Sustainability Appraisal of the Secretary of State's Proposed Changes to the SEP and the objectives in the Council's Sustainability Appraisal Framework.

*Comparison with leading sustainable schemes in Europe*

62. The Eco-Village also ranks above all potentially comparable residential schemes across Europe. It combines a range of sustainability measures which have been tried and tested in those schemes with other innovative measures such as cordon charging. As the leading sustainable settlement in Europe it would be an exemplar not just in the UK but on an international level too and has attracted the rare distinction of support from FoE.
63. It is not the case, as the Council and some objectors have repeatedly asserted, that this level of sustainability is either already the norm or soon will be. Nothing anywhere near comparable with the sustainability standards of the Eco-Village can be found in other development proposals in the HMA. A potentially comparable proposal further away, a 1,103 dwelling urban extension to Horsham at Broadbridge Heath, would attain only Code Level 3 of the CSH for energy and water. Even that is subject to a viability assessment (Doc. DP9). The Eco-Village would attain Code Level 6 for energy and water.
64. None of the schemes in Waverley that the Council has included in its alleged five year supply of housing come anywhere close to the sustainability standards of the Eco-Village. The small-scale sites which the Council has historically relied upon lack the economies of scale to do more than the bare minimum. East Street Farnham, the largest scheme the Council relies on for years 0-5 (236 dwellings) was approved as recently as October 2008 and proposes only Code Level 3 of the CSH. The Eco-Village would comfortably exceed the most ambitious of the future options referred to in paragraph 72 of the Council's Climate Change Topic Paper (Doc. CD D22).
65. Policy CC2 of the SEP calls on LPAs to help reduce the region's carbon dioxide emissions by at least 20% below 1990 levels by 2010 and by at least 25% below 1990 levels by 2015. The supporting text refers to the Government's goal that all new homes should be zero carbon by 2016. At the present rate these goals are not going to be achieved. Other leading sustainable developments that are being planned do not aspire to Code Level 6, which is the only level that delivers zero carbon in energy terms. Many current and planned major developments do not come anywhere close to zero carbon.

66. The National Home Builders Federation has issued a strong objection to the current consultation on zero carbon homes, giving a clear indication of the industry's reluctance to make the step change which Government seeks.
67. The sustainability commitments and aspirations of the Eco-Village are ahead of all comparable schemes, past, present and planned. It displays a high degree of adaptability and resilience against a range of possible futures. If the Government's aims for a step change in low carbon development are actually to be delivered, an exemplar scheme needs to lead the way and show that it can be done and how. The Eco-Village is that scheme.

*Transportation and Sustainability*

68. The accessibility of the appeal site must be viewed in that light of emerging Government policy regarding the need to plan positively for rural areas. PPS1 Supplement, which overrides all other policy guidance, urges that the potential for a realistic choice of access should be assessed. It says that, when considering the need to secure sustainable rural development, including employment and affordable housing to meet the needs of local people, planning authorities should recognise that a site may be acceptable even though it may not be readily accessible other than by the private car. The Eco-Village does not have to rely on this softening of policy because it would facilitate excellent transport services but the fact that the point is made in PPS1S shows that the Council's case against the Eco-Village is far too harsh.
69. The Council's comparison with the accessibility of a hypothetical urban extension at Slyfield runs directly against this advice. It is also pointless because Slyfield is in Guildford Borough and can not meet the housing needs for Waverley Borough. The Council has not suggested that any potential urban extension site in Waverley could meet the identified housing needs. Urban extensions have their own transportation issues and are not necessarily any more conducive to travel by non-car means (Doc. DP24). The Eco-Village would in fact be more accessible than Slyfield by public transport to Godalming, Cranleigh and Horsham, and only marginally less accessible to Guildford and London.
70. The message from the Government is that urban extensions and low carbon free standing settlements are to be seen as complementary, not alternative, means of delivering sustainable housing. It is not surprising that people who live in towns are closer to more origins and destinations but that does not mean that all development should be in urban areas. That would do nothing to meet the needs of rural communities (Doc. DP25). The track record of Surrey County Council in providing sustainable transport improvements in rural areas is distinctly unimpressive.
71. The real comparison is between a well planned and managed development with innovative and self-financing transport measures on the one hand and, on the other, piecemeal developments that do little or nothing to take forward sustainable transport. In this context, the Eco-Village performs very well. The proposals include a twelve point Transport Strategy enabling people to undertake many of their day to day employment, shopping and leisure activities without leaving the village. There would be restricted parking for residents and visitors, parking charges for employees, and a car-restrained area at the centre of the Eco-Village.



72. The site is only a short bus journey from Cranleigh, one of the four key settlements in Waverley with a good range of community facilities and shops. The Eco-Village would act as a 'spoke' to the 'hub' of Cranleigh in precisely the manner advocated in the Taylor Review.
73. There would be regular high quality bus services to Cranleigh, Guildford and Horsham. Purpose built low emission buses would be used, providing an excellent travel experience. People heading to Cranleigh and Guildford in particular would not have to plan their journeys to fit in with bus times. They would know that they would only have to wait for an average of 5 minutes at peak times and 7½ minutes at other times. All residents and employees would be within 400m walking distance of a bus stop. A Real Time Information system would enable people to find out the time of the next bus on screens in their homes and work places. The cordon charge would increase the cost of any car trip leaving the site, acting as a further incentive to use non-car modes. Receipts from it would cross-subsidise the bus services.
74. A range of measures would promote walking within the village and cycling within, to and from the site. These would include the provision of a free bicycle to every household, a bicycle rental scheme, and a network of cycle routes. A car club for Eco-Village residents and employees would provide them with access to a fleet of cars when required. This means that residents would not have to own a car, and employees living off-site with an occasional need to use a car for work would not have to drive to work. A car share scheme would offer a ride-matching service to all employees and residents. Community electric vehicles would provide free access around the village.
75. A smartcard would provide access to all the transport facilities including the car club, the bicycle rental scheme and the buses. This would provide a seamless transport experience for residents and allow effective monitoring of the Sustainable Transport Strategy measures. A marketing scheme would provide a tailor-made travel pack for each resident. A Site Travel Plan, to be agreed with SCC prior to first occupation, would build upon the Site Travel Plan Framework, defining how transport demand at the village would be managed and how non-car means would be promoted. A further series of bespoke travel plans would be made for specific land-uses.
76. What makes the Eco-Village proposal unique is the combination of all these measures in a comprehensive package, with the cordon charge acting as a disincentive to car travel and a funding mechanism for public transport. The Council says that these measures have not been proved to work so their success can not be guaranteed. In fact, with the sole exception of the cordon charge, they have all been implemented successfully elsewhere (Docs. DP22 and DP25). Innovative measures such as this are precisely what are called for if the planning system is to achieve the changes required to deliver the necessary reduction in carbon emissions. The supporting text to SEP Policy CC2 (Doc. CD B4) calls for challenging measures for mitigation and adaptation relating to climate change to be acted upon and Policy T7 calls for "innovative and adaptable approaches to public transport in rural areas". That is what the Eco-Village would deliver. SEP Policy T2 calls for a rebalancing of the transport system in favour of sustainable modes based on an integrated package of measures.

77. The Secretary of State has made it clear that challenging and innovative measures, including charging initiatives, are a vital part of delivering sustainable transport solutions. The cordon charge will be a fact of life at the Eco-Village. For all except those with genuine mobility issues there would be no way of avoiding it. It is also future-proof because, if buses were not used as much as envisaged, the cordon charge would be raised, increasing the deterrent to car use and cross-subsidising further improvements in the bus service.
78. The Sustainable Transport Strategy is comprehensively tied into the Section 106 undertaking. Bus services would be cross-subsidised by the Community Land Trust's revenue, the sources of which include the cordon charging and the employee parking charges. The buses could still be funded even if there was no income at all from employee parking charges. In the extremely unlikely event of any shortfall, the Appellants would pay the difference. The Appellants have from the outset been willing to take any comments on board so as to ensure that the Section 106 is as watertight as possible. If the Secretary of State considers that further revisions are necessary, it is open to her to issue a 'Minded to Grant' letter indicating the changes she requires. The Appellants would positively welcome this approach if the Secretary of State had any concerns as to the deliverability of the measures proposed.
79. As for the likely reaction of residents of the Eco-Village, it is important to remember that people moving to it would know what they were signing up to. This is very different from measures being imposed on people in an existing community such as the failed proposals for a Manchester congestion charge. The letters from senior executives at Crest Nicholson (Doc. DP30) and Barratt Homes (Doc. DP28) demonstrate their confidence that a market for such a development exists.
80. Furthermore, focus groups and surveys undertaken by Surrey University have identified a hunger for engagement in more sustainable ways of living (Doc. DP26). Its report concluded that: "On the whole, positive and affirmative attitudes towards lifestyle change to achieve low carbon living, acknowledging climate change as a key global issue were expressed by street survey respondents and focus group participants."
81. The key message from Government is that our current carbon-hungry way of life is unsustainable and that we shall all have to change our behaviour if we are to stand a chance of combating climate change. SEP Policy CC2 says that behavioural change will be essential in mitigating and adapting to the effects of climate change. If this appeal is dismissed on the basis that behavioural change is too daunting a challenge, the Secretary of State will be fatally undermining a key tenet of the SEP and the eco-towns agenda. The Eco-Village would show developers that low carbon homes can be built. It would also show the wider population that low carbon living and the behavioural change it requires can be a practical and indeed attractive form of life.

*Planning Positively for the Countryside*

82. The Eco-Village would also fall in line with key objectives on planning for prosperity in rural areas. Current and emerging policy supports the principle of free-standing 'separate and distinct' new settlements in the countryside.

83. The Government's eco-towns agenda recognizes the creation of new free-standing settlements in the countryside as one way of meeting the twin objectives of meeting challenging housing targets and delivering the highest level of sustainable development through economies of scale. The draft PPS on Eco-Towns defines an 'eco-town' as "a new settlement, separate and distinct". In other words, a new settlement in the countryside, not an urban extension.
84. Although the Council insists that free-standing settlements necessarily compare poorly with an urban extension in sustainability terms, the Government considers them to be compatible rather than mutually exclusive. It explains: "We recognise that eco-towns are not the only answer to these challenges, but eco-towns, as well as being exemplars, can make an important contribution to the overall package of measures. Alongside eco-towns we want to see development in towns, cities, suburbs and urban extensions built to the very highest environmental standards. We believe that eco-towns are a good model for future development, and that many of the principles and stretching criteria in this PPS could be adopted by other developers as a way of meeting the wider objectives of the Climate Change PPS and other planning policy on environmental protection."
85. Although the draft PPS is still subject to consultation, the underlying principles are now an established part of the Government's agenda. The 2008 DCLG Report states that a key element of the Government's work to support the delivery of the national target of 240,000 additional homes per year is "the eco-towns programme, which will deliver exemplar green developments" (Doc. CD A70). More recently, the Housing Minister said (Doc. CD A68): "Eco-towns present a superb opportunity to provide more affordable housing which is built to the UK's toughest ever green standards, and we cannot afford to miss it." The Council's opposition to the principle of a new settlement in the countryside is therefore directly at odds with Government policy.
86. Government-sponsored research, led by the CRC and the Government-endorsed Taylor Review (Doc. CD A52), shows that rural development can be just as sustainable as urban development and that failing to plan for rural areas risks undermining their future sustainability. The Taylor Review states: "Developments that potentially might help or encourage people to work close to where they live and live closer to where they work are too often excluded for want of encouragement or opportunity. But such development is necessary to support and foster many rural communities. If the aim is sustainable urban and rural communities, the means of achieving the latter must be addressed and positively encouraged to the same extent as current efforts to achieve this in urban areas." Another of its important messages is that urban extensions can create their own problems and are not a planning utopia.
87. The Council itself has expressed concern, in its February 2009 Environmental Topic Paper, about the environmental implications of its historic approach of trying to meet housing needs through intensifying densities within existing urban areas. The accompanying Town and Country Topic Paper (Doc. CD D22) refers to concerns already being voiced about the effect that some windfall developments can have on the environment and infrastructure. One of the local MPs has led a campaign against "garden-grabbing" and the other has opposed urban extensions at Guildford.

88. The Taylor Review suggests that one solution for addressing these various considerations is the concept whereby the central "hub" of an existing market town is complemented by new free-standing "spokes". The Eco-Village is very much in line with this approach. It would provide the neighbourhood spoke to the historic market town of Cranleigh, and would provide a sizeable proportion of affordable housing close to where jobs already exist and where rural businesses can grow. This is a view shared by the Cranleigh Chamber of Trade and Commerce which has embraced the proposed Eco-Village (Doc. DP28).
89. The Government's response to the Taylor Review (Doc. DP54) embraces the messages contained in it. The foreword states: "We are committed to supporting strong, diverse and dynamic rural communities. That means planning for the provision of housing to meet evidenced local needs; and providing the support structures and leadership to enable businesses and local economies in both rural and urban areas to contribute effectively to sustainable economic growth. All those involved in the planning process have a responsibility to take a positive approach to increasing the sustainability of our homes, businesses and communities."
90. The Eco-Village falls squarely in line with the principal policy objectives for the countryside set out in paragraph 8 of the Government's Response. These are "the need to create and maintain sustainable communities, the need to develop ways to encourage sustainable economic growth in rural areas, the need to encourage an increase in the supply of housing in the long term, and particularly that of affordable housing and the need to plan for economic recovery, in which a streamlined planning system will be a significant factor."
91. Paragraph 11 of the Government's Response states: "In February of this year Hilary Benn, the current Secretary of State for Environment, Food and Rural Affairs, spoke at a Rural Innovation Summit organised by the Commission for Rural Communities. He said that in protecting nature we must also recognise people's need for somewhere to live and for a job. He referred to the concerns set out in the Taylor Review about the impacts of denying development to small villages that have been characterised as unsustainable. He said that there is no such thing as an unsustainable place - only unsustainable ways of doing things."
92. The Eco-Village provides a unique opportunity to show leadership in leaving behind unsustainable ways of doing things. The objective of planning for rural prosperity in the manner envisaged by the Eco-Towns agenda and the Taylor Review draws clear support from PPS3 and PPS1S. One of the Government's key housing policy objectives as set out in paragraph 9 of PPS3 is the creation of sustainable, inclusive, mixed communities in both urban and rural. PPS3 is not urban centric to the exclusion of rural areas. A recurrent theme in PPS3 is the importance of accessibility to jobs and services. The Eco-Towns agenda and PPS1S - which overrides any conflicting national policy guidance - show that the Government considers new free-standing settlements to be capable of meeting this objective. The key planning objectives include the need to: "deliver patterns of urban growth and sustainable rural developments that help secure the fullest possible use of sustainable transport for moving freight, public transport, cycling and walking; and, which overall, reduce the need to travel, especially by car". The Government clearly considers that new rural developments can be sustainable.

*Local Plan Policy C2*

93. The key locational policy relied upon by the Council is Local Plan Policy C2, which protects the countryside beyond the Green Belt for its own sake. The Local Plan was adopted in 2002 against the backdrop of the previous Structure Plan and only planned for housing until 2006. The Structure Plan treats over supply of housing as something that requires rectification rather than something that should be actively pursued. Accordingly, Policy C2 sought to strike a balance between the countryside protection and housing need in a wholly different context to that which now applies.
94. Moreover, Policy C2 pre-dates and is not consistent with PPS7, which states that rural protection policies should be "criteria based" and not rigid. This has been recognised in a previous appeal relating to Dunsfold Aerodrome (Doc. DP26). Indeed the same position was taken by the Council itself at a recent inquiry into a large sports and leisure facility in the countryside. At that inquiry, the Council undertook a balancing exercise, considering first the extent of any harm to the countryside which the proposed development would cause and then weighing that against the benefits of the proposed development.
95. By contrast, in the present case, the Council's case largely begins and ends with its objection in principle to new development in the countryside without carrying out any overall balancing exercise of the scheme's merits and demerits. The policy protection of the appeal site would be unlikely to survive a PPS7-compliant "criteria based" approach given that the existing airfield and operational buildings do not make any significant contribution to the wider countryside landscape.
96. The existing policy constraints (Green Belt, SSSI, SPA, AONB, AGLV, flooding, Policy C2) across Waverley and Guildford are so wide-ranging that the housing requirements for the local HMA cannot be met without development taking place on land subject to at least one of them (Doc. DP9). Many of them are based on site specific environmental or landscape considerations so a strict application of policy constraints would prevent virtually any large scale development in the local HMA. If housing needs are to be met, especially the acute need for affordable housing, something has to give.
97. Dunsfold Aerodrome is an excellent candidate as a location for a new free-standing settlement. It provides an opportunity for consolidation with the largest existing employment site in the Borough. It is predominantly PDL and is visually contained. There are no anti-coalescence, environmental or landscape based policy constraints such as Green Belt, SSSI, SPA, AONB or (apart from a small area which will become part of the Country Park) AGLV. There are no noise or air quality issues. There is likely to be an intensification of aviation uses and buildings if this appeal fails.

*Previously Developed Land (PDL)*

98. The vast majority of the site (86%) is PDL as defined in Annex B of PPS3. This describes PDL as that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. "Permanent structure", "curtilage" and "associated fixed surface infrastructure" are three distinct concepts so curtilage is by definition land which is covered neither by structures or fixed surface infrastructure.

99. The Court of Appeal has held, (in *Skerritts of Nottingham Ltd v Secretary of State for Environment, Transport and the Regions*) that it is not correct to say that "curtilage" must always be small and that it is likely to extend to what is or has been ancillary land in terms of ownership and function. The concept of "ancillary" is that of principal and accessory. The physical layout of the area in question is relevant.
100. Against this background, it is clear that the operational areas indicated in Appendix HB4 fall within the curtilage of the aerodrome. They are used for a range of operational purposes ancillary to the operational use of the aerodrome. They are enclosed within the aerodrome and are not separated off in any way. They were created in the first place from the existing woodland by works involving the use of explosives and large earth-moving equipment. These would now be classed as "engineering operations" or "other operations" constituting development under S55 of the 1990 Act.

*The Aviation Fallback*

101. The aerodrome has permanent planning permission for the maintenance, flight testing and repair of aircraft with up to 5,000 flights permitted per year and is outside the air traffic restrictions that surround Heathrow and Gatwick airports. If the appeal fails the Appellants will seek to maximise the aviation use. There is a good prospect of a major aviation company dealing in parts for Boeing 737 and 757 aircraft coming to the aerodrome if the appeal fails (Doc. DP1). There is therefore a very real prospect of large aircraft flying into and out of the aerodrome. This is by no means the only prospect of activities at the site involving large and noisy aircraft. Conditions attached to the permanent permission require noise mitigation measures, but there are limits to what can be done to mitigate the environmental impacts of aviation activities.
102. The carbon footprint of 5,000 annual flights to and from the aerodrome would exceed the entire carbon footprint of the Eco-Village. That excludes the ground-based carbon emissions associated with the fallback aviation use such as traffic movements and engine testing. The Eco-Village would therefore achieve a net reduction in carbon emissions compared to the likely alternative use of the site.
103. The aerodrome also benefits from extensive permitted development rights under Part 18 of the GPDO to construct major operational buildings, recently crystallised by its registration by the CAA as an airport permitted to levy charges under the Airports Act 1986. The PD rights for operational buildings impose no height or design restrictions and do not require the Council's prior approval. They are also outside the scope of the EIA Regulations.
104. Such buildings would primarily be located around the perimeter of the site so as not to interfere with aircraft movements but this still leaves a wide area of available land and the absence of any height or design restrictions means that their impact on the landscape could be substantial.
105. Even if the PD rights did not exist, Policy DN9 of the SSP provides support for the continued aviation use of the aerodrome so, if this necessitated the construction of new hangars, there would be a good case for the grant of planning permission.

*Contribution to Economic Growth*

106. The Eco-Village would deliver smart economic growth in accordance with SEP Policy RE5. Its 1,300 new jobs would contribute towards increasing the region's prosperity and would serve to reduce the rate of increase in the region's ecological footprint. Tying the employment opportunity to the meeting of housing need is a highly intelligent way of promoting smart growth and achieving social, economic and environmental well-being.

*Enhancement of the Local Landscape and Ecology*

107. Like any new development outside the urban area, including a greenfield urban extension, the Eco-Village would have an impact on the landscape. However, this impact would be limited and must be judged in the context of the existing use of the site as an operational airfield and business park containing a number of large industrial buildings. The site has been largely cleared of its original field pattern and adapted to its current mix of aviation and employment uses. It is not an area of uninterrupted countryside. When considering the landscape impacts and enhancements associated with the Eco-Village it is essential to bear in mind the fact that aviation use at the aerodrome would intensify if the appeal is dismissed.
108. The site is very well enclosed around most of its boundary and, where there are limited views into the site from close quarters, it is the light coloured façades of the industrial buildings that are relatively prominent. There is also a substantial amount of clutter, along with a main runway which is wider than the M25 and enough hard-standing to build a road from London to Brighton. The grassed areas between the runways are not natural landscape features but are used for operational aviation purposes including take-offs and landings. Any visual impact will be limited to views from the surrounding hillsides. Any large scale development on open land, including a greenfield urban extension, would have a similar impact on these views. The Borough's housing needs are not going to be met without some impact on the landscape but such impacts can be minimized at Dunsfold Aerodrome owing to the site's containment and topography.
109. The Council takes no issue with the methodology used in the Landscape and Visual Appraisal (LVIA) (Doc. CD J4). The only significant disagreements are in respect of Viewpoints 1, 3, 9 (closer views) and 17, 18 and 19 (more distant views). In each of these the Council agrees with the LVIA's categorisation of the viewpoint's sensitivity and disagreement is confined to the LVIA's conclusions as to the magnitude of change that would arise.
110. The main feature with which the Council takes issue in respect of viewpoints 1, 3 and 9 is the proposed CHP plant. Yet this would be barely perceptible given that the chimney would have a diameter of less than 1 metre and would be substantially screened by existing and new planting. Viewpoints 1 and 3 are along the main A281 where there is no pedestrian footpath and are therefore of limited public enjoyment. From Viewpoint 9 it would be nearly 2km away and may not be visible at all. Moreover, PPS22 and PPS1(S) make clear that landscape objections should not preclude renewable energy projects such as the CHP plant save in the most exceptional circumstances.

111. The Council is also concerned about the visual impact of the proposed access at Viewpoint 3 but any new large scale residential development is likely to have a new access which is visible from the outside.
112. In so far as the more distant views from Viewpoints 16, 17 and 18 are concerned, that from Hascombe Hill (Viewpoint 17) would be the one most affected since it is the nearest to the appeal site. However, the Hayes Davidson photomontage (Doc. DP23) makes clear that the eco-village will not dominate the views from Hascombe Hill but will form only a minor part of the overall view.
113. It is crucial to bear in mind that the LVIA methodology defines any new built development as having a negative impact to some degree and does not take account of whether or not it would be an attractive feature. Thus, even the construction of Blenheim Palace would be judged to have a negative impact. There is, after all, nothing unusual about a village in the countryside.
114. The landscape impact of traffic was taken into account in the Landscape Chapter of the Environment Statement (Doc. CD J4). The Surrey Hills AONB Management Plan does express concern at traffic passing through the AONB but this is expressed as a problem that will arise anyway due to the pressures of growth in this part of the country (Doc. CD C12). The vehicular routes from the Eco-Village to Guildford and Cranleigh do not, in any event, pass through the AONB. What matters is not the overall daily increase in traffic but whether the additional amount of traffic present at any particular moment would have a perceptible significant impact on the landscape. The impact of traffic must also be balanced against the impact of the 5,000 flights per year allowed under the existing permission.
115. The Council does not contest the expert report with regard to lighting, which concludes that in some respects the lighting strategy will have a beneficial effect compared to the status quo at the site, and in the remaining respects the lighting impacts will be negligible.

*Landscape Enhancements and Open Space*

116. The built form of the Eco-Village would be in the eastern part of the site, while the western part, which includes the area within the AGLV, would be reclaimed as a Country Park for public access. Its landscape quality would be consistent with the AGLV, making the potential future extension of the AGLV more realistic. This would be a very substantial benefit of the overall development.
117. The new landscape would reinforce vegetation on existing boundaries of the whole site, enfolding the built development and dispersing trees and green space throughout the village. Green wedges would extend from the southern edge right up to the village centre. Nobody living or working in the village would ever be more than two minutes walk from the park or countryside.
118. Buildings, structures, surfaces and secondary uses (such as HGV parking) in the southern and western parts of the site would be removed and these areas restored as accessible landscape. By removing these detracting elements and the visually prominent secondary uses on the airfield, the scheme would enable more of the intimate scale and enclosure of the landscape to be re-established.



119. New footpaths and bridleways within the eco-village would link with the public rights of way network around the site and would restore the connection between the two ends of Benbow Lane which were cut off in 1942 when Dunsfold Aerodrome was constructed. This enhanced public access would be a substantial benefit for both the village residents and the wider community. In functional terms the proposed permissive rights over the open space and footpaths/cycleways would be no different to dedicated status. Avoiding dedication would enable these areas to be more effectively managed.
120. The main runway would be transformed into a grand avenue, which would be the focus of outdoor village activity and the modern equivalent of a village green. A reminder of the aviation history of Dunsfold, it would host events and displays as well as everyday recreation. It would include an observation tower linked to the museum and providing views over the village and landscape.
121. The Country Park and the other landscape and access enhancements would provide the wider community with a very substantial amount of high quality open space and enhanced connectivity over an area which is currently shut off from public access.
122. As well as providing public open space for the village population, the Country Park would encourage other visitors, as would the long distance footpaths and cycleways to which the Eco-Village would be connected. The Eco-Village would provide a destination for such visitors, being of interest in itself and having attractions such as the Museum, CHP Plant, lakeside cafés and the canal basin. Recreation facilities such as this are crucial to getting people actively out and about, engaging in physical exercise and healthy living.

#### *Ecology and Biodiversity Enhancements*

123. The landscape enhancements would have a substantial positive effect on the ecology and biodiversity of the area, through a combination of habitat creation and enhanced connectivity between habitats. SDPNT focus has been solely on criticising aspects of the surveys undertaken for the Environmental Statement. Yet neither English Nature nor the Council expressed any reservations about these surveys. Nor, indeed, did SDPNT itself when consulted about them.

#### *The Eco-Town Programme and the SEP*

124. The site was not included on the eco-town shortlist simply because it fell below the threshold of 5,000 dwellings. It was given the grading "strong" and the Government's decision was specifically expressed to be without prejudice to any planning application. Moreover, the Government has since moved away from the 5,000 dwelling threshold. The draft PPS on Eco-towns refers to it and goes on to state that there are other circumstances where a small new settlement in more remote locations may be suitable.
125. The site could accommodate 5,000 dwellings but, having regard to the character of the nearby villages and the intended "hub and spoke" relationship with Cranleigh, which itself has only 4,300 dwellings, the chosen figure of 2,601 dwellings is considered more appropriate. 5,000 dwellings were thought to be the minimum needed to support a new secondary school but in the case of the Eco-Village there already is a secondary school in Cranleigh (Doc. DP1).

126. As for the comments of the SEP Panel, the RSS can not and should not consider site specific allocations. The Panel's function does not extend to a full Section 38(6) consideration of the merits of any particular scheme and its comments cannot, therefore, be taken to constitute a determination of the planning merits of the Eco-Village. Moreover, the Panel did not have the benefit of the PPS1 Supplement or the Eco-Towns draft PPS, both of which provide a step change in the policy approach to sustainable development of this nature. In addition, since the EIP, the Secretary of State has inserted into the South East Plan the new Policy H2, which is of seminal importance.
127. In both cases, the material considered was perfunctory. The nature and extent of the material submitted with the eco-towns bid bears no comparison to the detailed expert evidence presented at this Inquiry. As for the EIP into the SEP, the usual brief written submission was made with no visual material and the oral debate lasted approximately one hour (Doc. DP29). The level of scrutiny that this detailed proposal deserves is properly made through this inquiry.

#### *Traffic Congestion*

128. There already is some peak hour congestion in the area. The example most frequently cited is the morning peak in Bramley, but the fact is that there are no improvements that can be carried out there. It is already perceived to be a problem but the County Council has not felt it necessary to do anything about it. Indeed it did not object to the Broadbridge Heath scheme, which would see an additional 200 vehicles heading north through Bramley in the morning peak (Doc. LPA2/1). As the County Council recognised in that case, the Bramley bottleneck should not operate as a bar on development to the south.
129. Delays at Bramley are relatively short lived and traffic moves even during the morning peak. If it were to get significantly worse, then people would adjust either the time of their journey or their route. Alternatively they could switch to public transport such as the new bespoke bus route to Guildford which would be provided as part of the Sustainable Transport Strategy.
130. In any event, the congestion has to be seen in context. In this busy part of the South East it is commonplace for roads to and from major destinations such as Guildford to be crammed full of traffic in peak periods. There is nothing exceptional about this particular part of the South East and congestion should not be used as a reason to prevent beneficial new development.
131. The strength of the Eco-Village is that, by virtue of its remarkable vision and critical mass, it would do much more to provide realistic alternatives to the private car than for example the small scale (mostly 1-5 units) housing developments that Waverley habitually relies upon.

#### *The Affordable Housing Lettings Cascade*

132. The Section 106 undertaking provides that affordable units shall only be provided to "Eligible Persons", defined as those who are unable to find accommodation suitable for their needs on the open market within the Council's administrative area and who are entered on the Council's Housing Needs Register (HNR). This means that all affordable units at the Eco-Village will meet the definition of 'affordable housing' within PPS3 Annex B.

133. Among Eligible Persons seeking accommodation at the Eco-Village, the proposed Sustainable Lettings Criteria (SLC) give priority first to persons employed on site and secondly to those employed within "Cranfold" (Doc. DP18). This is to ensure that home to work travel will be reduced. Applicants falling in the same category within the SLC would be differentiated by reference to the priority banding A-E on the Council's HNR.
134. The Council says that this approach does not address those who are in greatest housing need and would prefer the affordable housing to be prioritised in accordance with the banding on its HNR (Doc. LPA4/1). Under the Appellant's approach all affordable units meet the definition of affordable housing in PPS3 Annex B. The Council has not been able to point to any policy which goes beyond that definition or supports the approach that it advocates. The banding system on the Council's HNR has grown out of custom and practice in dealing with its statutory duties in maintaining a housing register, not its planning and development control functions (Doc. DP21).

*Third Party Opposition*

135. Much has been made of the alleged mass opposition to the Eco-Village. The two local MPs have aligned themselves with the Council and SDPNT to oppose the scheme. SDPNT is a group with a statistically inconsequential local subscription representing just 1.5% of Cranleigh residents and 2.5% of the residents from the local villages which it says would be most affected (Docs. RSP12 & CD D20). This is particularly telling given the extent of publicity which SDPNT has put out and the one-sided nature of that publicity.
136. The fact that public opinion is not nearly as one-sided as SDPNT makes out has been demonstrated by those who have spoken in favour of the scheme. These have included political organisations, the former MP for the constituency and the former Planning Portfolio Holder for the Council. For the first time ever, FoE supports a commercial development, as does the local Environmental Forum. Local residents have voiced their support alongside others who have spoken of their desperate need for an affordable home. The Cranleigh Chamber of Trade and Commerce has expressed the support of local businesses. The TCPA has endorsed the scheme's low carbon measures. This remarkable alliance of people from all walks of life understands the need for change and provides a constituency of good sense that should be listened to.
137. In any event, the planning system is not a plebiscite. What matters is whether on the basis of evidence it has been substantiated that significant harmful impacts dictate a refusal. That is not the case here. The reality is that the objectors have entrenched themselves and no amount of detailed evidence would ever budge them from their views – a point demonstrated by the responses given by SDPNT witnesses and the two MPs when they were asked whether they had read the Appellants' proofs of evidence. Without exception they had not. The fact that they felt no need to consider the evidence before the Inquiry speaks volumes.
138. The SEP Panel cautioned against placing "too much weight on the results of consultation with existing residents" as this "inevitably... gives no voice to those of the next generation who will be seeking homes within the plan period, and no voice to those who may need to or wish to move to this region to take up job opportunities" (Doc. CD B3a).

139. These remarks are particularly telling. Those who have comfortable homes in the countryside do not necessarily have at the forefront of their minds the needs of those who cannot afford a decent home of their own. Thus some of the objectors expressly questioned the principle of affordable housing, whilst the remainder paid only lip service to the issue and several including CPRE and Anne Milton MP objected to the overall housing targets in the draft South East Plan which form the necessary context for this appeal. Their evidence should be viewed in that light.

### *Conclusions*

140. The Eco-Village is capable of delivering 2,601 homes whilst at the same time being remarkably visually contained and providing genuine enhancement of the local landscape and ecology. The Council has not suggested that this would be possible at any other potential site in the Borough. The Council's landscape objection takes points which were not taken by its own internal landscape expert and fails to give proper consideration to the landscape enhancements that the Eco-Village would deliver. Far from being a negative point in the overall planning balance, the landscape and ecology issues in this case weigh significantly in favour of the scheme.

141. The Eco-Village represents an opportunity to start making inroads into the huge backlog of unmet housing needs, to provide decent, affordable, homes to many hundreds of people who otherwise would have no hope of ever having their own roof over their heads and to tackle the corrosive divide between those who have and those who have not.

142. The Government's belief is that climate change is the greatest long-term challenge facing the world today. Addressing climate change is its principal concern for sustainable development. The Eco-village would be a truly mixed use, sustainable, new community. It would show how we can live and work in a low carbon community. The Eco-Village would be studied internationally. It would give the lie to all who say that we cannot change our ways. Accordingly the Secretary of State is asked to grant planning permission.

### **THE CASE FOR WAVERLEY BOROUGH COUNCIL**

The Council's case is summarised in its closing submissions (Document LPA18), the salient points of which are:

143. The Appellants characterise the scheme as a once in a generation opportunity to provide much needed homes and jobs and to tackle the ever more pressing issue of climate change. Planning law and policy require it to be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point is the development plan. It is necessary to consider the merits of the scheme by assessing whether it accords with the spatial strategy set out in that plan, whether it satisfies other relevant policies, the harm resulting from policy conflicts and whether there are any significant benefits which might weigh in its favour.

144. The statutory development plan currently comprises the saved policies of the 2004 Surrey Structure Plan (Doc. CD C1) and the 2002 Waverley Local Plan (Doc. CD D1) and, at regional level, the South East Plan (Doc. CD B4).

145. Although it remains necessary to consider the performance of the appeal scheme in relation to the locational strategy for new development in South West Surrey as set out in the saved SP and LP policies, the main focus is on the performance of the appeal scheme against the spatial strategy for the region set out in chapter 4 of the SEP.
146. Given the scale and significance of the proposed development, one of the largest housing projects in the South East, it is right to have that focus. A sense of its scale may be gained by comparing it with the East Street Regeneration Scheme in Farnham, itself a major development in the context of Waverley, where the number of dwellings is in the low hundreds. The appeal scheme proposes 2,500 dwellings with a projected population of nearly 7,000 people. It is proposed to increase the size of the existing commercial estate on site, already the largest in Waverley, from 45,000sqm to 60,000sqm. The appeal scheme therefore proposes mixed used development of a size and scale not previously seen in Waverley.
147. In paragraph 26.80 of its Report the SEP Panel (Doc. CD B3a) described the parts of Surrey lying outside the London Fringe and Gatwick Area sub-regions as mainly rural with a pattern of dispersed settlements. The appeal site is in that rural area, in largely undeveloped countryside of South West Surrey surrounded by such dispersed settlements as the villages of Alfold, Dunsfold and Hascombe.

*Impact on Traffic*

148. The Appellants say that the mix of uses they propose would reduce the amount of vehicular traffic travelling to and from the new settlement and that their sustainable transport strategy will reduce it further. The scheme is still likely to generate at least 12,000 daily vehicular trips onto the surrounding road network in addition to the 2,500 trips generated by the commercial activities already on the appeal site which will be subsumed into the proposed new settlement.
149. The overall daily external vehicular trips generated by the new settlement would therefore be in the order of 14,500. The net result is that the overall daily external vehicular trips generated by the proposed development - some 14,250 trips per day allowing for a reduction of 10% in existing vehicular trips due to the proposed travel plan - will actually be no less than a typical development of its size.
150. The additional journeys are likely to consist largely of trips to and from work or for shopping, leisure and other community purposes. The nearest higher order service centre is Cranleigh, about 6 km away. It can be assumed that most of those in the new settlement not working on site would probably be employed in one of the nearest centres in Guildford (18km), Godalming (15km) or Horsham (18km) as well as in London or Reading.
151. That indicates the scale of increase in travel by car, in terms of net daily additions to the road network and the lengths of journeys, that is likely to result from this proposed development. This assumes that the trip reductions claimed by the appellant will actually happen. There are sound reasons for doubting this so the figures given above should be seen as the minimum. The actual number is likely to be significantly greater.

*Visual Impact*

152. In addition to the existing industrial estate in the northern part of the site the major built component of the new settlement would be situated on the operational area of the aerodrome (runways, aprons and taxi ways). That area must be kept free from any significant buildings if the aerodrome is to continue to function for aviation activities. The Appellants propose to continue the aviation use if the appeal fails, in which case the central operational area of the aerodrome would remain substantially free from new buildings.
153. In a recent planning appeal relating to this site the Inspector said of the view from the top of Hascombe Hill: "Dunsfold Park is seen as a wide open space set amongst fairly unspoiled countryside which stretches to the distant South Downs. The main Airfield buildings are mostly screened by trees, whilst sporadic signs of activity are visible along the south eastern edge of the Park, the central part of the site appears to be largely undeveloped. Three runways criss-cross the grass, but these are dark and inoffensive".
154. The buildings in the northern part of the site are mostly screened by trees. The appeal scheme would bring a change to the largely undeveloped central and eastern sector in the form of a major new settlement, which would be clearly visible from Hascombe Hill. Hascombe Hill is one of the Greensand Hills, views from which have been described as "amongst the best and most diverse in England". The current statutory AONB Management Plan says that there are few opportunities to enjoy views from the Greensand Ridge and that the quality of them is often diminished by developments outside the AONB. It is common ground that the major new build component of the appeal scheme would be seen from Hascombe Hill and would have a significant and negative impact on that view. That development and its impact would be irreversible.
155. It is only the granting of planning permission for the appeal scheme that is likely to lead to this situation. Otherwise, the probability is that area will remain substantially in its present state.

*The Development Plan: Location Strategy*

156. In a plan led approach it is necessary to consider whether, having regard to its key characteristics, the proposed development accords with the spatial and locational policies of the development plan. For the reasons given above, the focus should be on the spatial strategy in chapter 4 of SEP although the position under the SSP is also relevant.
157. The Spatial Strategy for the South East for the period until 2026 is summed up in the 6 principles on page 19 of the SEP. The focus for growth will be on 9 sub-regions (SP1), on identified regional hubs which include Guildford (SP2) and more generally through pursuing a continuing strategy of urban focus and urban renaissance by encouraging accessible mixed use development in the region's network of town centres and seeking high quality built environment in all areas (SP3).
158. The corollary to that focus for growth is stated in spatial principles 5 and 6, which seek to respect and maintain the general pattern of the South East's settlements and undeveloped areas and to balance support for the vitality and character of the region's rural areas with protecting the valuable natural assets of the region.

159. The spatial strategy is further explained in SEP paragraphs 4.22, 4.23 and Box SP3 on pages 32 and 33. Paragraph 4.22 says that, whilst the Plan seeks to focus new development into and around existing larger settlements there remains a need to recognise that some limited local development may be needed outside these areas to support rural communities.
160. This is given expression in a number of policies mentioned in Box SP3 (page 34). Policies BE4 and BE5 which provide for the role of new development in small rural towns (such as Cranleigh) and villages (such as Alford and Dunsfold) (Doc. CD B4). Such settlements are not seen as the main focus for development (paragraph 12.13). Rather, the planning process should seek to bring forward appropriate development in small rural towns and villages to provide sufficient housing (including affordable housing) to meet identified local needs and maintain and protect their economic and social vitality and character.
161. This essential balance between the focus for growth to meet regional needs being on identified sub-regional centres, hubs and urban areas, with rural settlements have a subsidiary and limited function focused upon meeting identified local needs, is then maintained and applied in Surrey and Waverley. Thus, parts of northern Surrey, including Guildford and Woking, are identified as growth areas within the London Fringe (Chapter 20 page 247 of CD B4). North East Guildford is proposed as the location for a sustainable urban extension (the Slyfield proposal – policy LFS – page 252).
162. In contrast, chapter 25 identifies Waverley as lying outside any sub-regional growth area (page 294). Policy AOSR4 of the SEP provides for 5,000 new homes in Waverley Borough during the period 2006-2026 or 250 dwellings per year (dpa). The thinking behind that requirement is to be found in paragraphs 26.80 and 26.83-85 of the Panel Report (Doc. CD B3a), which was accepted by the Secretary of State as the basis for a modest increase in Waverley's housing requirement of 400 dwellings over the 20 year lifetime of the Plan.
163. The Secretary of State has therefore accepted that Waverley has a very limited potential to contribute more than the initial requirement of 4,600 extra homes in a sustainable manner. There would be scope for a small uplift in the housing requirement, because "there has been evident success in out-stripping the RPG9 requirements and providing high quality, higher density redevelopment in the main towns". A "small increment" above the draft Plan figure of 230 dpa "could help meet wider regional housing needs without adding unacceptably to car based commuting". This small increase would be achieved first within urban areas or, failing that, through "small adjustments to urban boundaries that would not conflict with MGB, AONB or other environmental designations". That merited an upwards adjustment from 230 to 250 dpa, and from 4,600 to 5,000 dwellings over the 20 year life of the Plan.
164. The Appellants rely heavily on the contention that the housing requirements stated in Policy H1 of the SEP (CD B4 page 63) are expressed as minima and that the Secretary of State has introduced Policy H2, which identifies a range of initiatives that requires local planning authorities are required to consider in order to increase supply. They also rely upon the wider policy context of a Government pushing for increases in overall housing supply to meet needs in the South East and, in particular, affordable housing.

165. These points need to be considered with a due sense of proportion and in the context of the Panel's reasoning, endorsed by the Secretary of State, as to the very limited prospects for increasing housing supply in a sustainable manner in the borough of Waverley. The Secretary of State accepted the Panel's finding that the that the modest increase of 250 dpa in required supply will itself require the Borough to push hard against its sustainable capacity over the lifetime of the Plan.
166. Moreover, in reaching that judgment both the Panel and the Secretary of State had regard to Dunsfold Park as a potential location for major new housing development during the Plan period (Doc. CD B3a). The Panel must have had in mind the opportunity to contribute to meeting affordable housing needs and the potential for introducing sustainable transport measure because that was the basis of the bid, but it was not persuaded that the case had been made. The Secretary of State, who also knew about Dunsfold Park as a result of her consideration of the 2008 bid for Eco-Town status, saw no reason to disagree with the Panel's assessment.
167. The assertion that the EIP Panel somehow misdirected itself when considering the Appellants' case for including the appeal site as a location for major mixed use development in the SEP or acted in ignorance of its true merits is without foundation. It is clear from the Appellants' submission that the essential components of the case for a new settlement at Dunsfold Park were before the Panel. Likewise, the submitted eco-town bid provided a detailed account of the essential components of the appeal scheme, including those relating to the Sustainable Transport Strategy. The suggestion that the Panel somehow exceeded its remit is equally without substance. The Panel accurately identifies the case which it was invited by the Appellants to consider, in paragraph 26.86 of its Report. That case and the Panel's treatment of it, which was concerned with the broad suitability of Dunsfold Park as a location for strategically significant housing and commercial development, was in keeping with paragraphs 1.16 and 1.17 of PPS11.
168. The correct conclusion to draw from the Panel's Report and the Secretary of State's acceptance of its reasoning is that there is no expectation of housing supply in excess of the stated regional requirement of 250 dpa being achieved in Waverley over the period of the Plan. Moreover, the supply of affordable housing through the planning process is expected to be achieved principally as a component of that overall supply, in accordance with Policy H3 of the SEP (Doc. CD B4). The only significant addition to the principal source of supply identified under Policy H3 is that the Council is expected to continue to work with local communities in rural areas to secure small scale affordable housing sites within or well-related to settlements, possibly including land which would not otherwise be released for development (Policy H3(v)).
169. Consideration of the individual components of SEP Policy H2 in the Waverley context shows that this is the correct conclusion to draw. There are no Eco-Town proposals for Waverley. It is not identified as a Growth Area or New Growth Point. There are no strategic locations identified in Waverley. Nor, apart from Dunsfold Park, the case for which as a new settlement had already been considered by the Panel and the Secretary of State, is there any identified opportunity for additional supply on previously developed land. Milford Hospital, GKS and East Street, Farnham have already been included in the housing supply under the Local Plan or the 2008 Annual Monitoring Report.



170. The evidence shows that the successful delivery of high quality, high density housing within the urban areas of the Borough, which the Panel and the Secretary of State accepted in paragraph 26.85 of CD B3a, has continued to deliver new dwellings commensurate with but not greatly in excess of the Panel's expectations when it reported to the Secretary of State. The figure of 920 completions achieved between 2006 and the end of January 2009 is comfortably but not greatly in excess of regional requirements. It suggests that the role for Waverley in terms of regional housing supply, which was recommended by the Panel and accepted by the Secretary of State as the basis for Policy AOSR4 draws the right balance. The Borough has the ability to deliver new housing on a sustainable basis. It has consistently been able to deliver housing supply on that basis to meet strategic requirements.
171. Regional policy expects affordable housing to continue to come forward principally as a percentage component of overall supply (Doc. CD B4 Policy H3ii-iv). The evidence shows that supply through that source – 70-80 units a year against a regional housing requirement of 250 dpa – has approached regional expectations for Waverley. The Council has successfully delivered a number of affordable schemes to meet local needs in the countryside through its rural exceptions policy. That initiative is expected to continue under Policy H3(v) of the SEP and continues to be informed by local, parish-based assessments of identified housing need.
172. The various components of the RSS are supported by the transport planning policies in chapter 8 of the SEP. Policy T1 seeks to support the spatial strategy by facilitating urban renewal and urban renaissance as a means of achieving a more sustainable pattern of development. Policy T7 seeks to improve accessibility in rural areas whilst recognising that, in those areas, the car will continue to provide the primary mode of travel.
173. It is the comparatively greater accessibility of existing urban areas and the greater opportunities which they offer for real modal shift away from use of the private car which underpins the regional spatial strategy and its urban focus. That is also the logic of national transport planning policy as set out in paragraphs 4 to 6 of PPG13.
174. The Council's comparative assessment of travel to work patterns in Guildford and the area around the appeal site bears this out, as does its accession modelling in relation to the Slyfield development north east of Guildford and the appeal site. The urban focus is critical to delivering the behavioural changes sought by the SEP through its cross cutting policies (Chapter 5 of CD B4 and, in particular, Policy CC2 on climate change).
175. Behavioural change through modal shift from the private car to public transport, walking and cycling remains fundamental to national and regional policy for meeting the challenge of climate change. In order to deliver sustainable development and a full and appropriate response on climate change, a Key Planning Objective of PPS 1 Supplement is the preparation of spatial strategies which – "deliver patterns of urban growth and sustainable rural developments that help secure the fullest possible use of sustainable transport for moving freight, public transport, cycling and walking; and, which overall, reduce the need to travel, especially by car".

176. That key objective is carried forward in SEP Policy CC2 (Doc. CD B4) and is fundamental to the urban focus in Policy SP3. Underlying it is the recognition by Government that the best chance of encouraging significant and sustained modal shift is through building upon existing patterns of development and centres of population. They provide opportunities for travel, particularly to and from work, on foot, by bicycle and by public transport. It is when such opportunities exist and there is sufficient critical mass of population, employment, services and community facilities that the prospect of genuine and sustained behavioural change arises. This can be encouraged through a combination of incentives and opportunities, such as improving and extending public transport, pedestrian and cycle provision, and measures to discourage car use.
177. There is no parallel between the Appellant's Sustainable Transport Strategy and the London Congestion Charge. London is the largest conurbation in the country. It offers both critical mass in terms of population, services, employment and so forth, together with high levels of accessibility on foot, cycle and public transport, and is highly constrained by traffic congestion and the resulting inconvenience to car commuters. In those circumstances, road charging and limiting parking provision offer a genuine prospect of increasing modal shift. Likewise, focusing new development primarily in or very close to existing urban areas offers the best prospect of modal shift away from the private car.
178. The appeal site does not offer that prospect. There is no existing transport infrastructure to build upon. The site is presently almost entirely dependent upon the private car. The scheme offers only limited self containment in terms of housing, employment, services, shops and community facilities. It lacks the critical mass to reduce daily vehicular trips below 14,000 even if the Sustainable Transport Strategy works as well as the Appellants predict. Those trips will involve travel by car to higher order centres precisely because the appeal site cannot offer the functions for which those trips will be made. Those higher order centres or other destinations remote from the appeal site, to or from which those trips are made, cannot reasonably be expected to be accessed by walking, cycling or via public transport.
179. The spatial strategy of the SEP therefore lends no support to the provision of major housing and commercial development of the proposed scale and size in this rural area of South West Surrey. On the contrary, the scheme is fundamentally in conflict with that strategy.
180. The Panel concluded that it would seriously unbalance the regional strategy and be likely to remain unsustainable. It would give rise to very serious harm, particularly in its conflict with the locational principles for major development and with the sustainable transport objectives for which those principles have been developed. It would run contrary to the objective of delivering sustainable patterns of development which offer high levels of accessibility and thereby serve significantly to influence travel behaviour and encourage genuine and sustained modal shift. It would, relative to the delivery of major housing and employment development at this scale and size through the urban focus of the SEP, substantially increase rather than reduce the number and length of journeys by private car.

181. The appeal scheme fares no better when considered in relation to the saved spatial strategy of the 2004 SSP. The spatial strategy in Chapter 1 of that Plan (Doc. CD C1) anticipates the urban focus and limited role for rural settlements in delivering new housing and employment development which now forms the basis for the SEP. This is reflected in the spatial strategy for the South West Surrey sub area (page 25). The locational policies themselves foresee limited development being permitted to support the vitality of rural settlements and that major development in the open countryside will be inappropriate. This approach is then applied to South West Surrey in Policy LO1. The appeal scheme is completely at odds with this strategy.
182. The spatial strategy of the SEP has been promulgated by the Secretary of State in the context of current national planning policy guidance on the significance of regional spatial planning and its fundamental role in leading the pattern of sustainable major development (PPS1 paragraphs 13(iii) and 32). It reflects the policy context for planning and climate change set out in PPS 1 Supplement and the Secretary of State has not indicated that the SEP requires any early review in the light of that national policy guidance. There are no inconsistencies between the SEP spatial strategy and PPS 1 Supplement.
183. It is true that the PPS1 Supplement now looks to a broader based assessment of sustainability than the principles of sustainable transport planning as set out in paragraphs 4 to 6 of PPG13. However, it does not follow that the principles of sustainable transport planning have become any less fundamental to the task of planning to get the right development in the right place at the right time (PPS1 paragraph 1). Confirmation of that fact is given by paragraph 9 of PPS 1 Supplement.
184. Thus major development, which fails to accord with the principles of sustainable transport planning, by virtue of being proposed at a scale and in a location which fails both to offer the prospect of high levels of accessibility by walking cycling and public transport, and of a requisite reduction in the need to travel especially by car, is not saved by virtue of the fact that it does achieve sustainability in other respects. National planning policy requires such development to satisfy the requirements of sustainable transport planning as well as a wider portfolio of climate change related policy requirements in relation to energy and resource efficiency and reduction in emissions. That is clear from paragraph 9 of PPS 1 Supplement.
185. That is also the requirement of the SEP – hence the framework of cross cutting policies promulgated in Chapter 5 of the Plan (CD B4 page 37). Conversely, any significant housing and employment development scheme in the South East must expect to meet the wide range of sustainability requirements introduced by those cross cutting policies (including sustainable transport requirements) in order to plan for the challenge of climate change, if it is to attract a favourable determination through the planning process. For example, the SEP makes clear (CD B4 Policy CC2 and paragraph 5.2) that policy requires sustainable construction to a requisite level of low carbon performance to be achieved in accordance with national targets as set out in the 2007 Housing Green Paper (CD A30 pages 64-66)). It follows that, because of the scheme's severe limitations as regards sustainable transport planning, the Appellants can not legitimately claim to meet the requirements and objectives of national or regional policy on planning for climate change.

186. Moreover, they are wrong in principle to assert the good performance of the appeal scheme in relation to renewable energy, sustainable construction and resource efficiency as material considerations which weigh in favour of the appeal scheme against its poor performance in respect of the spatial strategy of the development plan. On the contrary, that good performance is in itself a policy requirement of the SEP. According with that aspect of the SEP does not cure the appeal scheme's fundamental inability to accord with the spatial strategy of the Plan and the principles of sustainable transport planning upon which that strategy is founded. That very limited degree of accordance with requirements of the SEP that apply across the region by virtue of cross cutting policies, cannot reasonably be held out as exemplary.
187. It follows that the comparison of the appeal scheme's green credentials with other existing and proposed developments in the UK and elsewhere is based on a false premise because it does not take account of the regional spatial strategy and cross cutting policy requirements of the SEP. In a plan led system of development control, the merits and performance of a proposed scheme are measured against the policies of the development plan. Given that there is a comprehensive planning policy framework against which to consider the merits of the appeal scheme, it is irrelevant to seek to measure its performance against developments elsewhere which have not been processed in accordance with development plan policies. Either the appeal scheme is acceptable on its merits or it is not. It is of no consequence that it may be more or less acceptable than other schemes elsewhere.
188. In examining whether Policy C2 of the Waverley Local Plan (CD D1) remains consistent with more recent national planning policy the Appellants have pointed out that PPS7 demands that policies for the protection of areas of the countryside should now be criteria based rather than simply being a blanket constraint. That they are plainly correct is borne out by the appeal decision letter to which they refer but it does not follow that the appeal scheme derives any significant support from the policies of PPS7. In fact the contrary is the case. Paragraphs 14 to 20 of PPS7 lend no support to development of the size and scale proposed under the appeal scheme in the largely undeveloped countryside that separates Cranleigh, Dunsfold and Alfold.
189. Conversely, paragraphs 17 and 18 of PPS7 do support the re-use of buildings in the countryside. That is essentially what has happened at the appeal site, apparently successfully from a commercial perspective, since the Appellants acquired the redundant aerodrome from BAe. A framework of temporary planning permissions enables the Appellants to operate the site as an industrial and commercial enterprise until 2018, subject to appropriate environmental controls.
190. They also have permanent planning permission for aviation activities and there is planning policy support for the principle of continuing those activities subject to proper environmental controls. Numerous people have given evidence to this inquiry indicating that the resumption of aviation activities at levels corresponding to those experienced during BAe's days would be acceptable. That is the intended effect of the conditional controls imposed by the permanent and temporary planning permissions to which the Appellants would fall back in the event of the failure of this appeal.

191. The planning process has established a framework for development and use of the appeal site which accords with national planning policy for the reuse of previously developed land and buildings in the countryside, which reflects its historical development and use and responds sympathetically to the impact of those uses on the rural environment and the amenities of local residents. It provides for the beneficial current and future use of the appeal site should the current appeal fail and allows sufficient time for the local planning authority to complete its Core Strategy and Local Development Documents embracing policies for the future development and use of the appeal site. By contrast, the appeal scheme does none of these things.
192. PPS3 also lends no support to the claims of the appeal site to be a suitable location for major residential development of the size and scale proposed under the appeal scheme than does the SEP. Paragraph 37 emphasises the need for regional policies to direct major housing development toward locations which enjoy good public transport accessibility and/or good access to non car modes such as walking and cycling. That paragraph also requires consideration at regional level of options for accommodating substantial housing growth where need and demand are high. The SEP has addressed those matters and its spatial strategy reflects that process.
193. Debate as to what extent the appeal site satisfies the definition of previously developed land in Annex B to PPS3 is largely unnecessary. Firstly, large areas of the site, although arguably developed, are certainly not built upon to any significant extent. They include the central and eastern sector which would be the main location for the new settlement. Secondly, the definition makes clear that the fact that the appeal site may be previously developed land does not relieve the Secretary of State of the need to consider its suitability for residential development on the scale proposed.
194. During the course of the Inquiry, the Government has announced that it intends to publish draft planning policy statements addressing issues and recommendations in the Taylor report. No significant weight can be attached to these matters at this stage for development control purposes. In any event, the Appellants' claim that Taylor's "hub and spoke" concept assists the claims of the appeal scheme is plainly wrong. Taylor envisages a form of urban extension embracing aspects of the garden city with liberal quantities of public open space and proper local services within the extension itself. Quite clearly the appeal site cannot achieve that kind of relationship with Cranleigh, because it is too far away and is separated from it by the A281. There is no prospect of establishing the levels of accessibility between the appeal site and Cranleigh which Taylor has in mind in paragraph 42 of his report (CD A52 page 70).
195. The Eco-Towns programme and its draft PPS are a red herring. The Appellants' bid for the inclusion of their scheme in that programme was rejected because the scheme lacked the critical mass necessary to deliver the degree of self-containment sought by the Secretary of State for these exemplary new settlements. That reasoning is consistent with the poor performance of the appeal scheme against the regional spatial strategy of the SEP. As the appeal scheme was not selected for the eco-towns programme there is no merit in revisiting that process through this appeal by purporting to "benchmark" it against aspects of the emerging eco-towns PPS. Nor is there any merit in speculating about what might be meant by paragraph 4.1 of the draft PPS and whether it might have affected the prospects of the failed eco-town bid.

196. The merits of the appeal scheme fall to be determined by reference to the policies of the development plan including the policies of the South East Plan. No assistance may be gained by reference to a Delphic paragraph in draft national policy guidance in relation to a specific programme which does not include the appeal site or the appeal scheme.
197. The proposal to develop a new settlement at the appeal site gains no support from the Structure or Local Plans, from the SEP or from statements of relevant national planning policy. It is in fact in clear conflict with fundamental aspects of spatial planning policy at regional level and with key principles and objectives of national planning policy. These reasons alone and the very serious harm resulting from them merit the refusal of planning permission.
198. A number of further points tell convincingly against the proposed development. There are two main issues in relation to transport planning – the transport sustainability of the appeal scheme particularly in relation to its accessibility, the prospects for modal shift and the degree to which the proposals would lead to an overall reduction in the need to travel. The allowance made for these matters by the Appellants' own predictions results in a degree of traffic generation on a daily basis that compares unfavourably against key transport planning objectives. This can be seen by relating the performance of the appeal site in terms of journey to work and accessibility by non car modes to that of the proposed major Slyfield urban extension site in Guildford under the spatial strategy of the South East Plan. This relative assessment provides a useful yardstick to get some measurable sense of why the spatial strategy does not support major residential and commercial development at a location such as the appeal site.
199. The key message from this exercise is that in the area of the appeal site, 65% of people drive to work, as compared to 53% in Guildford. Moreover, those travelling to work from the area around the appeal site travel a further distance of 88% by all modes, including by car, than their urban counterparts. This indicates the likelihood of considerably longer greater car based commuting journeys from and to the appeal site, by comparison with a location that meets the urban focus of the regional spatial strategy. This form of analysis has been accepted by the Inspector and the Secretary of State in determination of the Cranleigh Brick and Tile appeal.
200. The Council has also followed national guidance on transport assessment to consider the level of accessibility of the appeal site in comparison to the urban extension site. This assessment demonstrates the relatively poor accessibility of the appeal site in relation to higher order centres by comparison with the urban extension site. Again, it illustrates the likelihood of a significantly greater number of car journeys over longer distances than those resulting from the urban focus of the spatial strategy. It supports the regional strategy of limiting development in rural areas to local needs and lends no support to major residential development in a location such as the appeal site.
201. The Council's position may be summarised as follows. Firstly, the emphasis of national and regional policy is upon major development being supported by high accessibility by non-car modes and on promoting modal shift away from the private car. Secondly, the appeal site begins from a base of inaccessibility for functional trips other than by private car.

202. Thirdly, the appeal scheme will achieve a limited degree of self-containment and to that extent provide for walking, cycling and public transport accessibility to residents. Fourthly, the considerable need to travel to and from higher order centres for a wide range of functional trips is demonstrated by the predicted daily external trips. Fifthly, for those purposes, neither walking nor cycling by road will be a realistic or attractive option. Cranleigh is too far away (over 5 km) to walk and beyond an acceptable cycling distance by road.
203. Furthermore, the proposed off road cycle route depends for its provision upon the upgrading of a footpath to a bridleway (or cycle track) and the down grading and resurfacing of a green lane currently enjoying the status of Byway Open to All Traffic (BOAT). The route also involves some steep gradients. The change in status of the footpath would require a modification order to be made and confirmed under the Wildlife and Countryside Act 1981. There would be the prospect of objection to that change and the need to evaluate whether the modification was justified. The position is therefore uncertain. As to the BOAT, there might be the need either for a modification order to downgrade it to exclude vehicular traffic, or a traffic regulation order or proceedings in the magistrates' courts under the Highways Act 1980 to stop up vehicular rights.
204. The replacement of the green lane with a hard surface usable by cyclists would also require administrative action raising the prospect of objection and again, the position is uncertain. This is not because of unwillingness by the County Council to promote such changes but is a simple recognition of the existence of these separate statutory processes and the need to pursue them with no certainty of outcome. The upshot is that, acting reasonably, the Secretary of State can only view the prospects of securing the proposed dedicated cycle route to Cranleigh as uncertain. That in turn casts doubt on the Appellants achieving the degree of modal shift which they predict and so raises the prospect that the level of daily external vehicular traffic to and from the new settlement would increase.
205. A similar prospect arises in relation to the proposed bus services (no rail provision is available). They will run at a loss and the Appellants propose to subsidise them from monies received from the cordon charge and the employee parking charges. However, given the relatively long distance to higher order centres there is a real risk that residents and commuters will see these charges as a form of taxation which they will bear in order to continue to use their cars. The virtuous circle then becomes a vicious circle with empty buses serving very few people and increasing numbers and lengths of private car journeys to and from the new settlement, adding to carbon emissions, adding to the disturbance of rural communities along rural roads and adding further to congestion on those roads.
206. In short, the figure of 14,000 daily external vehicular trips generated by the development is likely to be a significant under estimate. The carrot of public transport provision and opportunities for walking and cycling is limited due to the location and limited degree of self containment offered by the appeal scheme. The stick of cordon charging and employee parking charges is untried in such a rural location or in relation to a free standing settlement. There is considerable doubt as to how far the transport strategy is actually likely to succeed.

207. The second main concern is the likely impact on the surrounding road network of the traffic generated by the new settlement. This relates not only to the ability of the road network to safely accommodate the increased traffic but also to the environmental impacts of such increased traffic on minor and rural roads in the area surrounding the appeal site. These matters are of particular concern to local people.
208. An assessment of the performance of the surrounding road network following the projected completion of the proposed development in 2022 necessarily depends upon a number of assumptions, some of which can be modelled, and the need for an overall judgment, which allows for the range of results thrown up by the modelled assessments and observation of the present situation. A degree of caution is therefore merited.
209. The position can be summarised as follows. Firstly, the location of major development of the scale and size proposed is likely to put significant additional strain on an already congested road network in 2022. Secondly, that is likely to lead to drivers making travel choices and route choices to avoid queues leading in turn to longer car journeys. This would cause environmental harm to minor rural roads and would harm residential amenity in local villages. Thirdly, it would disrupt bus services including those proposed under the appeal scheme, leading to the need to re-route buses. Fourthly, it would cut across initiatives in the Local Transport Plan that seek to manage and reduce traffic growth and congestion by influencing travel choices.
210. There is also a range of views amongst the experts about the degree to which peak hour traffic would increase in 2022 as a result of the appeal scheme. The upshot of this is that the predictions of the various experts should properly be seen as representing a range of views as to the likely degree of traffic generated on the surrounding road network by the appeal scheme. The Appellants' significantly lower figures should be seen in that context.
211. The Council's overall case is that the appeal scheme is likely to perform poorly in terms of accessibility, modal shift and overall reduction in the number and length of journeys by car to and from the site. The scheme would also be likely to result in the unacceptable worsening of conditions on the surrounding roads, both in terms of congestion and consequential environmental impacts and loss of amenity in the surrounding countryside and villages.

#### *The Appearance of the Countryside*

212. It is quite right that the principal focus of concern to have emerged at the inquiry in relation to this issue is the impact of the appeal scheme in the view from Hascombe Hill. That is entirely appropriate, given the great importance of that view from within the AONB as attested to by the AONB Management Plan and for the reasons referred to above. The Management Plan also raises a concern about the diminishing number of such valuable views from within the Surrey Hills AONB (Doc. CD C12) and promulgates policy seeking to ensure that new development respects landscape character when it impinges on significant views and where artificial light is being introduced. These objectives reflect national and regional planning policy for the protection of AONBs as nationally important areas of natural beauty and landscape.



213. It is right to regard the harmful impact of the scheme on this valuable and sensitive public amenity as a major concern that adds substantially to the case for refusing planning permission. Once lost, important and highly valued views such as this cannot be regained. Such matters go to the heart of good planning and its role in ensuring that the right development goes in the right place. To allow new building of the scale proposed in this location would bring planning into disrepute. It would imply that the process is unable to draw a proper balance between the needs of development and the protection of that which is identified and of genuine value and quality in our rural landscape. This view deserves protection from the major adverse change that would inevitably result from the construction of this new settlement.
214. Nor is it legitimate to seek to trade off the proposed country park against this major adverse change. This and other views require protection from that change, not man made embellishment of elements that do not presently diminish its quality. The airfield appears as largely undeveloped land in the countryside and should be allowed to remain so, as is likely to happen if this appeal is rejected.
215. Finally, the Council does not accept that the provision of a country park as part of the development should be regarded as a benefit to which significant weight should be attached. There is no identified need for public open space in this area. The country park, along with the other open space and landscaping proposals should be viewed as a necessary concomitant of the proposed new settlement. While welcome in that respect they do not weigh against the policy objections to the new settlement or the harm resulting from it.

#### *Housing Land Supply*

216. This issue really breaks down into two questions. The first is to identify what the Council must show in order to satisfy the requirements of national planning policy in the context of development control. The second is whether the evidence establishes a sufficient supply of housing land for that purpose.
217. As to the first question, the requirements set out in paragraphs 68 to 74 of PPS 3 are clear. The focus is on the need to show an up to date 5 year supply of deliverable housing sites. The relevant considerations – availability, suitability and achievability – are set out in paragraph 54. As to whether the Council is able to show an up to date 5 year supply, a number of important points of context fall to be made.
218. The Council has been successful in delivering its housing supply requirements. That was the finding of the EIP Panel in paragraph 26.85 of its report, which was accepted by the Secretary of State. That record of success continues in relation to the first few years of the SEP despite the increase in its housing supply requirements. 920 units have been delivered in the first 3 years of the Plan. It is agreed that there is a sufficient supply of deliverable sites to meet the requirements of the SSP for its remaining lifetime to 2016. The Council's most recent annual monitoring report (2008) identifies a sufficient supply of sites to meet SEP requirements (1300 units to meet a residual 5 year requirement of 1217. The sole issue as to suitability relates to Milford Hospital, where the difference of view is 60 units.

219. The Council does not rely on windfalls. The sites relied upon for the 5 year supply are all allocated in the development plan and have either planning permission or a resolution to grant permission. The Secretary of State has twice concluded in the past year (Docs. CD O3a and CD O3d) that there are enough housing sites in Waverley to meet 5 year supply requirements. The Appellants' case is not that the appeal scheme would make a significant contribution towards supply during the 5 years under consideration (i.e. 2009-2014) but that it would provide the major part of the residual supply from year 6 onwards - the remaining lifetime of the SEP. There is no evidence to suggest an urgent shortfall in the 5 year housing supply in Waverley.
220. Two points flow from that. Firstly, the Harry Stoke appeal decision (Doc. CD O3e) has no bearing on the present appeal. That decision related to an allocated housing site in an area where there was an acknowledged urgent shortfall in housing supply. Neither circumstance is true of Dunsfold Park. Secondly, it would be wrong in principle to permit the appeal scheme to proceed, given that it is not an allocated housing site and is unlikely to make a significant contribution to housing supply until after the 5 year period has elapsed. The obvious intention of paragraph 71 of PPS3 is to give favourable consideration to housing schemes which can significantly contribute to any identified shortfalls in the 5 year supply, not to schemes that are unable to do so. Given the fundamental problems with the appeal scheme in the light of its performance against the regional spatial strategy, national policy and on sustainable transport grounds, it would be quite inappropriate to see it as a suitable candidate to service any identified shortfall in housing supply.

#### *The Disputed Sites*

221. Against that background, with the exception of Milford Hospital, the issue between the Council and the Appellants relates to whether, or to what extent, development on the various sites could be achieved within the 5 year period. As paragraph 54 of PPS3 makes clear, the relevant question is whether there is a reasonable prospect that housing will be delivered on the site within 5 years.
222. The Brighton Road site is occupied by a commercial concern which is actively looking to relocate and to release the site for housing development. There is no good reason to doubt that it will achieve this within 5 years. The Langham Park site and the Godalming Key Site are in common ownership and allocated for housing. In refusing planning permission on design grounds in 2008, the Secretary of State was content nevertheless to include both sites within the 5 year supply (Doc. CD O13d) and there is no good reason to take a different view now. Planning permission is being actively sought for the allocated site at Bourne Mill. There is a need to provide a suitable access but there are at least two possible options and there is a reasonable prospect that within 5 years it will have delivered 35 units. The issue at Milford Hospital is the suitability of this allocated site for housing. It is a site which has been identified in the Local Plan as a major developed site in the Green Belt suitable for re-development in accordance with Annex C to PPG2. It is largely redundant as the inset plan in the Local Plan makes clear (Doc. CD D1) and the HCA has a stake in its redevelopment. It is common ground that as a developed site it merits beneficial reuse and redevelopment. It has accommodated residential use in connection with its health related uses. It is reasonable to conclude that a scheme for the re-use and re-development of the site will include residential and an allowance of 60 units is reasonable.

223. The issue at East Street is achievability. The Council has resolved to grant planning permission and is committed to proceeding with this urban regeneration scheme with its development partner. The likely timescales for the grant of planning permission and any compulsory purchase which may be needed to complete land assembly (Doc. LPA8) demonstrate that there is a reasonable prospect of achieving that development within 5 years.
224. In summary, the sources of supply set out in the current Annual Monitoring Report do provide an up to date 5 year supply of deliverable sites in Waverley. If there is any shortfall, it is marginal and cannot sensibly lend any significant weight to the case for permitting the major housing development proposed under the appeal scheme. The case for granting planning permission now in order to provide a source of housing supply for year 6 and beyond lacks any significant support under PPS3 and is an attempt to subvert the plan led process in Waverley.
225. Paragraphs 38 and 39 of PPS3 make it clear that it is the responsibility of local planning authorities to plan for the delivery of housing (including affordable housing) to meet the needs of their areas through the development plan process. For that purpose authorities should consider options for housing in conjunction with wide and inclusive consultation of the local community as urged upon them by the Secretary of State in PPS1.
226. The Council is engaged in that process at the present time and has an approved LDS (Doc. LPA11). The Strategic Housing Market Assessment (SHMA) has just been published and preparation of the SHLAA is in progress. There is no justification for bringing forward the appeal scheme in advance of this process in order to identify a source of supply for the years after 2014.
227. In conclusion on this issue, there is no case for granting planning permission for the appeal scheme in order to satisfy the requirement for an up to date 5 year supply of deliverable housing sites in Waverley. On the contrary, to grant planning permission now for a scheme that would provide over two thirds of the residual housing requirement of the SEP for Waverley after 2014, would be to deny any sensible community based consideration of the local strategy for meeting the regional housing requirements in ways which accorded with the SEP, rather than stood in conflict with it.

#### *Affordable Housing*

228. There is a very significant need for affordable housing in Waverley, as in many parts of the South East. The recently published SHMA confirms the position. The critical point is that regional strategy for meeting that need, as set out in SEP Policy H3, sees delivery of affordable housing as mainly being achieved as a component of overall housing supply on suitable sites.
229. There is no justification for making an exception to that established approach by releasing an otherwise unsuitable site for major housing development on the ground that it will yield a significant supply of affordable housing. That is the approach that has been taken by the Secretary of State in other appeals (Doc. CD 03a) and it should be the approach in the present case. There is of course the possibility of small scale development on rural exception sites but that has no bearing upon the scale of housing development proposed in the present case.

230. If, therefore, the Secretary of State concludes that the appeal site is unsuitable to accommodate the 2,500 units proposed in this case, the fact that it includes a substantial proportion of affordable housing within the overall supply should not change that conclusion.
231. Conversely, if the site is considered suitable for major residential development, then the Secretary of State should ensure that the affordable housing component is properly targeted at those in greatest need in the Borough. That, in line with regional policy, is the Council's approach. The perverse consequence of the Appellants' lettings plan is that much of the proposed affordable housing is unlikely to benefit those currently in greatest need.
232. Given that the Secretary of State will, if the appeal is allowed, have found that the appeal site is sufficiently sustainable to accommodate the levels of housing proposed, there is no justification for controlling the letting and allocation of the resultant supply of affordable housing on sustainability grounds. Either the site is suitable for major housing development or it is not. If it is, then it should provide affordable housing for those in greatest need.
233. The Appellants' other ground for their lettings plan does not stand up to scrutiny. There would be no imbalance in housing mix resulting from meeting the needs of those in priority need. Policy seeks to secure a balance in mix and communities through a range of housing types and sizes and through offering a range of tenures. It is not appropriate to ration supply by reference to the particular characteristics of the occupier. The sole criterion should be housing need. Otherwise the planning process begins to engage in social engineering for which there is no policy support and no justification.

#### *The Fall Back Position*

234. The planning process has established a framework for the development and use of the appeal site which accords with national planning policy for the reuse of previously developed land and buildings in the countryside and reflects the historical development and use of the appeal site during the post war period. It responds sympathetically to the impact of those uses on the local environment, the limitations of the rural location and the amenities of local residents. It provides for the beneficial current and future use of the appeal site should the current appeal fail and allows sufficient time for the local planning authority to complete its Core Strategy and Local Development Documents embracing policies for the future development and use of the appeal site. The fall back position provides no basis, therefore, for overriding the fundamental conflict with development plan policy and national planning policies which arises in relation to the appeal scheme.
235. The Appellants' main focus is on the prospect of new buildings being erected for aviation purposes. The built up area of the proposed new settlement would comprise the existing industrial estate in the northern sector of the appeal site and the major new build component to be situated in the central/eastern sector of the site. That sector of the site presently comprises the operational area of the aerodrome (runways, aprons, taxi ways etc) and has to be kept free from any significant buildings if it is to continue to function for aviation activities. If the appeal fails, the Appellants propose to reinstate aviation activities at the aerodrome. They have permanent planning permission to do so, subject to environmental controls imposed by condition.

236. In that event, they would expect to keep the central operational area of the aerodrome substantially free from new buildings and it is only the grant of planning permission for the appeal scheme which is likely to lead to major new built development in the central/eastern sector of the appeal site. Otherwise, the probability is that area will remain substantially in its present state.
237. That being the position, the legal wrangle about the extent to which the Appellants' Part 18 permitted development rights as a relevant airport operator are curtailed by conditions on the existing permanent aviation planning permissions is largely immaterial. However, the Council does not accept that the case law relied upon by the Appellants has the effect of disapplying those conditions in relation to those Part 18 rights. The effect of Article 3(4) of the 1995 GPDO is clear: where the unequivocal purpose and wording of a condition imposed on a specific grant of planning permission is to control development which is within the embrace of the permitted development rights, then the condition prevails and the permitted development rights takes effect subject to that condition.
238. Neither the Carpet Decor nor the Dunoon Developments cases say otherwise. They simply emphasise that the terms of such a condition must be "unequivocal" if they are to have that effect. In the latter case, the Court of Appeal rejected the argument that the disapplication of the PD rights should be implied into the grant of planning of planning permission. As the Court of Appeal said in Dunoon Developments, it is ultimately a question construing the actual terms of the planning permission. In the present case, the relevant terms of the permanent planning permission are clear and unequivocal. The prior consent of the LPA is required for new buildings for aviation purposes on site. To erect a new building for such purposes without that prior consent would be contrary to that condition. Article 3(4) applies. It follows that, as was clearly intended, the Council does retain control over the erection of new buildings for aviation purposes at Dunsfold Aerodrome and will continue to do so in the event that this appeal is dismissed.

#### *Conclusion*

239. Any development scheme, be it visionary or earthbound, falls to be determined under the provisions of section 38(6) of the 2004 Act. That system of development control might be described as parochial, but it is the system that applies. It has the advantage of rooting development proposals in principles that are developed openly and in public view and which seek to set a level playing field for all development schemes. For all these reasons, and in the light of the evidence given on behalf of the Council, this appeal should be dismissed and planning permission refused.

#### **THE CASE FOR THE RULE 6 PARTIES**

The case for the Rule 6 parties (SDPNT and CPRE Surrey) is summarised in detail in their closing submissions (Document RSP17), the salient points of which are:

240. The appeal site is in open countryside which, whilst beyond the Green Belt, is adjacent to (and partly within) an AGLV and is overlooked by the Surrey Hills AONB. The AONB and AGLV have both been recognised as having the same outstanding natural beauty and great landscape value.

241. It is not only in an area of great landscape sensitivity but is remote from any large settlement and is not near to existing public transport or other services. The nearest railway station is some 12km away. The existing built development is mainly confined to just 23 hectares on the northern part of the site. Around 90% of it is not built upon at all but is open grassland or woodland. The runways and hardstandings do not significantly compromise the openness of the site.
242. The proposal is to build 2,601 dwellings and an additional 15,000 square metres of employment floor space in this sensitive, rural and remote location. The scale of development is such that no amount of landscaping would be able to conceal it and it would have an unavoidable impact upon the character, appearance, quality and tranquillity of the surrounding countryside.
243. Moreover, it would generate very considerable traffic movements to and from the site along the already congested A281 and the interconnecting country lanes. It is inevitable, given its remote rural location, that access both to and from the appeal site would overwhelmingly be by car as well as by HGVs serving the CHP plant and expanded commercial floor space. The affected roads are largely unsusceptible to improvement.

*The Development Plan*

244. It is in the light of these simple facts that the main issues arise. They do so in the context of the statutory plan-led regime for planning decision-making. The determination of this appeal must be made in accordance with the plan unless material considerations indicate otherwise.
245. The relevant Policies of the Development Plan are quite clearly intended to provide for the certainty that substantial new development will not be permitted in remote rural locations, but directed instead to the urban areas. It is that certainty which underpins the entire Regional Spatial Strategy for the South East, and it is reinforced in respect of this particular site by both the rejection of it as an appropriate location for a strategic-sized settlement by the EIP, and the very strongly worded landscape policies of the Local Plan. Against that policy matrix, which clearly directs major development away from the countryside in general, and away from this valued landscape in particular, are to be weighed the other material considerations.
246. PPS1 refers to the centrality to planning of the plan led system and the need for national policies and regional and local development plans (regional spatial strategies and local development frameworks) to provide the framework for planning for sustainable development. It says that plans should be drawn up with community involvement and present a shared vision and strategy of how the area should develop to achieve more sustainable patterns of development. It adds that, where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.
247. This plan-led approach is continued in the 2007 Planning and Climate Change Supplement to PPS1 and in the draft PPS: Eco-Towns, which says that these should be considered in the same way as any other major development proposal and that the preference is that the broad options for how best to meet housing need are explored in regional and local plans.

248. It adds that applications for Eco-Towns on sites not allocated in the development plan should be considered in the usual way by the LPA. This means that the development plan remains the starting point for the determination of these planning applications unless material considerations determine otherwise. The draft PPS goes on to explain its own relevance to the consideration of an Eco-Town application where the Development Plan is not up-to-date in respect of such proposals. It says that the standards set out in the PPS, and the work done on assessing a number of locations in the Eco-towns Programme, are designed to guide decision-makers in the absence of up-to-date local policies.

*Previously Developed Land*

249. PPS3 defines PDL as being that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The main part of the site occupied by permanent structures is the 23 hectares on its northern perimeter, which is largely not associated with the other fixed surface infrastructure on the aerodrome. The buildings are occupied by tenants as commercial premises and offices. The runways are largely used for unrelated purposes, pursuant to temporary planning permissions, with only sporadic use by planes for landing and taking off. It is therefore impossible to argue that the entirety of the aerodrome is PDL, let alone the additional farmland which has been incorporated into the appeal site itself. It is wholly artificial to treat the appeal site as "curtilage". If anything on the site has a curtilage, it is the built structures on it. However their curtilages plainly do not extend, either individually or cumulatively, to the whole of the Aerodrome, still less the recently acquired agricultural land with which their business activities are largely un-associated

250. Even if the whole of the appeal site were to be considered previously developed land, that would not justify its development. PPS3 goes on to say that there is no presumption either that PDL is necessarily suitable for housing development or that the whole of the curtilage should be developed.

*Principle of Development in the Countryside: Impact on character and appearance*

251. Policies in the development plan seek to concentrate development in urban areas so as to foster accessibility to employment, housing, retail and other services, and avoid unnecessary travel, especially by car. SEP Policy SP2 identifies three regional growth hubs in Surrey, none of which is in Waverley. Waverley forms part of a segment described as the "rest of Surrey", a mainly rural area of growth constraint.

252. The development plan also seeks to protect the countryside for its own sake. Major development there is firmly stated to be inappropriate. This part of Waverley is also subject to Policies that seek to protect the AONB and AGLV. It is a fundamental tenet of sustainability that development must be consistent with the obligation of one generation to protect the heritage being handed on to the next. This obligation is especially relevant to AONBs and AGLVs.

253. Concern for the environment is a principal objective of the CPRE and it has, accordingly, scrupulously concentrated its argument on these issues. CPRE supports the Government's promotion of eco-credentials of new developments, especially those of any significant size.

254. It believes that progress towards the highest standards of carbon-footprint reduction should be sought in all developments, so that it becomes a standard requirement rather than an argument for making an exception to policy. In this particular case, however, the disbenefits outweigh the advantages. In part that is because of the devastating impact which this proposal would have on the very special quality of the surrounding landscape, in breach of both the RSS for the South East and the applicable policies of the Local Plan.
255. Surrey's countryside is a true heritage landscape with iron-age forts and mediaeval field patterns. The SEP makes it clear that this unique Weald landscape should be defended and cherished because it is of such national importance, diversity and beauty. Villages in the area enjoy a wonderful rural environment, rightly treasured by all who value the beauty, tranquillity and the identity of this very special part of Surrey. The extra traffic that the Dunsfold proposal would bring would have an impact, in terms of noise, light and air pollution, on the character of many of these villages.
256. The countryside is wild, with paths ranging from very steep to flat and gentle, mostly in the ancient Wealden Forest. The view looking south from vantage points on the greensand uplands is of a sea of trees. It is into that landscape that this new settlement would be imposed. It would be an entirely alien and urban feature, lit at night, completely out of keeping with the surrounding area. Not only would it fly in the face of the applicable RSS but it would breach both policies C2 and C3 of the Local Plan. Local Plan Policy C3 protects the natural beauty and character of the AONB from adverse visual or other impact arising from development located outside its boundary. From Hascombe Hill in the neighbouring AONB the panoramic countryside stretches away into the South Downs, now a National Park. The Hayes Davidson image does not give a reasonable impression of the visual impact of the scheme from that viewing point.
257. While there are fine examples of man-made objects that enhance the beauty of the landscape these are the exceptions that prove the rule. Only truly exceptional architecture, or built structures of outstanding character and historic importance, can have that beneficial effect. This is no such proposal. The assessment of Inspectors on three recent appeals in respect of the appeal site supports this. In particular, if a few new film sets would detract from the rural character of the landscape and be contrary to Policy C3, then how much more so would a whole new settlement with 2,600 dwellings.
258. This development is wholly inconsistent with the primary aim of Local Plan Policy C3. The protection afforded to the adjacent AONB by that policy is also of national importance. Accordingly, this proposed development can not be permitted unless proven national interest and a lack of alternative sites has been demonstrated. No such thing has been demonstrated at all.
259. The Management Plan for the Surrey Hills AONB says that, in addition to acting as a buffer zone to the AONB, the AGLVs have their own inherent landscape quality and are significant in conserving the landscape setting of towns. It also recognises the importance of AGLV in protecting the integrity of the Surrey Hills AONB, particularly views to and from it. Management Plan policies and actions on AGLV land will help to conserve and enhance the Surrey Hills. Nearly all of the AGLV around and partly within, the appeal site is of equivalent beauty and character to the AONB itself and should be included within it.



*Sustainability*

260. As the independent Panel reported on the SEP, the appeal site is in an area remote from service centres, public transport accessibility, and accessed by a local road network which is incapable of being improved to an appropriate level. Moreover, as the Panel held, and the Government confirmed by refusing to include Dunsfold Park in its Eco-Town programme, the size of the proposed new settlement is such that it fails to achieve the critical mass necessary to secure a level of self-containment that might overcome these disadvantages. It is barely half the size needed to secure higher standards of sustainability. It could not support either a secondary school or a medium scale retail centre, both of which are key criteria for an Eco-Town.
261. Local Plan Policy M1 seeks to reduce the need to travel, especially by private car, by directing major trip-generating developments to locations in Farnham, Godalming, Haslemere and Cranleigh which are highly accessible by public transport, cycling and walking. It seeks to resist developments in peripheral or rural locations where access would be predominantly by private car and where accessibility by other modes is poor. The inexorable conclusion is that the appeal proposal breaches Policy M1 and that, far from reducing the need to travel especially by car, it will considerably increase that need.
262. Local Plan Policy M13 similarly seeks to locate developments which are likely to generate HGV movements where the highway infrastructure is capable of accommodating those movements. This development, through its additional 15,000 square metres of commercial floorspace and daily deliveries for its wood chip power plant, will generate considerable additional HGV movements on roads that are not capable of accommodating them. The inexorable conclusion must be that Policy M13 of the Local Plan is also breached.
263. Journeys to and from the new settlement would mainly be by private car, considerably adding to the number of vehicular movements. Each of those cars, especially when queued in lengthy traffic jams, would be pumping emissions into the atmosphere, contrary to the ethos of an Eco-Town. That is why the EIP Panel recognised that the innovative features of the proposals, while worthy of application elsewhere, did not justify development here.
264. All of that traffic would travel along the congested, A281 and the rural country lanes which will be used either as rat-runs or main routes to destinations such as Milford Station. Hascombe has been identified as one of the ten English settlements suffering from particular stress as a result of wrongly routed satellite navigation. The northbound vehicle queue at the Bramley Village roundabout would extend for a staggering 6km during the morning peak. The southbound queue during the evening peak would extend back to Guildford Town Centre. Even on the Appellants' own estimate, the Bramley queue in the morning peak will be well over 4km long. There are numerous pinch-points on the existing local road network at all of which there would be an unavoidable worsening of traffic conditions if permission for this new settlement is granted.
265. The Appellants' response is that if there are queues, traffic will simply adjust. However, the other options are narrow or single track roads with intermittent passing places and no other transport modes. These routes are longer, less safe, and insufficient to accommodate rat-run traffic.

266. All of this additional traffic, and consequent congestion and conflict, would be in direct breach of the RSS for the South East and this sub-area. It would also be in direct breach of Local Plan Policies M1 and M3. The Development Plan resists major trip-generating developments in rural locations where access would be predominantly by private car and where accessibility by other modes is poor. Further, in terms of Policy D1, this proposed development would manifestly result in material detriment to the environment by virtue of levels of traffic being generated which are completely incompatible with the local highway network.
267. The Appellants' STS is not an answer upon which any reliance can safely be placed. Even if it brought about a 20% modal shift away from the private car, the development would still generate some 12,000 trips in addition to the existing site traffic, resulting in a total of some 14,500 external trips per day, well in excess of the 2,273 limit allowed in an earlier appeal decision. The reality is that the STS could not restrain substantial use of the private car. The defects in the STS are such that the true figure of external trip generations is likely to be much higher. The inevitable conclusion is that the STS can not come close to overcoming the locational problems of the site.
268. The Rule 6 Parties agree that behavioural change is needed to combat global warming but it is an additional imperative, not an excuse for inappropriately located development proposals. The Appellants place such reliance on behavioural change precisely because the proposal is in the wrong place.
269. The request put to the EIP for Dunsfold Park to be made an exception to the policy matrix in the SEP was based on the same scheme as that before this Inquiry. The Panel's conclusion, endorsed by the Secretary of State, was that, although elements of the proposal were innovative and worthy of application more generally, it would seriously unbalance the regional strategy and would be likely to remain unsustainable because the area was relatively remote from service centres, public transport accessibility and the local road network would not be capable of being improved to an appropriate level. The Panel expressly stated that the level of self-containment of the settlement in the master plan made it difficult to overcome these disadvantages. Moreover, when endorsing this recommendation the Secretary of State was aware of Policy CC2, which sought to reduce the need to travel and ensure good accessibility.
270. The assertion that the right measures can make any location sustainable echoes the Government Response to the Taylor Review. However, the interplay between scale, location and measures proposed is crucial, as the Draft PPS on Eco-Towns makes clear. For the reasons given by the EIP Panel this would be a major development (but with insufficient critical mass and self-containment) in the wrong place, choking the local roads and infrastructure to a wholly unacceptable degree.

*The Eco-Town Bid*

271. The up-to-date RSS directs development of this scale towards the urban area and away from the countryside, but it has considered and rejected Dunsfold Park as an appropriate location. Moreover, it has done so having been fully aware both of its environmental credentials and the affordable homes being proposed.

272. It is also clear from the work done on assessing the locations submitted for inclusion in the Eco-Towns Programme that this proposal does not, in any event, meet the standards set out in the draft PPS.
273. The Draft PPS states that a key characteristic of an Eco-Town is that it must be well linked to higher order centres. It should be of sufficient size and have the services and critical mass necessary to deliver high standards of sustainability. Accordingly, if a proposed new settlement is not well linked to higher order centres, or if it does not make provision for a minimum of 5,000 homes, it does not have the necessary characteristics of an Eco-Town and will not deliver the standards of sustainability sought.
274. Similarly, the Draft PPS describes an Eco-Town as a new settlement of between 5,000 and 20,000 homes which demonstrates the highest levels of sustainable development and should act as an exemplar for future developments. Eco-Towns are most appropriate when they are near to and well-connected to existing settlements, particularly major centres of employment, retail and leisure. However there are other circumstances where a small new settlement in more remote locations may be suitable.
275. In order to be an Eco-Town, therefore, a new settlement should have between 5,000 and 20,000 homes, with a settlement towards the lower part of the range being small and one towards the higher end of the range being large. They are all most appropriate when near, and well connected to, existing settlements. There are circumstances where a small Eco-Town in a more remote location may be suitable but there are no circumstances in which a new settlement that is both half the minimum size and in a more remote location could conceivably be suitable. Rackheath is going forward as an Eco-Town despite being marginally below the 5,000 dwellings threshold but it is much closer to that threshold than this proposal. It is also closer to existing main settlements than is Dunsfold Park, helping it to achieve higher standards of sustainability. The Government has acknowledged these critical differences through including Rackheath in its Eco-Town programme, whilst excluding Dunsfold Park.
276. The planning history is therefore clear. Dunsfold Park was rejected by the EIP when considered for inclusion in the South East Plan. It did not even make it to the Government's shortlist for inclusion in the Eco-Towns Programme and received the lowest mark possible.

#### *The Supply of Housing Land*

277. The third main issue is primarily one between the two principal parties but the Rule 6 parties would underline a number of key points regarding PPS3. First, there is a need for sufficient deliverable sites in the first five years but no such need for following years. PPS3 also gives clear advice as to how housing need is to be taken into account in determining planning applications. LPAs should follow the plan-led approach. Regard is to be had to both the suitability of the site for housing and the necessity of ensuring that the proposal is in line with spatial vision for the area. Where they can demonstrate an up-to-date five year supply of deliverable sites, LPAs must look critically at sites which are already allocated but not intended to come forward in the first five years.

278. Only if they can not should they consider favourably planning applications for housing on other sites. The vast majority of housing from the appeal proposal would have no impact at all on the critically important next five years.
279. There is an agreed sufficiency of supply for the first five years when judged against the requirements of the SSP. Waverley has consistently met or exceeded its housing allocations and has already achieved 902 homes towards the 5,000 required in the period to 2026, well above the annual average of the requirements. Options for meeting the balance are currently being consulted on and, when prioritised, will be scrutinised for their soundness in detail at a Public Inquiry. The Secretary of State said, in February 2008, that there was no evidence to suggest that the Council could not meet the increased requirement on sustainable sites.
280. That being so, this is a case to which paragraph 70 of PPS3 applies, not paragraph 71. Even if this were a paragraph 71 case it would be necessary to consider the extent of that shortfall against the scale of that put forward in the planning application. It would be necessary to do so in the context of the paragraph 69 considerations, which this site does not meet. It is not a suitable housing site and it runs contrary to the RSS. Finally, it was in all of these regards that the EIP Panel found that the proposal for about 2,500 dwellings at Dunsfold Park would seriously unbalance the regional strategy.

#### *The Provision of Affordable Housing*

281. SDPNT and CPRE endorse the position on affordable housing taken by the Council as Local Housing Authority. They are supportive of affordable housing and appreciate that the housing market in Waverley exclude, many local households on lower incomes, forcing them to leave the settlements in which they grew up. However, that affordable housing must be provided in the right place and on sites which are appropriate for housing. Housing, including affordable housing should be concentrated on existing settlements in accordance with Local Plan Policy H3 so as to accord with the central aim of resisting urbanisation of the countryside.
282. The Secretary of State has already made it clear, however, in the decision letter in respect of the appeal on the Cranleigh Brick and Tile Works site (CD03a), that the provision of affordable housing is only a benefit if the site is suitable for residential development in general. If a location is unsuitable for housing development then the fact that substantial affordable housing is offered is not a benefit and is not a material consideration.
283. That need not prevent affordable housing from being built in rural settlements. The Parish Councils all wish to have affordable housing in their villages to meet local needs and for those with a connection to their village. This development would do nothing to meet local needs. It would concentrate affordable housing in an isolated location away from existing settlements. Moreover, the traffic charging cordon tightly wrapped around that isolated enclave would necessarily eat into the genuine affordability of the proposed homes. SDPNT and CPRE also endorse the Council's view that the proposed affordable housing would not properly address local housing need due to the cascade arrangement which would favour Dunsfold Park employees. This would not accord with the policy imperative of providing first for those with priority need.

284. For all of these reasons, whilst acknowledging both the need for affordable housing in the area and the numbers here proposed, SDPNT and CPRE Surrey invite the Secretary of State to conclude that the benefits which might otherwise be seen to be substantial are, in fact, not so.

*Ecological Survey*

285. A further issue, in addition to the overwhelming planning objections already described under the four main issues is the completeness and quality of the ecological surveys. Planning consent should not be granted in the absence of adequate surveys having been undertaken. The evidence demonstrates that insufficient work has been done with regards to trees and woodland, bat roosts, badgers, birds, dormice, great crested newts and reptiles.

*The Fall-Back Position*

286. Permitted Development Rights are tightly constrained and nothing in the GPDO 1995 permits development contrary to any condition imposed by any planning permission. Planning permissions for aviation at Dunsfold Aerodrome include conditions limiting the number, purpose and timing of flights, the weight of aircraft permitted to fly, and the erection of new buildings. Any increase in aviation would require planning permission. The decision as to whether to grant this, and if so subject to what conditions, would involve consideration of all the relevant environmental factors and any argument as to need or benefit. No outcome in favour of expanded aviation can reasonably be presumed.

287. Moreover, SSP Policy DN9, against which any such application would have to be considered, is designed to ensure that any adverse impacts of expanded aviation are sufficiently controlled. Any comparison between the impacts of the appeal proposal and those of expanded aviation use of the site should take account of the controls that would be exerted over environmental impacts of the latter. In other words, the fall back position with which the Appellant threatens the local community is to that extent unreal. Moreover, those threats completely undermine the supposed eco-credentials of the Appellants. It is beyond contemplation that developers who proclaim such credentials would depart from their convictions and seek to massively increase the carbon footprint of Dunsfold Aerodrome instead of reducing it.

288. CPRE has set out alternative uses to which this site can be put if the appeal is dismissed. Neighbours of the appeal site have joined together to make an offer to purchase the undeveloped parts of the site in order to protect it from inappropriate development, whilst allowing appropriate commercial activities to continue on the previously developed part of the site. There are, therefore, sustainable and viable alternatives to both expanded aviation and a new settlement. The site is not redundant or likely to become derelict. The existing commercial uses could continue without the need for any alternative development. No-one objects to the appropriate commercial re-development of the existing built structures on the site whilst leaving the rest of the site open and undeveloped. There is no planning need whatsoever for the open parts of the site to be concreted over and urbanised, with all of the attendant harms which would necessarily be occasioned to interests of national, regional and local planning importance.

### *The S106 Undertaking*

289. The Rule 6 Parties have left the issue of the S106 unilateral undertaking to the Council, which would be responsible for enforcing it. They do, however, have concerns in relation to transport issues, particularly to the Appellants' reluctance to commit to the dedication of permanent rights of way for walking and cycling and to permanent open space through village green status.

### *Local Opposition*

290. Public opinion is not all one way but, despite extensive efforts by the Appellant to promote the scheme, it has attracted substantial public opposition. The overwhelming reaction, from Parish Councils, MPs and local people, has been against it. This opposition is not motivated by narrow-minded parochial concerns but is based on a deep knowledge of the local area and a careful balancing of factors.

### *Conclusions*

291. So far as the first main issue is concerned this proposal flies in the face of the policies protecting both AGLVs and AONBs. The development plan policies clearly direct proposals such as this away from remote locations in the open countryside. They do so not just to protect the countryside for its own sake, but in order to encourage the regeneration of urban areas, to cut the need to travel, especially by car and to protect the character, appearance, quality and tranquillity of valued landscapes.
292. So far as the second main issue is concerned, this proposal would have an unacceptable impact on the local highways infrastructure. It is so located and of such size as to be inherently incapable of delivering the higher standards of sustainability claimed for it. That is why it was rejected both by the EIP Panel for the SEP, and by the Government for inclusion in the Eco-Town programme. While its innovative environmental features are worthy of application more generally, they are not worthy of application here.
293. So far as the third main issue is concerned, there is no case for making an exception to the development plan objections by reference to housing need. There is no gap in deliverable housing supply for this proposal to fill. Whilst there is a need for affordable housing, this is not the place for it. This site is not an appropriate one for housing at all, still less for affordable housing, being in a remote location where access and egress would mainly be by car and in circumstances in which all inhabitants would be subject to the cordon charge.
294. Finally, there is a question mark against the quality of the ecological surveys which have here been carried out. In several ways those surveys have not been as complete or as thorough as best practice requires. Since planning permission should not be granted in the absence such surveys being undertaken, this too is a factor weighing against this proposal.
295. For all of these reasons, the Rule 6 Parties ask that the Secretary of State, to dismiss the appeal in accordance with the required S38(6) approach and in the light of national planning policies, the RSS and the saved policies of the WBLP. That would not prevent innovative eco-friendly new settlement proposals in the future.

296. Rather, it would afford the opportunity to take that which is good from the proposal and redirect it to genuinely appropriate locations, where the highest standards of sustainability might be reached without doing untold and permanent damage to nationally valued landscapes or imposing impossible burdens on woefully inadequate transport infrastructure.
297. The alternative would be to undermine the plan-led system which Parliament has prescribed, replacing it by an appeal-led system. It would open the floodgates to opportunistic applications for new settlements in inappropriate, rural locations across the region, wholly contrary to RSS and damaging to nationally valued landscapes. Proposals such as this should emerge in a properly considered way, through the consideration of the RSS and the LDF, or through the national Eco-Town programme.

### **THE CASE FOR THE PARISH COUNCILS**

The detailed views of the various Parish Councils are set out in written representations submitted prior to the Inquiry (Document G1) and in statements made during the Inquiry (Documents D3-G9). The main points are as follows:

298. The site is situated in an area of beautiful, remote and open countryside adjoining the Green Belt, an AONB and an AGLV. The overall population of the proposed development would be six times that of either of the two nearby villages and would result in the unacceptable urbanisation of a rural area that is an almost intact mediaeval landscape.
299. The site has no public transport links and the local transport infrastructure is inadequate. The proposals need to be seen in the context of the likely development of 2000 houses at Broadbridge Heath as well as other developments along the A281. The development would generate a considerable number of additional traffic movements, a significant proportion of which would be made by HGVs because of the increased amount of commercial development on the site. Heavy construction traffic would also be a factor for a period of ten years.
300. The proposed measures for controlling traffic would be unworkable and there is little realistic prospect of achieving a major shift away from the use of the private car. No solutions have been proposed to deal effectively with the additional traffic congestion that would be caused on the local country lanes or on the already congested A281 and B2130. The extra congestion, traffic noise and pollution would have a severe impact on conditions within local villages and on the character of the Surrey Hills AONB.
301. There is no evidence to suggest that Waverley can not meet the increased housing requirement on sustainable sites. New housing should be spread across the Borough and not concentrated in one place where it would place a strain on existing local services. To be sustainable, new development needs to be well related to existing infrastructure.
302. Similarly, affordable housing is only a benefit if the site is otherwise suitable for residential development and should be built in appropriate locations close to transport links and to schools, hospitals and other amenities. Local villages have been building affordable housing to meet local needs. Parish Councils have for long been concerned about the shortage of affordable housing and have responded by building schemes to meet local needs.

303. Over the past ten years 32 have been built in Dunsfold, 24 in Alfold and 15 in Hascombe. In Dunsfold the Chilton Close development has provided 20 homes for rent and 4 shared ownership properties. A third phase will provide 8 more.

## **THE CASE FOR INTERESTED PARTIES SUPPORTING THE COUNCIL**

### *Miss Anne Milton MP (Document G8)*

304. Although just outside her constituency, this major development has been the subject of many letters to her. The overwhelming majority have opposed the development. It is disappointing that the developers argue that they would seek to develop flight activity if they do not get approval for the Eco-Village.
305. The site is in, adjacent to or surrounded by AONB and AGLV. The comments of DCLG in refusing the bid for Eco-Town status and for inclusion in the SEP make it difficult to see how the application could be approved. It conflicts with planning policy at national, regional and local level. The assertion that the site is brownfield land is a cause for concern but, in any event, PPS3 says that there is no presumption in favour of developing open land next to existing buildings.
306. The development would increase the burden on an infrastructure that is already under huge pressure. The site is remote from local services and public transport. The A281 is congested and the surrounding minor and rural roads are unsuited to more traffic. There is insufficient water and sewerage capacity in the area.
307. The size of the development would be at odds with the scale of neighbouring villages. The level of housing need in Waverley does not justify development on this scale. There is sufficient land in the Borough to meet its housing requirement. Everyone accepts the need for more affordable housing but this should be provided within existing villages. The proposed houses would be in the wrong place, far from the villages, towns and hospitals that these people depend upon.

### *Mr Jeremy Hunt MP*

308. Mr Hunt wants to preserve the village atmosphere and community spirit that he has experienced since growing up in the area in the 1970s. He has received 110 letters from constituents, only one of which supported the scheme and he has attended public meetings in the community so he is well aware of the extent of public opposition.
309. No one near a proposed new development is ever happy about it but opposition to this scheme is not based on "nimbyism". House prices and the affordability gap are matters of concern to local people and many have family members who are looking for a house in the area but this proposal is being opposed by virtually every stakeholder including the Borough and County Councils. It is even opposed by the SEP, which includes a huge demand for housing. There is some merit in the proposal to include 900 affordable homes but since many of these would be reserved for people working on the site they would not help those in need in Waverley. What people want are homes in the villages where they grew up.



310. The development would not be sustainable. It would be below the minimum size for Eco-Towns, which was set because of the need for them to be self-sustaining. 90% of the land is woodland or grassland. The development would be next to an AGLV and would harm views from the AONB. The scheme would divert investment from other areas and would place a huge burden on the local infrastructure. On the roads it would cause 6km tailbacks in Cranleigh, a fact which the developer recognised in an earlier proposal – since dropped, presumably on cost grounds – to include a monorail to Guildford. There would also be huge bills for the local authorities, the police and the NHS.

*Other Representations at the Inquiry (Documents G12 to G21)*

The main points are:

311. The development does not comply with local, regional or national planning policies and there is no case for making an exception. The green credentials of the development and the benefits of the proposed affordable housing have been exaggerated. The development was considered for inclusion in the Government's Eco-Towns programme but was rejected because it failed to meet the criteria. Claims that the CHP plant would be an exemplar are unfounded because the UK landmass does not have the capacity to grow all the trees needed to provide heat and power for more than a small proportion of the population. The inclusion of energy saving measures and affordable housing is now the norm in new developments and should not be seen as a particular benefit of this scheme.

*Written Representations (Documents G1 and G2)*

The main points are:

312. The proposed development would result in the loss of an airfield that is a valuable amenity in its own right and is ideally suited to limited aviation use and could serve the national interest in times of emergency, particularly in view of its proximity to Gatwick. When the site was requisitioned during the war promises were made to return it to agricultural use once it was no longer required. Those promises should still be honoured if aviation is to cease.
313. The site is in an isolated location with a poor transport infrastructure. There is no rail access and local bus services are very limited so the development would be heavily dependent on the car. Local roads are already overloaded and would be unable to cope with the extra traffic. Road kill is a daily event and the decline of the insect population – millions of insects are killed by vehicles every day – is an even greater threat than climate change. Parking facilities in Cranleigh and Godalming are already overstretched. Heavy goods vehicles serving the existing businesses on the site cause considerable nuisance in terms of noise, vibration and general environmental damage. The proposed transportation measures and restrictions on the use of the car are unrealistic and their success can not be guaranteed.
314. Local schools, shops and medical facilities would be unable to meet the demands imposed by the additional population. Water supply and sewage treatment facilities in the area are inadequate. The abundance of empty properties in the area shows that there is an oversupply of housing at present rather than a shortage.

315. There is no need for more employment uses in the South East. There is a big difference between urban and rural lifestyles and rural people do not want more buses and vehicles. The creation of a gated new town with a feudal lord of the manor would be against the public interest and would be the thin end of the wedge for more development.
316. The development would not benefit local people as it would be aimed at attracting commuters into the area. There may be a need for more houses in this part of Surrey but there are better places for it, such as the Hewitts Park Industrial Estate in Cranleigh. It would be more appropriate to develop areas already served by good infrastructure than to up-grade existing roads and services unnecessarily. A development of this size would preclude consideration of possibly better locations because the potential need would already have been met.
317. Even if the contention that the site is "brownfield" land is accepted, it does not follow that it should be made available for development. The development would have a destructive impact on an area of great natural beauty. The site is surrounded by and partly within an AONB and AGLV that includes the Surrey Hills and West Weald historic landscapes. By day it would be very prominent in views from the AONB and by night it would cause light pollution in a dark rural area. The site already generates unacceptable levels of noise that are not in keeping with a peaceful rural area and the traffic noise and pollution caused by the development would make matters much worse. Construction would be phased over ten years, causing noise and inconvenience for local residents throughout that period.

## **THE CASE FOR INTERESTED PARTIES SUPPORTING THE APPELLANTS**

### *Friends of the Earth (FoE)*

The case for Friends of the Earth is set out in detail in (Documents G24, G25 and G26). The main points are:

318. FoE urges the Secretary of State to allow the appeal. It does not normally support individual developments and indeed has never done so before but it strongly supports this proposal, which it regards as an essential exemplar. It has been assessing the scheme for three years and has also carried out an appraisal of other schemes carried out by the developer. The scheme demonstrates exactly the kind of positive response to the threat of climate change that FoE has been promoting.
319. Climate change is the most pressing environmental, economic and social issue facing modern society. Only urgent and lasting cuts in carbon emissions can achieve climate stabilisation. FoE has been particularly impressed by the stream of ideas coming from the developers. There is no question of "green wash". The scheme represents a totally new way of thinking about building and community living in a world affected by climate change. The Council's case for refusal does not adequately address climate issues and is based on a development plan which, because of its age, takes little or no account of them. The scheme provides an unprecedented opportunity to deliver the objectives of PPS1 Climate Change Supplement and the draft PPS on Eco-Towns while at the same time addressing the urgent affordable housing need in Waverley.

320. The current commercial uses on the site already generate traffic. The enhancement of these existing employment opportunities, combined with housing means that the development has the potential to be genuinely self sustaining, with the opportunity to walk or cycle to work. The scheme includes pioneering transport proposals, including a network of zero carbon bus services, restraints and charges on car use, an extensive network of footpaths and cycle tracks and comprehensive travel plans.
321. FoE believes that everybody has the right to a decent, sustainable home and it is apparent that this right is denied to many people in Waverley. For decades there has been vocal, well organised and institutionalised opposition to housing development in the Borough. Much of the existing stock in Waverley fails to meet "Decent Homes" standards but the Council has no plans to do anything about it. The Council has fiercely resisted the SEP requirement to build 250 houses a year and yet its own evidence shows an annual need for 650 affordable houses alone.
322. There is no other comparable site in the Borough and no other proposal for a major provision of affordable homes integrated within a first rate development on previously developed land. The only real alternative to Dunsfold Park is the sort of out of town or edge of town car-based housing estate that is being proposed for the Milford Hospital site. Dunsfold Park is an opportunity to have a major impact on local housing needs by providing affordable homes in a first rate scheme on previously developed land. Objections have generally come from those who are themselves comfortably housed. Many less wealthy families, who have lived in the area for generations, are in complete ignorance of what their Parish Council is objecting to, simply because nobody asked them for their opinion. The appeal provides an opportunity for the Secretary of State to deal with the housing needs of those who are in a less fortunate position than the Parish and Borough Councillors and other affluent residents who gave evidence at the Inquiry.
323. The development would be good for the countryside because no farmland or woodland would be lost. It is inconceivable that anything approaching 5000 homes could be built in Waverley on previously developed land in urban areas. Rejection of Dunsfold Park would lead directly to a loss of farmland and woodland, potentially on nationally protected land. If Dunsfold is built, it is just about conceivable that, with minor urban extensions, the remainder of the allocation could be accommodated in urban areas and villages. Much of the previously managed woodland that dominates Waverley is derelict. By bringing woodland – particularly coppiced woodland – back into production the biomass CHP plant would benefit both biodiversity and rural employment.
324. The development would benefit the sustainability of Cranleigh, a struggling market town which has already lost its hospital and cinema, has suffered from falling school rolls and whose commercial facilities, day clinic and arts centre are under threat.
325. The development would be a genuine live/work community supported by a CLT. It would be outstanding in terms of its zero carbon buildings, community based CHP, decarbonised energy supply, low water use, waste recycling, community supported agriculture and attempts to mitigate the impact of transport. It is particularly remarkable because of its holistic approach, depth of research and range of measures to combat climate change.

326. Climate change is central to transport policy but there is no mention of it in Surrey County Council's Local Transport Plan, its Long Term Strategy or its 2008 update. The appeal proposal looks at transport in a totally new and radical way and includes a comprehensive range of measures that mix engineering, lifestyle, cash incentives and disincentives, peer pressure and other means. It also tackles freight from a carbon point of view, while the Community Supported Agriculture scheme offers a genuine opportunity to reduce emissions from food.

*Cranleigh and District Chamber of Trade and Commerce (Documents G1 and G27)*

The main points are:

327. The development would greatly benefit businesses and other organisations in Cranleigh. The new population would bring an estimated £26 million of retail spending to the area. This would be a very welcome addition to the local economy at a time when local firms are struggling to compete with larger towns. The commitment to the creation of a sustainable community is welcomed. Strengthening local businesses would reduce the need for existing local residents to travel, which would bring ecological as well as social and economic benefits.

328. The commitment to give priority to local workers in allocating affordable housing is also welcomed. Many businesses have found recruitment to be a particular problem. The high cost of housing and lack of public transport has meant that many suitable young people can not get to Cranleigh to work. The provision of affordable housing would also give local community organisations a better social mix.

*The Labour Party (Documents G28 to G30)*

The main points are:

329. Local Labour Party organisations support the proposal because of its impact on housing supply in general and affordable housing in particular and because of its environmental benefits. The proposal to set up a Community Land Trust once the development is completed is also welcomed.

330. Ameliorating the causes of climate change is a global and national priority. The Dunsfold Park proposals incorporate housing built to Code Level 6 for energy and water in the Code for Sustainable Homes. With the biomass CHP plant it will be a zero carbon development and serious thought has been given to the issue of private car movements, leading to some very innovative initiatives. This will give it an environmental performance well above any other built or planned developments in the South East and equalling or surpassing the best European developments. and provide a model for others.

331. There is a very great need for affordable housing in the area. There are currently 3,373 applicants on the Council's Housing Needs Register and that figure excludes dependants and families. In the 2008/09 financial year only 53 affordable homes were built in Waverley and only 19 are scheduled for the current year. There is an unmet need of 696 dwellings per annum in Guildford so Waverley can expect no help from there. Not only would the provision of 900 affordable homes at Dunsfold make a huge difference but there is no other way of meeting the need.

332. There is a need for a significant increase in housing supply of all types in the South East and the SEP sets a minimum target for Waverley. Constraints on development in Waverley mean that it would be very difficult to meet even the minimum target without the development of Dunsfold Park, which is brownfield land and has been so since the Second World War.

*Other Interested Persons Supporting the Appellants (Documents G31 to G38)*

The main points are:

333. The Council's Core Strategy was rejected as unsound in 2007, One of the reasons was its inadequacy in respect of housing land supply. Essentially, Waverley was able to allocate a five year supply but anything above this relied heavily on windfall sites. The SEP requires at least 5,000 new homes in Waverley over the period 2006-2026. Opportunities within existing towns are very limited and there is a particular problem around Farnham where restrictions relating to the Bourley Wood and Long Valley Special Protection Areas apply.
334. Development on the edge of towns will contribute to pollution and traffic in already congested areas where public transport is far from satisfactory. In contrast, the Dunsfold development would reduce these impacts by introducing innovative measures to control car use and by combining housing with employment and other facilities, thereby reducing the need to travel.
335. The conspicuous wealth of some residents tends to mask real need in the community. In the social rented sector in Waverley 16% of households are officially overcrowded. Many young professional people who can not afford to buy a house would not dream of registering and overcome the problem by continuing to live with their parents. The shortage of affordable housing affects not just the young but also the elderly and the provision in Dunsfold Park would help to address this.
336. The airfield is not a piece of beautiful virgin land, nor is it an area of peace and tranquillity. In its heyday there were 1,400 employees there and noise from aircraft and off-site traffic was a constant problem. It is extremely unlikely that the land will ever revert to being part of the open countryside.
337. The Appellants' approach to transport issues is welcomed. Aircraft flights – currently thousands a year – would cease. The development would minimise the amount of road traffic. The population of the area will grow regardless of whether or not the Eco-Village is built so traffic on roads such as the A281 will continue to build up. The improvement of the existing cycle paths and the introduction of new ones is welcomed. The development would provide an opportunity to consider the re-opening of the railway from Cranleigh to Guildford, with a spur to Dunsfold Park.
338. Many of the objectors, who comprise only 3.5% of the local population, would not be materially affected by the development. Opposition has been vocal but has not been based on an understanding of what the proposals actually entail. Some objectors appearing at the Inquiry, including the MPs, admitted that they had not even attempted to acquaint themselves with the facts. Consideration should be given to the silent majority. Some elderly supporters have felt intimidated by vociferous protesters while others who run local businesses feared reprisals.

339. Parish Councils should not be seen as accurately representing local opinion. They did not allow members of the public to have a say and, in the case of Cranleigh, deliberations on the application were held in secret.

*Written representations (Document G1)*

340. The A281 is a main artery to Guildford and has always suffered from congestion. The effect that the Eco-Village would have on it has been grossly over-emphasised by objectors. Most of the prospective residents already live in the area and many of them will be working in the industrial area of the Park. The re-use of the disused Guildford to Cranleigh railway line as a tramway would take much of the commuter and school run traffic off the roads and deserves consideration in the light of the appeal proposals.
341. Access to businesses based at Dunsfold Park is very difficult for both staff and visitors and has to be made by independent means of transport, causing inconvenience, additional expense and recruitment problems. Apart from any environmental benefits the appeal proposals would give all employers access to local staff. The improvements to public transport in the area would benefit the wider community.
342. The inclusion of affordable housing in the scheme would be advantageous regardless of where those benefiting from it might work. The Council's objection to it being focussed on those working at Dunsfold Park is misguided.
343. Objections based on the development despoiling a rural area are groundless. Dunsfold has been an industrial site for many years and when the Harrier was being produced there engine noise was a nuisance as far away as Bramley. The airfield itself was never beautiful and the development would in no way spoil the appearance of the area.

## **OTHER REPRESENTATIONS**

The main points are:

344. *The Open Spaces Society* (Document G11) welcomes the 145ha of open space included in the scheme, especially the 72ha Country Park but has concerns that access for the general public, as opposed to residents of the Eco-Village, is only on a permissive basis. It considers that paths and bridleways should be dedicated as public rights of way.
345. In written representations the *CTC*, the national cyclists' organisation, (Document G1) welcomes the emphasis placed on cycling although it would like to see a number of improvements including the dedication of paths and bridleways as public rights of way. The *Ramblers Association* has also stressed the importance of ensuring unrestricted public access to the country park and other open spaces as well as to footpaths, bridleways and cycle ways if the benefits of the facilities are to be realised.

## **CONDITIONS AND OBLIGATIONS**

### *Planning Conditions*

346. The conditions to be imposed in the event that the appeal is allowed were discussed at length during the Inquiry. The Appellants had produced a list of conditions previously discussed with the Council and which included their own proposed deletions and amendments (Document DP67). During the discussion it was agreed that a series of additional highway conditions (Document LPA17) should not be imposed. The Appellants have subsequently compiled a consolidated list (Document DP69) that includes those conditions which were agreed at the Inquiry and those which the Council proposed as either additions or amendments and on which no agreement was reached.
347. Because of the difficulties and delays involved in assembling finance for a development of this size, the Appellants were anxious to see the statutory time limits for reserved matters applications and starting development extended to five years. The Council wished to adhere to the standard time limits but agreed to the time limit for subsequent reserved matters applications being extended to 18 years. The Appellants proposed the deletion from condition 6 of clauses relating to a development programme and an energy strategy and objected to the Council's suggestion that this condition should also refer to electricity sub-stations.

### *Section 106 Unilateral Undertaking*

348. The final version of the draft S106 Unilateral Undertaking was the subject of lengthy discussions at the Inquiry. The Council put forward a number of comments and suggested modifications, some of which were accepted by the Appellants. Various other bodies also raised concerns about detailed aspects of the Undertaking. These principally related to the status of footpaths, cycle paths and open spaces both on and off the site and about the status of the Dunsfold Park Trust.
349. The Council also expressed a preference for a S106 Agreement as opposed to a Unilateral Undertaking. The Appellants pointed out that this had been their intention but the Council had been unwilling to participate. The Council also suggested that, having regard to the importance of the S106 in this instance and the number of disagreements, the Secretary of State might – if not dismissing the appeal – wish to consider issuing a “minded to allow” decision so as to allow further discussion and representations regarding the content of the S106.
350. The Appellants have subsequently submitted a final executed version, which includes changes agreed at the Inquiry (Document DP70). As in the case of the conditions, they have also submitted a consolidated list of the Council's objections and their responses to them (Document DP71). My comments on the S106 are contained in the conclusions section of this report.

## **CONCLUSIONS**

Figures in square brackets refer to paragraphs in the main body of the report.

### ***The Main Issues***

351. The main issue in the appeal is the suitability of the proposed development on this site in the context of national, regional and local planning policies governing: the principle of development in the countryside, including the impact on its character and appearance; the sustainability of the proposed development with particular regard to the transport infrastructure; the relationship between the development and the supply of housing land in the Borough; and the provision of affordable housing.

### ***The Fall Back Position***

352. Dunsfold Park has been an aerodrome since 1942 and now has the benefit of planning permission for various other uses in addition to activities directly related to aviation [101-105]. If the appeal proposals do not go ahead the status quo will be maintained [102]. The Council has said that it is in favour of continuing the present situation [190, 191, 234-236, 304].

353. Aviation activity is currently at a relatively low level, with the number of flights being well below the 5,000 annual limit. The Appellants have explained that this is due not to a lack of opportunity – they have drawn attention [101] to expressions of interest from a range of prospective tenants – but to their own reluctance to agree to long term tenancies pending the outcome of the appeal.

354. The extent to which the existing use conveys PD rights on the Appellants is a matter of dispute [103-105]. However, given the general policy backing for aviation use and in the absence of any specific proposals it is idle to speculate on what additional development might or might not be allowed. What is clear is that there is scope for a considerable intensification of the existing use without the need for further development.

### ***Previously Developed Land***

355. There are parts of the site which all parties agree are not PDL and which the Appellants are not proposing to develop. There are, however, conflicting views regarding the extent to which the rest of it should be regarded as PDL. There is no dispute that the area containing the hangars and other buildings in the north of the site constitutes PDL [98-100,193]. The Rule 6 parties maintain that this is the only PDL on the site [241, 249, 250].

356. 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 such as the storage and repair of aircraft. 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.

357. The rest of the land is open [281] but that does not mean that it is undeveloped. The runways, taxi ways and perimeter road are central to the functioning of the aerodrome [100]. They are engineering structures that quite clearly constitute development.



358. 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 can not 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.

***Development in the Countryside (Issue 1)***

359. National and local planning policy seeks to protect the countryside for its own sake and to achieve sustainable forms of development. I shall deal with sustainability as a separate issue and shall restrict consideration under this heading to matters relating to the character and appearance of the countryside.

***The Existing Situation***

360. The site is set in a rural area of great character and natural beauty, close to the Surrey Hills AONB. It adjoins and is partly within an area designated as an AGLV in the Local Plan [108, 110, 152, 153, 298, 305]. Because it is surrounded by the woodland that is characteristic of the area views into and out of the site are very restricted. It can only really be appreciated in distant views from elevated vantage points in the hills and even then it is only possible to see parts of the site.

361. The airfield itself is a functional, flat and featureless stretch of mown grass and concrete. It was, quite literally, blasted out of the Surrey countryside as a wartime expedient. The hangars and other buildings associated with it have a strictly functional appearance and are of no aesthetic value. The undeveloped area, which is within the AGLV, is not accessible to the public and, being cut off from most views from outside the site, can not be appreciated by the public [107, 108, 336].

362. Although the site itself is inconspicuous the aerial activity associated with its permanent use as an aerodrome has a significant impact on the tranquillity of the surrounding area. The same applies to the commercial uses on the site, which have involved the manufacture and testing of military aircraft and, more recently the maintenance and repair of passenger jets as well as noisy activities such as making of BBC "Top Gear" and the testing of high performance McClaren Mercedes cars.

363. Particular concern has been expressed about the impact that the development would have on views from the Surrey Hills AONB [212, 257, 259]. The viewpoints in question are a considerable distance away [112]. The nearest, Hascombe Hill, is 2.5km distant. From these vantage points very little can be seen of the existing buildings and the most prominent feature is a Boeing 747 permanently parked on the runway. The village would feature in these views [112] but it does not follow that it would be obtrusive. For practical reasons, airfields are usually sited in the countryside but they and their associated activities and structures are hardly traditional features of the rural scene. In contrast, the sight of a distant village is something to be expected in a panoramic view of the English countryside [113].

364. My attention has been drawn to comments made by other Inspectors with regard to the effect that development would have on these views [257]. In each case, however, the developments in question involved additions to or modifications of the existing uses on the site rather than, as in this instance, their replacement by a qualitatively different sort of development. The more muted colours and textures of materials likely to be used in the houses and other buildings of the Eco-village would result in the development having less visual impact on views from the AONB than the existing aerodrome. I noticed during my inspection of the site from these viewpoints that the nearby settlement of Cranleigh, which is very much larger than the proposed Eco-village, had very little impact at all on views from the hills. For all of those reasons I do not accept that the site, in its present state, makes a positive contribution to the appearance of the landscape around it.
365. Concerns about the loss of rural tranquillity resulting from traffic and other sources associated with the development [300, 337] must be seen in the context of the established uses of the airfield. Any harmful effect that the extra traffic might have would be offset by the cessation of the existing noisy activities, both aerial and terrestrial. If the appeal is dismissed, aerial activity is likely to continue with at least the present level of intensity [101]. Moreover, given that roads in the area are already congested [300] the development is unlikely to have much impact on traffic noise. I consider that the development would not, therefore, affect the tranquillity of the area.
366. In addition to the built development the scheme would include lakes and a great deal of landscaping within the village. A country park would be created on land within the AGLV. All of these developments would help to blend the development into the surrounding countryside as well as increasing the visual interest and attractiveness of the site [116-122].
367. The scheme would also open up the site to members of the public, who have no access to it at present. In addition to the country park [119] and other publicly accessible open spaces within the village, the scheme would include footpaths and cycle paths and would restore links that were broken when the airfield was created [119]. This improved public access could only be of benefit to the wider community. I have taken account of the concerns that access would be on a permissive rather than statutory basis [119] and that routes within the site would not be dedicated public footpaths. However, what matters is that the public should have guaranteed access to them and I see no reason why this could not be achieved by means of a legally binding S106 undertaking [119, 344, 345].
368. My conclusion is that the proposed development would not cause material harm to the character or appearance of the countryside. It would, in that respect, comply with saved Policies C2, D1 and D4 of the WBLP.

### ***Sustainability (Issue 2)***

369. The Appellants have produced compelling evidence to demonstrate that the development would achieve a very high overall level of sustainability and a low carbon lifestyle [56-60], well in excess of what is normally expected in new development [61] and would compare favourably with other leading schemes both in the UK and abroad [62-67].

370. The rejection of the Appellants' bid to have the Eco-Village included in the Eco-Towns programme [195, 271-276, 310, 311] can not be taken as an indication that the scheme is defective in terms of its overall environmental objectives [124-127]. The Appellants were proposing to build little more than half the minimum number of houses specified. The scheme did not, therefore, fulfil one of the principal criteria for inclusion in the programme and was excluded for that express reason. In my view there is no merit in speculating beyond that as to what else the Government may or may not have thought of the scheme [195]. I see no reason, however, why the Appellants should not use the Eco-Towns as a benchmark for their own proposals [195, 196].
371. Friends of the Earth, an independent organisation that might be expected to take a sceptical view of development proposals, has expressed strong support for the scheme [318-326]. It is significant that, notwithstanding the Government's own Eco-Towns programme, FoE should have singled out the appeal proposals as being the scheme deserving its support [136]. Moreover, that support is expressed not simply as a response to a planning consultation but is based on a continuous assessment of the proposals as they have developed over a period of years. It included an appraisal of the Appellants' past performance in other projects and the appointment of solicitors to scrutinise the S106 undertaking. Furthermore, that assessment was a comprehensive analysis that took account of wider issues such as housing land supply and affordable housing. I consider that, having regard to the breadth, depth and thoroughness of the investigation carried out by FoE, very great weight should be given to its conclusion that the environmental credentials of the Appellants and of their proposals merited strong support.
372. The site is in an isolated rural location and the road network around it consists primarily of narrow country lanes [306, 313]. There is severe congestion on the A281, the main trunk road in the area, and in some of the villages [207-211, 264, 300, 306, 310, 313]. The site is not served by public transport [299]. Traffic generated by the existing commercial uses on the site includes HGV movements as well as commuter traffic. In so far as the existing situation is concerned, therefore, the site is not in a sustainable location. Moreover, little can be done to improve the existing infrastructure beyond minor alterations to road junctions [128-131, 148-151]. This was a significant factor in the decision of the EIP Panel not to recommend the inclusion of the Eco-Village within the SEP [128].
373. The Appellants have sought to address this situation on the basis that there is no such thing as an unsustainable location, only an unsustainable way of doing things [91]. In addition to seeking to make the village as self-contained as possible, they have developed a package of other measures designed to ensure that the scheme would minimise the use of motor transport [76]. They estimate that the development would nevertheless result in some 12,000 daily additional vehicle movements. This figure has been challenged [206] but such estimates invariably involve a range of unknowns and variables and due allowance must be made for margins of error.
374. I see no reason to doubt that the Appellants' figure gives a reasonable impression of the scale of additional traffic likely to be generated by the development. In considering the implications of this extra traffic it is necessary to bear in mind the alternatives.

375. Firstly, if the appeal were to fail there is a reasonable prospect that aviation, commercial and industrial uses would intensify [97, 101-105, 234, 288], with implications for the number of visitors to the site as well as the number of people employed on it. This would have a direct impact on the amount of traffic, both private and commercial, using the roads in the area. Even allowing for that, however, the additional daily vehicular movements resulting from the development would put severe and unacceptable pressure on an overstretched road network in which there is only limited scope for improvement.
376. Furthermore, the Appellants' estimate of 12,000 additional vehicle movements assumes that the various measures included in the S106 Undertaking would work in practice and in perpetuity. The Appellants have put a great deal of thought into formulating those measures and I accept that there is a high probability that they would be effective [76-80; 206]. However, the consequences of their failure would be very severe given the scale of the development and the inherently unsustainable location of the site.
377. Secondly, traffic can be expected to increase regardless of whether or not the Eco-Village is built. The 5,000 new houses to be built in Waverley over the twenty year period of the SEP are likely to have a major impact on traffic wherever they are placed. The Council has sought to show that they would be best accommodated in an urban extension such as that proposed at Slyfield, on the outskirts of Guildford [69, 174]. It seems to me, however, that no worthwhile conclusions can be drawn from a comparison between Slyfield and Dunsfold Park. Firstly, the 5,000 houses are to be built in Waverley, not in Guildford [69]. Secondly, the towns in Waverley that might be candidates for an urban extension - Godalming and Farnham - have little in common with Guildford in terms of their size, geography and infrastructure. The Slyfield development is therefore irrelevant unless it can be shown that the lessons from it could be applied to the Waverley towns. Nevertheless, the SEP and the development plan seek to focus new development on existing urban areas, as does national planning policy as set out in PPS3 and PPS7. Whether or not this could be achieved in Waverley with a similar or smaller impact on traffic generation remains a matter of conjecture pending formulation of the LDF, preparation of which is still at an early stage.
378. In so far as alternative modes of transport are concerned [72-75], the proposals would benefit the wider area as well as residents of the Eco-Village by introducing a high quality bus service [72, 73]. Paragraph 75 of PPG13, Transport, says that walking has the potential to substitute for the car for journeys of up to 2km and paragraph 78 says that cycling could do the same for journeys of up to 5km. Cranleigh is therefore too far away for access by these modes. Moreover, the available routes include unlit country roads and footpaths. As the Council points out [203, 204], there is some doubt as to whether some of the improvements proposed by the Appellants could be achieved.
379. I consider that the scheme would be of great value as an example of the part that low carbon built development can play in combating climate change. I see no reason to doubt that it would be seen as a development of national and international importance in that respect [19, 54-67]. Notwithstanding the reduced reliance on the private car, however, the development would still generate a considerable amount of additional road traffic.

380. In that respect it would not be compatible with the existing transportation infrastructure of the area [198] and would not be sustainable in transportation terms. Consequently it would conflict with saved Policies D1(d), IC4(v), M1 and M13 of the WBLP. Because of the unacceptable impact that the scheme would have on traffic congestion and its consequent impact on surrounding communities I do not accept that this is a consideration that is outweighed by the other advantages of the scheme.

***Housing Land Supply (Issue 3)***

381. The Appellants claim that difficulties associated with the major housing sites identified by the Council mean that it can not deliver the five year supply of housing land required by PPS3 [25-38; 221-227]. PPS3 only requires that there should be a reasonable prospect of sites being developed [221]. In my view the difficulties referred to are not such as to prevent there from being a reasonable prospect of the sites being available. The five year figure is, in any event, of limited significance in this instance because the appeal scheme would not start to make a significant contribution to housing provision until after the five years have elapsed [220]. It is in that later period that the situation appears more difficult.
382. Policy H1 of the SEP requires the construction of 5000 new houses in Waverley over the period 2006 to 2026 [22-24]. At the time of the Inquiry 826 of these had been built, leaving a residual requirement of 4138 (Doc. LPA1/1). It is clear that the Council faces a challenge in deciding how to accommodate these without relaxing policy constraints on greenfield development [322, 323, 333]. In that context the appeal proposal has many advantages. It would accommodate a large proportion of the houses needed over the life of the SEP on previously developed land with limited visual impact, without the loss of valuable agricultural land and in an area that currently has the lowest grade of protection.
383. There is a severe shortage of affordable housing in Waverley [39-47, 228, 321, 322, 331, 335]. Completions have come nowhere near the figure of 622 affordable homes that are needed within the Borough each year and the situation is therefore deteriorating rather than improving [331]. There are currently about 3,000 applicants on the Council's HNR, about half of whom have expressed a preference to live in Dunsfold, Alfold or Cranleigh [41, 42]. During the Inquiry attention was drawn to the severe social and economic consequences of the failure to deal with the problem [327, 328]. Its effects on individuals and their families were also attested to by a number of people experiencing problems of housing stress [335].
384. In that context the fact that the appeal scheme would include 910 affordable homes, of various types and tenures dispersed throughout the development, is a material consideration although this would apply only if the overall scheme was otherwise acceptable [229-231, 281, 282, 302]. Clearly, if a site is unsuitable for housing then it must be unsuitable for affordable housing. For the reasons given above, I consider that this is not a suitable site for housing development, at least in the context of the current proposals. Consequently I consider that limited weight can be attached to the benefit of including such a large amount of affordable housing in the proposals.

385. In the plan-led system the allocation of sites for housing is a matter for the development plan process [143, 244, 247, 248, 277-280]. The possibility of including the Dunsfold Park scheme in the SEP was considered and rejected both by the EIP Panel and by the Secretary of State [165-168]. Both the approved SEP and the saved policies of the WBLP oppose major development in the countryside. That reflects national policy in PPS3 and PPS7. In preparing its LDF the Council will need to assess the needs of existing urban and rural settlements, while taking account of many factors including the existing infrastructure capacity. In doing so it will need to work with other stakeholders, so as to accord with paragraph 38 of PPS3.
386. There is a presumption in PPS3 against the refusal of planning permission on grounds of prematurity [143, 244, 247, 248, 277-280]. Despite this there are exceptional circumstances in this instance. The Dunsfold Park proposal is no ordinary planning application. Its scale is such that the EIP Panel held that it would seriously unbalance the regional strategy [180]. It would involve the expansion of the largest industrial estate in Waverley [97, 146] and provide, in one location, more than 60% of the Borough's housing supply for the remaining life of the SEP. The sheer scale of the development would have the effect of pre-empting proper consideration of the housing needs of the Borough and would pre-determine the outcome of the LDF process.
387. Despite its disadvantageous location relative to the surrounding transport infrastructure, the appeal site has many advantages. When seen in the context of other options the appeal proposals may well prove to be the best solution for meeting the SEP housing requirement. However, those other options have yet to be explored. The SEP had not even been approved at the time of the Inquiry and the Council does not as yet have an adopted Core Strategy. The superiority of the appeal proposals can not be assumed. A decision to allow the Eco-Village to proceed at this stage, prior to the formulation of the LDF, would be premature and would effectively pre-empt the proper consideration of alternatives as part of the develop planning process.
388. My conclusion is that the proposal to site major housing and industrial development in a rural area would conflict with current national planning policy as set out in PPS3 and PPS7. It would also conflict with Policy SP3 of the recently approved SEP, which seeks to focus development on urban areas, as well as with saved Policy C2 of the WBLP.

***The Allocation of Affordable Housing (Issue 4)***

389. Given that the affordable housing in the scheme would meet the definition in Annex B of PPS3 and would be allocated to people on the Council's HNR, the claim that it would fail to meet the needs of those in housing need, contrary to SEP Policy H4, is plainly wrong [132-134].
390. The objection is based on the fact that the affordable housing would be allocated not on the basis of the Council's lettings criteria, which have no basis in planning policy [134], but in accordance with Appellants' own Sustainable Lettings Criteria [133]. In view of the nature of the development and, in particular, its objective of reducing carbon footprint and the need to travel, it seems entirely reasonable to give priority to those in housing need who already live or work near to Dunsfold Park or are seeking to do so [342].

391. Moreover, the Council's concerns in this respect need to be viewed in the context of the desperate need for affordable housing in Waverley. Given the scale of the problem and the Council's inability to deal with it, the benefits of providing affordable housing on the scale proposed at Dunsfold Park greatly outweighs any concern that there might be about the way it would be allocated.

392. My conclusion is that the proposed method of allocating affordable housing is consistent both with the aims and objectives of the development and with Policy H3 of the approved SEP.

### **Other Matters**

393. The Appellants have drawn attention to the way that emerging Government policy suggests that the past emphasis on concentrating new development on existing towns for reasons of sustainability may be changing and that freestanding rural settlements and urban extensions are coming to be seen as complementary [68, 194]. It is apparent from the evidence put forward at the Inquiry that there are considerable economic and social problems in the Cranleigh area and that the Eco-Village would be of very great assistance in helping to overcome them [82-92, 324, 327, 328, 341]. I do not see this as an overriding factor, however, because the SEP has only just been approved by the Secretary of State and must be regarded as taking account of current Government thinking.

394. Notwithstanding the comments of the Rule 6 Parties [123, 285], the habitat surveys carried out by the Appellants seem to me to have been very thorough and had satisfied the requirements of English Nature and the Council.

### **Conditions and Undertakings**

395. There is disagreement in principle between the parties with regard to the respective roles of the conditions and the S106 undertaking. The Appellants object to some of the conditions proposed by the Council because they relate to matters covered by the S106 undertaking. I agree with the Council's view that, where possible, these matters should be the subject of conditions. If the Secretary of State concurs there would be a degree of duplication. However, clause 4.4 of the S106 states that where there is any inconsistency the conditions shall prevail.

396. My comments on the proposed conditions are as follows. The numbering of the conditions in the following paragraphs corresponds to that in the Appellants' consolidated list (Document DP69).

#### *The Outline Permission*

397. Conditions 1-3 relate to the statutory time limits for making applications for approval of reserved matters and starting development. Conditions 4-7 provide further detail and clarification that is necessary having regard to the scale and complexity of the proposals. In so far as the time limits are concerned I consider that, on a development of this size and complexity, it is reasonable to allow more time than usual for the submission of reserved matters.

398. I agree with the Appellants that reference to a development programme should be deleted from proposed condition 6 as this would be unduly restrictive and that reference to an energy strategy should be deleted so as to avoid conflict with condition 21. I also agree that there reference to electricity substations is unnecessary in the context of this condition.
399. Conditions 9-13 involve a range of controls over construction of the development. As construction is expected to extend over a period of ten years or more I consider that such controls are necessary, in this instance, in the interests of highway safety and in order to protect the amenity of existing and prospective residents. The wording of some of these conditions could be simplified and be more in line with standard conditions in Circular 11/95.
400. A condition requiring measures to identify and deal with any contamination on the site is necessary in the interests of public health, having regard to its history of industrial use. The parties have suggested alternative versions of condition 14, one taken from a previous Secretary of State decision and the other from a DCLG advice letter. In my view the former has the virtue of conciseness and clarity but either would achieve the desired objective.
401. While conditions 16 and 17 have been agreed between the parties I am not persuaded that they are strictly necessary as they are all matters specified in the application or subject to Reserved Matters approval. I also consider Conditions 18 to 20 are also unduly restrictive and concern matters that could adequately be dealt with as part of the Reserved Matters applications.
402. Condition 21 is needed to ensure satisfactory completion of the scheme in accordance with its stated environmental objectives. Condition 22, which relates to hours of use, is needed in order to protect the amenity of prospective neighbours of the premises concerned. I am not persuaded that condition 23, which states what should be included in a reserved matters application, is necessary. If the Council considers what is proposed in the application to be unsatisfactory it can refuse permission.
403. I consider condition 24 to be necessary in order to ensure that the requisite infrastructure is in place prior to occupation of the houses. A Travel Plan is needed in order to ensure the satisfactory completion of the scheme in accordance with its stated environmental objectives. For the reasons given above I agree with the Council that this should be governed by a condition (condition 24a) rather than the S106 undertaking. The Council's suggested conditions 24b and 24c are negatively worded and require the carrying out of off-site highway improvements that are needed in the interests of highway safety. For the reasons given above I agree with the Council that these matters should be governed by condition rather than by the S106 undertaking. Suggested condition 25 is needed in order to ensure the proper provision of public facilities within each phase of the development.
404. I see no need for suggested conditions 25a, 26, 27 and 27a because landscaping is a reserved matter. Suggested condition 28 is needed in order to protect any items of archaeological interest on the site and condition 29 is needed to obviate the risk of flooding. While I consider that condition 30 is necessary in order to ensure the satisfactory drainage of the site, I agree with the Appellants that the vague reference to off-site works should be deleted. Condition 31 is needed in order to protect wildlife.



*The Full permission*

405. Condition 1 is a statutory requirement. Condition 2 is not needed as it is simply a statement of fact, listing what is being applied for. The Council has enforcement powers to deal with unauthorised development. Condition 3, the provision of access, is needed in the interest of highway safety. Suggested condition 4, restricting use of the site for flying, would be redundant if the overall development were to proceed but would be needed in the interests of residential amenity if the change of use was to proceed in isolation. Suggested condition 5 is needed in the interests of residential amenity. Suggested condition 6 is needed in the interests of highway safety.
406. I agree with the Appellants that conditions 7 and 8 should not be imposed because they relate to the change of use of the existing buildings. It would not be reasonable to require additional landscaping around them. Condition 9 is needed in order to protect the rural character of the area.
407. I agree with the Appellants that condition 10 should not be imposed because it is a matter better dealt with under other legislation and that suggested conditions 11 and 12, which require landscaping works around existing buildings, are inappropriate in the context of an application for change of use and should not be imposed.

*The Unilateral Undertaking.*

408. Most of the Council's objections to the Unilateral Undertaking related to points of detail and were either accepted by the Appellants and incorporated into the final version (Document DP70) or were satisfactorily explained (Document DP71). There are, however, a number of important points that remain unresolved. My comments on these are as follows. Page and paragraph numbers refer to the final version of the Document.
409. I share the concern of the Council and others [349] with regard to the Community Land Trust arrangements (Page 23, paragraph 2.1). The CLT would have a crucial role in managing the village and in ensuring that it lived up to the promises made by the Appellants. CLTs are commonly encountered but I consider it essential that the arrangements for its establishment and subsequent retention are clearly set out in the S106.
410. The Council and SDPNT have both drawn attention to the potential weakness with regard to the default funding arrangement in paragraph 2.1.4ii on page 24. Although it provides for the owners at the time in question to make good any shortfall in funding of the CLT there can be no assurance that they would be in a position to do so. The Council pointed out that individuals and companies do occasionally go into liquidation and stated that what was needed was a financial bond. The Appellants rejected that option and it seems to me that the matter has not been satisfactorily resolved in the final version of the S106.
411. Both the Council and SDPNT also drew attention to the fact that BAe, the owners of the freehold, are not party to the Undertaking. Notwithstanding the fact that the Appellants hold a 999 year lease, there is a possibility, however remote, that the lease could be terminated or reassigned, leaving the Council with no one to enforce the Undertaking against.

412. There are a number of other points on which the Appellants and the Council disagree but which are, in my view, of less significance. The disagreement on paragraph 3.2 on page 24 is of little import because condition 20 requires the submission of a "scheme" for surface and foul water infrastructure. Similarly the concerns of SDPNT with regard to construction of the access are premature because its design is a reserved matter and its timing controlled by conditions. The Appellants' position with regard to paragraph 1.5.4 on page 67 remains unclear. This also seems to me to be of limited significance since landscaping is a reserved matter. There are many areas of disagreement with regard to Schedule 8 (page 71 onwards) and this seems to me to be an example of the potential confusion caused by including details in the S106 of matters covered by condition - in this case the Landscape Management Plan.
413. I see no reason why the proposed cordon charge or the restrictions on car use should interfere with the human rights of residents (Doc. G45) because they would have entered into these arrangements voluntarily. The site would continue to be private land on completion of the development. While I sympathise with the concerns expressed with regard to public access to the footpaths, cycle tracks and parkland within the village, I see no reason why the Appellants should have to go so far as to dedicate them as public rights of way or have them adopted by the local authority. What matters is that public access to them is assured and the S106 Undertaking would achieve this.
414. For the reasons given above I consider that there are a number of defects in the S106, albeit that they are almost certainly capable of resolution. I share the view of the Council and SDPNT that further drafting is required. The Appellants agreed with the Council's suggestion that a "minded to allow" decision by the Secretary of State might help to resolve any outstanding disagreements. Consequently I would recommend that the Secretary of State follow that suggestion unless minded to dismiss the appeal.

### **Overall Conclusions**

415. Viewed in isolation the Eco-Village would be a truly outstanding example of the type of development needed to meet the challenge of climate change. Despite the efforts made to reduce dependence on the motor vehicle, however, the traffic generated by the development would have an unacceptable impact on an inadequate local road network. It would also conflict with policies in the SEP and WBLP that seek to focus development on existing urban centres and would have the effect of predetermining the outcome of the emerging LDF process. I consider that the harm so caused would outweigh the considerable environmental, social and economic benefits of the scheme. For that reason and having regard to the many other matters raised at the Inquiry my overall conclusion is that the appeal should be dismissed.

### **Recommendation**

416. I recommend that the appeal be dismissed. In the alternative, if the Secretary of State is minded to allow the appeal, I would recommend that the conditions listed in Annex 3 be attached to the planning permission.

*Anthony J Davison*

Inspector

## **ANNEX 1: INQUIRY DOCUMENTS**

### **CORE DOCUMENTS**

- CD A1      PPS1: *Delivering Sustainable Development* (2005)
- CD A1a     Supplement to PPS1: *Planning and Climate Change* (2006)
- CD A2      PPG2: *Green Belts* (1995 amended 2001)
- CD A3      PPS3: *Housing* (2006)
- CD A3a     *Delivering Affordable Housing* (CLG 2006)
- CD A3b     PINS Advice Note on PPS3 (2008)
- CD A3c     *Demonstrating a 5 year Supply of Deliverable Sites* (CLG 2007)
- CD A4      PPG4: *Industrial and Commercial Development and Small Firms* (1992)
- CD A4a     *Consultation Paper on a new PPS4: Planning for Sustainable Economic Development* (2007)
- CD A5      PPS6: *Planning for Town Centres* (2005)
- CD A5a     *Proposed Changes to PPS6 – Consultation Document* (2008)
- CD A6      PPS7: *Sustainable Development in Rural Areas* (2004)
- CD A6a     *Securing the Future: The UK Sustainable Development Strategy*(HM Government 2005)
- CD A7      PPS9: *Biodiversity and Geological Conservation* (2005)
- CD A8      PPS10: *Planning for Sustainable Waste Management* (2005)
- CD A9      PPS11: *Regional Spatial Strategies* (2004)
- CD A10     PPS12: *Local Spatial Planning* (2008)
- CD A11     PPG13: *Transport* (2001)
- CD A12     PPG17: *Planning for Open Space, Sport and Recreation* (2002)
- CD A12a    *Assessing Needs and Opportunities: a Companion Guide to PPG17* (2002)
- CD A13     PPS22: *Renewable Energy* (2004)
- CD A14     PPS23: *Planning and Pollution Control* (2004)
- CD A15     PPG24: *Planning and Noise* (1994)
- CD A16     PPS25: *Development and Flood Risk* (2006)
- CD A17     Circular 05/2005: *Planning Obligations* (2005)
- CD A17a    *Planning Obligations: Practice Guidance* (DCLG (2006)
- CD A18     Circular 11/95: *Use of Conditions in Planning Permissions* (1995)
- CD A18a    Planning Inspectorate Model Conditions (PINS 2008)
- CD A18b    *Model Planning Conditions for Development on Land Affected by Contamination* (CLG 2008)
- CD A19     *The Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999*
- CD A19a    *The Town and Country Planning (Environmental Impact Assessment)(Amendment)(England) Regulations 2008*
- CD A19b    Circular 02/99: *Environment Impact Assessment* (1999)
- CD A20     *Smarter Choices – Changing the Way We Travel* (DFT 2005)
- CD A21     *Guidance on Transport Assessment* (DFT)
- CD A22     *Urban Design Compendium* (EP and HC 2007)
- CD A23     *Buildings in Context* (EH and CABE)
- CD A24     *Housing Quality Indicators Form* (Housing Corporation 2008)
- CD A25     *National Affordable Housing Programme 2008-11 - Prospectus* (NAHA and HC 2007)
- CD A26     *The Six Acre Standard* (NPFA 2001)
- CD A27     *Draft Planning Policy Statement: Eco Towns* (CLG 2008)
- CD A27a    *Sustainability Appraisal and Habitats Regulations Assessment of the Draft Planning Policy Statement: Eco Towns* (CLG 2008)
- CD A27b    *Towards Zero Waste: Eco Towns Waste Management Worksheet* (TCPA 2008)
- CD A27c    *Eco-town Assessments Summaries* (CLG 2008)

- CD A28 *Planning for Sustainable Rural Communities – A New Agenda?* (CRC 2007)
- CD A29 *Strategic Housing Land Availability Assessments – Practice Guidance* (CLG 2007)
- CD A30 *Homes for the Future: More Affordable; More Sustainable* (Housing Green Paper 2007)
- CD A31 (no document)
- CD A32 *Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents* (ODPM 2005)
- CD A33 *What is a Sustainable Community?* (CLG)
- CD A34 *Conclusions of Bristol Ministerial Informal Meeting on Sustainable Communities in Europe* (ODPM 2005)
- CD A35 *Landscape Character Assessment: Guidance for England and Scotland* (CA and SNH 2002)
- CD A36 *Guidelines for Landscape and Visual Impact Assessment, Second Edition* (LI and IEM 2002)
- CD A37 *Accessible Natural Greenspace in Towns and Cities: A Review and Toolkit for their Implementation* (English Nature 2003)
- CD A38 *Code for Sustainable Homes* (CLG 2008)
- CD A39 *Draft Climate Change Bill- Consultation Document* (2007)
- CD A40 *The Stern Review on the Economics of Climate Change: Final Report* (HM Treasury 2006)
- CD A41 *A Report of Working Group 1 of the Intergovernmental Panel on Climate Change – Summary for Policymakers* (IPCC 2007)
- CD A41a *Climate Change 2007: Synthesis Report Summary for Policymakers* (IPCC 2007)
- CD A42 *Reaching an International Agreement on Climate Change* (House of Commons Environmental Audit Committee Sixth Report of Session 2007/2008)
- CD A42a *Reaching an International Agreement on Climate Change: Government Response to the Committee's Sixth Report of Session 2007-2008* (House of Commons 2008)
- CD A43 *The Climate of the United Kingdom and Recent Trends* (Met Office 2007)
- CD A44 *Meeting the Housing Requirements of an Aspiring and Growing Nation: Taking the Medium and Long View* (NHPAU 2008)
- CD A45 *Affordability Still Matters* (NHPAU 2008)
- CD A46 *Trees in relation to Construction* (BS 5837:2005)
- CD A47 *Manual for Streets* (DFT 2007)
- CD A48 *Residential Road and Footpaths (Design Bulletin32)* (DETR 1992)
- CD A48a *Places, Streets and Movement: A Companion Guide to Design Bulletin 32* (ODPM 1998)
- CD A49 *By Design: Urban Design in the Planning System* (CABE 2000)
- CD A50 *Protecting Design Quality in Planning* (CABE 2003)
- CD A51 *By Design: Better Places to Live* (CABE 2001)
- CD A52 *Living Working Countryside. The Taylor Review of Rural Economy and Affordable Housing* (Matthew Taylor 2008)
- CD A53 *Employment Densities: A Full Guide* (EP 2001)
- CD A54 *Building a Low Carbon Economy – the UK's Contribution to Tackling Climate Change* (CCC 2008)
- CD A55 *Definition of Zero Carbon Homes and non-Domestic Buildings* (CLG 2008)
- CD A56 *The Planning System: General Principles* (ODPM 2004)
- CD A57 *Making Travel Plans Work – Lessons from UK Case Studies.* (DFT 2005)
- CD A58 *The Eddington Transport Study* (HM Treasury and DFT 2006)
- CD A59 *Towards a Sustainable Transport System – Supporting Economic Growth in a Low Carbon World* (DFT 2007)

- CD A60 *Zero Carbon Task Group Report (UKGBC 2008)*
- CD A61 *The Callcutt Review of Housebuilding Delivery (CLG 2007)*
- CD A62 *Local and Regional CO2 Emissions Estimates for 2005-2006 Defra (2008)*
- CD A62a *Local and Regional CO2 Emissions Estimates for 2005-2006 Data Sheets*
- CD A63 *Greenhouse Gas Protocol: A Corporate Accounting and Reporting Standard (WBCSD and WRI)*
- CD A64 *Energy, Economic and Environmental Appraisal of an Innovative Low Energy Building (Turner C H 2007)*
- CD A65 *Inventory of Carbon and Energy (ICE) (Bath University 2008)*
- CD A66 *Building Sustainable Transport into New Developments: A Menu of Options for Growth Points and Eco-Towns (DFT 2008)*
- CD A67 *Schedule 2 Part 18 (Aviation) of the Town and Country (General Permitted Development) Order 1995*
- CD A68 *CLG Update – Extension of public consultation on Eco-Towns (February 2009)*
- CD A69 *UK Parliament: Publication of Report – Housing and the Credit Crunch (February 2009)*
- CD A70 *Housing and the Credit Crunch (Memorandum of CLG, HCA and TSA 2008)*
  
- CD B1a *Regional Planning Guidance for the South East (RPG9 2001)*
- CD B1b *RPG9: Chapter 9 – Regional Transport Strategy (2004)*
- CD B1c *RPG9: Chapters 10 (Energy Efficiency and Renewable Energy) and 14 (Tourism and Related Sport and Recreation) (2004)*
- CD B1d *RPG9: Chapters 10 (Waste) and 11 (Minerals) (2006)*
- CD B2 *A Clear Vision for the South East, The South East Plan Core Document – Draft Plan for Submission to the Government (2006)*
- CD B3a *Draft South East Plan, Report of the Panel, Volume 1: report and covering letter (2007)*
- CD B3b *Draft South East Plan, Report of the Panel, Volume 1 Appendices (2007)*
- CD B4 *Secretary of State's Proposed Modifications to the Draft South East Plan*
- CD B5 *Regional Spatial Strategy for the South East: Sustainability Appraisal and Habitats Regulations Assessment/Appropriate Assessment of the Secretary of State's Proposed Changes (GOSE 2008)*
  
- CD C1 *Surrey Structure Plan 2004*
- CD C1a *Guide to the 10% Requirement of Policy SE2 (SCC 2008)*
- CD C1b *Technical Paper 3: An Economic Geography of Surrey (SCC 2002)*
- CD C2 *Surrey Structure Plan – Secretary of State's direction on saved policies (September 2007)*
- CD C3 *Surrey Design Guide (SLGA 2002)*
- CD C3a *Surrey Design Technical Appendix (SCC 2002)*
- CD C4 *A Parking Strategy for Surrey, Supplementary Planning Guidance (SCC 2003)*
- CD C5 *Transportation Development Control Good Practice Guide (SCC)*
- CD C6 *Travel Plans Good Practice Guide (SCC)*
- CD C7 *Surrey's Sustainable Communities Strategy 2008-11 (SCC consultation draft 2008)*
- CD C8 *The Future of Surrey's Landscape and Woodlands (SCC 1997)*
- CD C9 *Surrey Waste Plan 2008*
- CD C10 *Surrey Local Transport Plan 2006/07 - 2010/11*
- CD C11 *Meadow Action Plan (SBP 2007)*
- CD C12 *Surrey Hills AONB Management Plan 2004-2009 (SHP)*

- CD C13 *Surrey Hills AONB Management Plan 2009-2014 (SHP Consultation Draft)*
- CD D1 *Waverley Borough Local Plan (2002)*  
 CD D2 *Waverley Urban Housing Potential Study (WBC 2006)*  
 CD D3 *WBLP – Secretary of State’s direction on saved policies (2007)*  
 CD D4a *Local Development Scheme (WBC 2005)*  
 CD D4b *Local Development Scheme (WBC 2007)*  
 CD D5 *Density and Size of Dwellings (WBC SPG 2003)*  
 CD D6a *LDF Annual Monitoring Reports 2006-2007 (WBC)*  
 CD D6b *LDF Annual Monitoring Reports 2007-2008 (WBC)*  
 CD D7 *West Surrey SHMA (Fordham Research March 2008)*  
 CD D7a *West Surrey SHMA (Fordham Research February 2009)*  
 CD D8 *Impact Study of the Closure of British Aerospace Dunsfold (W S Atkins 2000)*
- CD D9 *Waverley Community Strategy (2003)*  
 CD D10 *Housing Needs Survey Update 2005 (WBC)*  
 CD D11 *Town and Countryside Together – Corporate Plan 2008-11 (WBC)*  
 CD D12 *Waverley LDF Sustainability Appraisal Scoping Report (WBC 2007)*  
 CD D13 *LDF Core Strategy (withdrawn) (WBC 2006)*  
 CD D14 *No document*  
 CD D15 *Waverley Borough Cycling Plan (WBC SPD 2005)*  
 CD D16 *Planning Infrastructure Contributions (WBC SPD 2008)*  
 CD D17 *Housing Allocation Scheme (WBC 2007)*  
 CD D18 *Milford Hospital SPG (WBC 2003)*  
 CD D19 *Waverley Draft Housing Strategy 2005-2010 (WBC)*  
 CD D20 *Draft Settlement Hierarchy (WBC 2009)*  
 CD D21 *Draft Spatial Portrait, Issues and Objectives and Spatial Issues (WBC 2009)*
- CD D22 *Environment, Biodiversity and Climate Change (WBC 2009)*  
 CD D23 *Topic Paper: Living and Working (WBC 2009)*  
 CD D24 *Topic Paper: Town and Country (WBC 2009)*
- CD E1 *Extracts from Guildford Local Plan (GBC 2003)*  
 CD E2a *Guildford Housing Potential Study (GBC 2006)*  
 CD E2b *Guildford Housing Potential Study (GBC 2007)*  
 CD E3 *(no document)*  
 CD E4 *Guildford Town Centre AAP – Preferred Options (GBC 2006)*  
 CD E5 *Site Allocations DPD – Issues and Options (GBC 2007)*  
 CD E6a *Annual Monitoring Reports 2006-2007 (GBC)*  
 CD E6b *Annual Monitoring Reports 2007-2008 (GBC)*  
 CD E7 *Interim Guildford Housing Land Assessment Update (GBC2008)*
- CD F1 *Horsham District LDF Core Strategy (HDC 2007)*  
 CD F2a *Horsham District LDF Annual Monitoring Reports (HDC 2007)*  
 CD F2b *Horsham District LDF Annual Monitoring Reports (HDC 2008)*  
 CD F3 *Urban Housing Potential 2004-2018 (HDC 2005)*  
 CD F4 *Site Specific Allocations of Land DPD (HDC 2007)*  
 CD F5 *Report on the Site Specific Allocations of Land (PINS 2007)*  
 CD F6 *Reserve Housing Sites DPD – Preferred Options Paper (HDC 2008)*  
 CD F7 *Facilitating Appropriate Development Draft SPD (HDC 2009)*
- CD G1 *Extracts from Mole Valley Local Plan (MVDC 2000)*  
 CD G2a *Statement of Five Year Housing Land Supply (MVDC 1 April 2007)*  
 CD G2b *Statement of Five Year Housing Land Supply (MVDC 1 April 2008)*  
 CD G3 *Mole Valley LDF Core Strategy – Preferred Options (MVDC 2008)*  
 CD G4 *Statement of Five Year Housing Land Supply (MVDC 1 April 2008)*  
 CD G5a *Mole Valley Annual Monitoring Report (MVDC 2007)*

CD G5b	<i>Mole Valley Annual Monitoring Report (MVDC 2008)</i>
CD G6	<i>Mole Valley SHLAA (MVDC 2008)</i>
CD H1	<i>Extracts from Chichester District Council Local Plan (CDC 1999)</i>
CD H2	<i>Chichester District Council Urban Potential Study 2006-2018 (CDC 2006)</i>
CD H3a	<i>Five Year Housing Land Supply 2007-2012 (CDC)</i>
CD H3b	<i>Five Year Housing Land Supply 2009-2014 (CDC 2008)</i>
CD H4a	<i>LDF Annual Monitoring Report (CDC 2007)</i>
CD H4b	<i>LDF Annual Monitoring Report (CDC 2008)</i>
CD J1	Application letter dated 4 April 2008 and related forms
CD J1a	Schedule of Application Documentation (Documents 1-20)
CD J1b	Schedule of Application Drawings (Drawings PL01-PL18)
CD J1c	Schedule of WBC's Local List requirements and Comments
CD J1d	Schedule of WBC's pre-application questions and responses
CD J2	Vol. 1 - Planning Statement
CD J3	Vol. 2 - Design and Access Statement
CD J4	Vol. 3 - Environmental Statement (Main Report and Figures, Technical Appendices and non-technical summary)
CD J5	Vol. 4 - Flood Risk Assessment
CD J6	Vol. 5 - Housing Strategy
CD J7	Vol. 6 - Housing Land supply Assessment
CD J8	Vol. 7 - Transport Strategy
CD J9	Vol. 8 - Transport Assessment
CD J10	Vol. 9 - Travel Plan
CD J11	Vol. 10 - Carbon Assessment
CD J12	Vol. 11 - Economic Development, Shops and Services Strategy
CD J13	Vol. 12 - Open Space, Recreation and Access to Nature Strategy
CD J14	Vol. 13 - Construction Report
CD J15	Vol. 14 - Energy Strategy
CD J16	Vol. 15 - Water Strategy
CD J17	Vol. 16 - Waste Strategy
CD J18	Vol. 17 - Sustainability Appraisal
CD J19	Vol. 18 - Sustainability Appraisal of Alternative Locations
CD J20	Vol. 19 - Statement of Community Involvement
CD J21	Vol. 20 - Draft Heads of Terms for S106 Planning Obligations
CD J22	Application Revisions letter dated 25 April 2008
CD J23a	DPL responses to representations - first round
CD J23b	DPL responses to representations - second round
CD J23c	DPL responses to representations - third round
CD J23d	DPL responses to representations - fourth round
CD J24	Statutory, non-statutory, Parish Council and other representations
CD J25	Technical briefing report to Joint Planning Committee (03/09/08)
CD J26	Planning Officer's Report to Joint Planning Committee (17/09/08)
CD J27	WBC Decision Letter, September 2008
CD J28	Addendum to Environmental Statement (including Non-Technical Summary) (January 2009)
CD J28a	List of Consultees for Addendum to Environmental Statement and Public Notice dated 16 January 2009
CD J29	Natural England Habitats Regulations Assessment Screening Letter (4 September 2008)
CD J29a	Natural England Screening response (October 2008)
CD K1	Dunsfold Park EIA Draft Scoping Report (June 2006)
CD K2a	WBC EIA Scoping Opinion (July 2006)
CD K2b	Full scoping responses from all consultees (2006)

- CD L1 Summary of Relevant Planning History of Dunsfold Aerodrome
- CD L2 Appeal Decision – Appeal by DPL (APP/R3650/A/07/2045619)
- CD L3 Appeal Decision – Appeal by DPL (APP/R3650/A/07/2039742)
- CD L4 Appeal Decision – Appeal by DPL (APP/R3650/C/04/1153471)
- CD L5 Appeal Decision – Appeal by DPL (APP/R3650/A/08/2063812)
  
- CD M1 Draft Section 106 Planning Agreement
  
- CD N1 PINS starting date letter – 5 November 2008
- CD N2 PINS recovery letter – 7 November 2008
- CD N3 PINS confirmation of Inquiry date – 3 December 2008
- CD N4 PINS confirmation of PIM – 15 December 2008
- CD N5 PINS confirmation of Inspector – 19 January 2009
- CD N6 Notes of PIM – 8 January 2009
  
- CD O1 West Sussex Structure Plan (2005)
- CD O1a *A Strategy for the West Sussex Landscape* (Chris Blandford Associates/West Sussex County Council 2003)
- CD O2 *Barker review of Land Use Planning: Final Report - Recommendations* (December 2006)
- CD O3a Cranleigh Brick and Tile Works Appeal (APP/R3650/A/06/2028286)
- CD O3b Mereham Settlement Appeals (APP/V0510/A/06/2014221; APP/W0530/A/06/2014216 and APP/Q0505/X/07/2045815)
- CD O3c Arbury Camp Appeal (APP/W0530/A/08/2062801)
- CD O3d Flambard Way Appeal (APP/R3650/A/08/2063055)
- CD O3e Harry Stoke Appeal (APP/P0119/A/07/2035178)
- CD O3f Milbury Farm, Exeter Appeal (APP/P1133/A/08/2063604)
- CD O4 The Housing Corporation Economic Appraisal Tool (2007)
- CD O5 *Bat Surveys: Good Practice Guidelines* (BCT 2007)
- CD O6 *Badgers and Development* (English Nature 2002)
- CD O7 *Great Crested Newt Mitigation Guidelines* (English Nature 2001)
- CD O8 *Surveying Dormice Using Nest Tubes* (English Nature 2003)
- CD O9 *An Introduction to Planning, Conducting and Interpreting Surveys for Snake and Lizard Conservation.* (Froglife 1999)
- CD O10 *Herpetofauna Workers' Manual* (Gent and Gibson 1998)
- CD O11 *Bird Monitoring Methods* (RSPB 1998)
- CD O12 *Surveying for Badgers: Occasional Publication 9* (Mammal Society 1989)
- CD O13 *Evaluating Local Mitigation/Translocation Programmes: Maintaining Best Practice and Lawful Standards* (Herpetofauna Groups of Britain and Ireland 1998)
- CD O14 *Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit* (Joint Nature Conservation Committee 1991)
- CD O15 *Advice Note 01/04 – The Use of Photography and Photomontage in Landscape and Visual Impact Assessment* (LI 2004)
- CD O16 *The South Downs Management Plan 2008-2013* (SDJC 2008)
- CD O17 *Delivering Great Places to Live: 20 Questions You Need to Answer* (CABE 2008)
- CD O18 *Delivering Great Places to Live: Evaluating Housing Proposals Step by Step* (CABE October 2008)
- CD O19 *Dunsfold Village Design Statement* (2001)
- CD O20 *Lessons from Cambourne* (Inspire East 2007)
- CD O21 *Thinking About Rural Transport: Sustainable Rural Accessibility – Is It Really Possible* (CRC)
- CD O22 *Thinking About Rural Transport: Rural Life Without Carbon* (CRC)
- CD O23 SEEDA Regional Economic Strategy
- CD O24 Broadbridge Heath Application Documents
- CD O25 *Best Practice in Urban Extensions and New Settlements* (TCPA)



- 2007)  
CD O26 *Towards Sustainable Communities: Eco-Towns Community  
Worksheet (TCPA March 2008)*  
CD O27 *Surrey AGLV Review (Chris Burnett Associates June 2007)*  
CD O28 *Statement of Common Ground*

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**THE APPELLANTS' DOCUMENTS**

- DP1 Mr McAllister's Proof of Evidence  
DP2 Mr McAllister's Appendices  
DP3 Mr McAllister's Summary Proof  
DP4 Mr McAllister's Rebuttal Statement  
DP5 Mr McAllister's Speaking Note  
DP6 Mr Beharrell's Proof of Evidence  
DP7 Mr Beharrell's Appendices  
DP8 Mr Beharrell's Speaking Note  
DP9 Mr Arrick's Proof of Evidence  
DP10 Mr Arrick's Appendices  
DP11 Mr Arrick's Rebuttal Proof  
DP12 Mr Arrick's Speaking Note  
DP13 Mr Owen's Proof of Evidence  
DP14 Mr Owen's Appendices  
DP15 Mr Owen's Summary Proof  
DP16 Professor Guthrie's Proof of Evidence  
DP17 Professor Guthrie's Appendices  
DP18 Professor Guthrie's Summary Proof  
DP19 Dr Gerrard's Proof of Evidence  
DP20 Dr Gerrard's Appendices  
DP21 Mr Flenley's Proof of Evidence  
DP22 Mr Flenley's Appendix RF1  
DP23 Mr Flenley's Appendix RF2  
DP24 Mr Flenley's Graphics  
DP25 Mr Flenley's Summary Proof  
DP26 Mr Flenley's Rebuttal Proof  
DP27 Mr Flenley's Streamlined Summary  
DP28 Mr Leahy's Proof of Evidence  
DP29 Mr Leahy's Appendices  
DP30 Mr Leahy's Summary Proof  
DP31 Mr Leahy's Rebuttal Evidence  
DP32 Mr Leahy's speaking note  
DP33 Mr Bird's Proof of Evidence  
DP34 Mr Bird's Appendices  
DP35 Mr Bird's Summary Proof  
DP36 Mr Bird's Rebuttal Proof  
DP37 Mr Bird's Speaking Note  
DP38 Mr Bullock's Proof of Evidence  
DP39 Mr Bullock's Appendices  
DP40 Mr Bullock's Summary Proof  
DP41 Mr Bullock's Rebuttal Proof  
DP42 Mr Bullock's Rebuttal Appendices  
DP43 Mr Bullock's Speaking Note  
DP44 Letters to Mr McAllister from TCPA and Crest Nicholson  
DP45 Hayes Davidson comments on Mr Barker's image  
DP46 Letter (23 March) from Crest Nicholson  
DP47 Letter (23 March) to Mr McAllister from Aces High

- DP48 Hascombe Parish Council Housing Needs Survey (March 2009)
- DP49 Government Welcomes Matthew Taylor Report (press release 23 July 2008)
- DP50 Response note to Mr Bradley's rebuttal proof
- DP51 Revised Phasing Plan (Phase 1)
- DP52 Eco-towns: Living a Greener Future
- DP53 NHF press release (19 March 2009) on Household Waiting Lists
- DP54 The Government Response to the Taylor Review of Rural Economy and Affordable Housing
- DP55 Government Plans to Safeguard Future of Rural Communities (25 March 2009)
- DP56 Hayes Davidson comments on Mr Barker's rebuttal
- DP57 Eco-towns: Dunsfold Park Submission of Interest
- DP58 Appellants' Note on Permitted Development Rights
- DP59 Mr Bird's Note on Daily Vehicular Trip Generation
- DP60 Mr Bird's Additional Transport Information
- DP61 Dunsfold Park Buildings Vacancy Schedule
- DP62 Dunsfold Park Leases with Security of Tenure
- DP63 Response by Mr Bird and Mr Bullock to Mr Holmes' statement
- DP64 Occupancy of business floor space at Cambourne
- DP65 Note on main planning permissions on which DPL rely
- DP66 Dunsfold Park Trust Long term Funding Arrangements
- DP67 Draft Planning Conditions: Appellants' Suggested Amendments
- DP68 Draft S106 Unilateral Undertaking
- DP69 Consolidated List of Conditions and Comments
- DP70 Signed S106 Unilateral Undertaking
- DP71 Route Map to the Planning Obligations
- DP72 Appellants' Response to Schedule
- DP73 Closing Submissions

#### **THE COUNCIL'S DOCUMENTS**

- LPA1/1 Mr Falconer's Proof of Evidence
- LPA1/2 Mr Falconer's Appendices
- LPA1/3 Mr Falconer's Summary proof
- LPA1/4 Mr Falconer's Rebuttal Proof
- LPA2/1 Mr Green's Proof of Evidence
- LPA2/2 Mr Green's Appendices
- LPA2/3 Mr Green's Summary Proof
- LPA2/4 Mr Green's Rebuttal Proof
- LPA2/5 Mr Green's comments on Appellant's trips impact methodology
- LPA2/6 Local Transport Schemes: Infrastructure Contribution
- LPA3/1 Mr Withycombe's Proof of Evidence
- LPA3/2 Mr Withycombe's Appendices
- LPA3/3 Mr Withycombe's Summary Proof
- LPA3/4 Mr Withycombe's Rebuttal Proof
- LPA4/1 Mr Swanton's Proof of Evidence
- LPA4/2 Mr Swanton's Rebuttal Proof
- LPA5/1 Proof of Evidence of Mr Mark Burton (not called)
- LPA5/2 Appendices to Proof of Mr Mark Burton (not called)
- LPA6 Bundle of planning permissions relating to Dunsfold Park
- LPA7 Extract from GPDO1995 (Aviation Development)
- LPA8 Note re East Street Redevelopment S106 Obligations and CPO
- LPA9 Mr Falconer's note re Langham Park development
- LPA10 Minutes of Council meeting on 4 November 2008
- LPA11 Revised Local Development Scheme

LPA12	Surrey County Council comments on Horsham District LDF
LPA13	Dunsfold Park Highway Stopping Up Order (2002)
LPA14	East Street CPO Indemnity Agreement
LPA15	Correspondence between Thames Water and WBC
LPA16	Conditions List: WBC comments
LPA17	Suggested Further Highway Conditions
LPA18	Closing Submissions

#### **RULE 6 PARTY DOCUMENTS**

RSP1	Mr Harrold's Proof of Evidence
RSP2	Mr Harrold's APPENDICES
RSP3	Mr Harrold's Summary Proof
RSP4	Mr Barker's Proof of Evidence and Appendices
RSP5	Mr Gardiner's Proof of Evidence and Appendices
RSP6	Mr Gardiner's Summary Proof
RSP7	Mr Denton-Miller's Proof of Evidence
RSP8	Mr Denton-Miller's Summary Proof
RSP9	Mr Bradley's Proof of Evidence (volume 1)
RSP10	Mr Bradley's Proof of Evidence (volume 2)
RSP11	Mr Bradley's Response to Rebuttal
RSP12	SDPNT supporter database
RSP13	Mr Barker's offer to purchase Dunsfold Park (9 March 2009)
RSP14	Mr Barker's response to Hayes Davidson comments
RSP15	Mr Gardiner's email exchange with Davies Arnold Cooper
RSP16	Comments on the S106 Undertaking
RSP17	Closing Submissions

#### **OTHER INQUIRY DOCUMENTS**

G1	Written representations prior to the Inquiry
G2	Written representations submitted during the Inquiry
G3	Statement on behalf of Dunsfold Parish Council
G4	Statement on behalf of Hambledon Parish Council
G5	Statement on behalf of Chiddingfold Parish Council
G6	Statement on behalf of Bramley Parish Council
G7	Statement on behalf of Alfold Parish Council
G8	Statement and photographs on behalf of Hascombe Parish Council
G9	Statement on behalf of Busbridge Parish Council
G10	Statement by Anne Milton MP
G11	Mr Holmes' Statement and appendices (Open Spaces Society)
G12	Mr Milton's Statement (Surrey Countryside Access Forum)
G13	Mr Inman's Statement
G14	Mr Northcote-Green's Statement
G15	Ms Smart's Statement
G16	Ms Ames' Statement
G17	Ms Dadak's Statement
G18	Mr Wheble's Statement
G19	Mrs Sullivan's Statement
G20	Ms Williams' Statement
G21	Mr Sutcliffe's Statement
G22	Further statement by Alfold Parish Council
G23	Liberal Democrat statement on SatNav dangers
G24	Doctor Ellis' Statement (Friends of the Earth)

- G25 Mrs Smyth's Statement (Friends of the Earth)
- G26 Mr Smyth's Statement (Friends of the Earth)
- G27 Mr Womack's Statement (Cranleigh Chamber of Trade)
- G28 Mr Anwar's Statement (South West Surrey Labour Party)
- G29 Mr Chesterton's Statement (Guildford Constituency Labour Party)
- G30 Ms McDermott's Statement (Cranleigh Labour Party)
- G31 Mr Bannister's Statement (Guildford Environmental Forum)
- G32 Ms Sue Doughty's Statement
- G33 Mr Haveron's Statement
- G34 Mrs Newnham's Statement
- G35 Mrs Rachel Turnbull's Statement
- G36 Mrs Sandars' Statement
- G37 Mr Meeks' Statement
- G38 Mr Pattison's Statement
- G39 Ms Harris' Statement
- G40 Tyndall Centre Analysis: Report of UK Committee on Climate Change
- G41 Mr Cresswell's Statement
- G42 Mr Nicholson's Statement
- G43 Mr Jeffrey's Statement
- G44 Sir Trevor Nunn's Statement
- G45 Comments on S106 Undertaking by Surrey Countryside Access Forum
- G46 Comments on S106 Undertaking by the Open Spaces Society
- G47 Bramley Parish Draft Report of Housing Needs Survey

## **ANNEX 2: GLOSSARY OF ABBREVIATIONS**

AAP	Area Action Plan
AGLV	Area of Great Landscape Value
AONB	Area of Outstanding Natural Beauty
BAe	British Aerospace
BCT	Bat Conservation Trust
BOAT	Byway Open To All Traffic
CA	Countryside Agency
CABE	Commission for Architecture and the Built Environment
CCC	Committee on Climate Change
CDC	Chichester District Council
CHP	Combined Heat and Power
CLG	Communities and Local Government
CPO	Compulsory Purchase Order
CPRE	Campaign to Protect Rural England
CRC	Commission for Rural Communities
CSH	Code for Sustainable Homes
DCLG	Department for Communities and Local Government
DETR	Department for the Environment, Transport and the Regions
DFT	Department for Transport
DPA	Dwellings per annum
DPL	Dunfold Park Ltd
DPD	Development Plan Documents
EH	English Heritage
EIA	Environmental Impact Analysis
EIP	Examination in Public
EP	English Partnerships
FoE	Friends of the Earth
GBC	Guildford Borough Council
GKS	Godalming Key Site
GOSE	Government Office for the South East
HC	Housing Corporation
HCA	
HDC	Horsham District Council
HGV	Heavy Goods Vehicle
HMA	Housing Market Area
HNR	Housing Needs Register
IEM	Institute of Environmental Management
IPCC	Intergovernmental Panel on Climate Change
LPA	Local Planning Authority
LDF	Local Development Framework
LDS	Local Development Scheme
LI	Landscape Institute
LP	Local Plan
LVIA	Landscape and Visual Appraisal
MGB	Metropolitan Green Belt
MVDC	Mole Valley District Council

NAHA	National Affordable Homes Agency
NHF	National Housing Federation
NHS	National Health Service
NPFA	National Playing Fields Association
NPHAU	National Planning and Housing Advice Unit
ODPM	Office of the Deputy Prime Minister
PD	Permitted Development
PDL	Previously developed land
PIM	Pre-Inquiry Meeting
PINS	Planning Inspectorate
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RPG	Regional Planning Guidance
RSPB	Royal Society for the Protection of Birds
RSS	Regional Spatial Strategy
SBP	Surrey Biodiversity Partnership
SCC	Surrey County Council
SCG	Statement of Common Ground
SDJC	South Downs Joint Committee
SDPNT	Stop Dunsfold Park New Town Ltd
SEEDA	South East England Development Agency
SEP	South East Plan
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SHP	Surrey Hills Partnership
SLC	Sustainable Lettings Criteria
SLGA	Surrey Local Government Association
SNH	Scottish Natural Heritage
SOS	Secretary of State
SP	Structure Plan
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
SSP	Surrey Structure Plan
STS	Sustainable Transport Strategy
TCPA	Town and Country Planning Association
TSA	Tenant Services Authority
UKGBC	United Kingdom Green Building Council
WBC	Waverley Borough Council
WBCSD	World Business Council for Sustainable Development
WBLP	Waverley Borough Local Plan
WRI	World Resources Institute

### **ANNEX 3: RECOMMENDED CONDITIONS**

(Numbers in square brackets refer to conditions in Document DP69)

#### **THE OUTLINE PART OF THE APPLICATION**

- 1) [1] Details of the access, appearance, landscaping, layout, and scale of each phase, sub-phase or component of development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development on that phase, sub-phase or component (as appropriate) begins and the development shall be carried out as approved.
- 2) [2] Application for approval of the reserved matters relating to the first phase, sub-phase or component of the development shall be made to the local planning authority not later than five years from the date of this permission. All subsequent reserved matters applications shall be submitted no later than eighteen years from the date of this permission.
- 3) [3] The development hereby permitted shall begin not later than five years from the date of this permission or three years after approval of the last of the reserved matters for the first phase, sub-phase or component (as appropriate) of development, whichever is the later.
- 4) [4] Submissions for the approval of reserved matters shall be substantially in accordance with the general mix and disposition of land uses shown on the Masterplan, landscape strategy and archaeology strategy as qualified by any design codes, framework plans, reserved matters, approvals.
- 5) [5] Submissions for the approval of reserved matters shall be in accordance with the approved parameters described in the application drawings PL18 dated April 2008 and February 2009.
- 6) [6] A framework plan, covering each phase, sub-phase or component of the development and including associated design codes, design guidelines and strategies shall be submitted to and approved in writing by the local planning authority before the submission of any reserved matters for each phase, sub-phase or component of the development. The framework plans shall include details of: the overall design principles; a land disposition plan; the number, mix and density of dwellings; the sizes of employment and retail units; the layout of streets, squares and open spaces; the heights, massing and bulk of the buildings; landscape proposals; the relationships between buildings and public spaces; and the development programme.
- 7) [7] No development shall take place on the site other than in accordance with the details of the approved framework plans or any approved revisions thereof.
- 8) [8] The development hereby permitted shall be carried out in substantial accordance with the details of a phasing scheme to be submitted to and approved in writing by the local planning authority. The phasing scheme shall indicate the sequence and approximate timescales of: site remediation; archaeological investigations; development phases (including the employment floor space and approximate numbers of dwellings and affordable housing units in each phase or sub-phase); the provision of highway and drainage infrastructure, bus routes, pedestrian linkages into the existing public rights of way network; utility infrastructure; landscaping, open space and recreational

facilities; the village centre; primary school; pedestrian and cycle routes. The development shall proceed in substantial accordance with the phasing scheme.

- 9) [9] The means of access for construction traffic shall be provided before development commences in accordance with details submitted to and approved in writing by the local planning authority. No other access points for construction traffic shall be provided.
- 10) [10] No development shall commence on any phase or sub-phase until a noise mitigation scheme designed to minimise the impact of construction and demolition activities has been submitted to and approved in writing by the local planning authority. Demolition and construction activities shall be carried out in accordance with the approved scheme.
- 11) [11] No development shall commence on any phase or sub-phase until a dust and dirt mitigation scheme designed to minimise the impact of construction and demolition activities has been submitted to and approved in writing by the local planning authority. Demolition and construction activities shall be carried out in accordance with the approved scheme.
- 12) [12] No construction works, including the use or maintenance of plant and machinery, the delivery of materials to the site and the movement of vehicles within the site shall be carried out before 0800hrs or after 1800hrs on Monday to Friday, or before 0800hrs or after 1300hrs on Saturdays. No working shall take place on Sundays or Bank Holidays.
- 13) [13] No development shall take place on any phase or sub-phase of the development until details of the location of the construction compound to serve that phase or sub-phase have been submitted to and approved in writing by the local planning authority. The construction compound shall be provided in accordance with the approved details.
- 14) [14] No development shall take place on any phase or sub-phase of the development until a scheme to deal with the contamination of land, controlled waters and/or ground gas within that phase or sub-phase has been submitted to and approved in writing by the local planning authority. The remediation measures shall thereafter be implemented in accordance with the approved scheme. The scheme shall include all of the following measures;
  - a) a Phase 1 site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS10175:2001 *Investigation of Potentially Contaminated Sites - Code of Practice*;
  - b) a Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS10175:2001 *Investigation of Potentially Contaminated Sites - Code of Practice*;
  - c) a remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action and how this will be validated. Any ongoing monitoring should also be outlined;



- d) If during the works contamination is encountered which has not previously been identified, then no further works within the identified area of contamination shall be carried out until the additional contamination has been fully assessed and an appropriate remediation scheme submitted to and approved in writing by the local planning authority;
  - e) a validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
- 15) [15] No development shall commence on any phase or sub-phase until a light pollution mitigation scheme for that phase or sub-phase designed to minimise the impact of lights used during the construction phase and of the permanent lighting fixtures within the communal areas has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme. Once implemented the approved measures shall be retained in accordance with the approved scheme.
- 16) [21] All dwellings shall be constructed to Code Level 4 of the DCLG Code for Sustainable Homes dated February 2008. Water and energy for all dwellings shall be provided in accordance with Code Level 6.
- 17) [22] The A3, A4 and A5 use class premises shall not be open to customers outside the following times:
- 0600 - Midnight, Monday to Friday
  - 0600 (Saturday) - 0100 (Sunday)
  - 0700 - 2300 on Sundays, Bank Holidays and Public Holidays
- 18) [24] No building within each phase or sub-phase of the development shall be occupied until the vehicular, cycleway and pedestrian accesses necessary to serve that part of the development from the adopted highway have been constructed in accordance with a plan and programme submitted to and approved in writing by the local planning authority.
- 19) [24a] No development shall take place until a scheme for a travel plan has been submitted to and approved in writing by the local planning authority. The approved travel plan shall be implemented in accordance with the approved scheme.
- 20) [24b] No dwelling shall be occupied until a highway delivery programme for the carrying out of improvements to the Nanhurst Crossroads junction, as indicated on drawing 8372/A/1 has been submitted to and approved in writing by the local planning authority. The number of dwellings occupied shall not exceed the number specified in the approved highway delivery programme until the improvements have been carried out.
- 21) [24c] No dwelling shall be occupied until a highway delivery programme for the carrying out of improvements to the A281/A248 Broadford Road junction and the A281/A248 Kings Road junction, as indicated on drawing 83724/A/7 has been submitted to and approved in writing by the local planning authority. The number of dwellings occupied shall not exceed the number

specified in the approved highway delivery programme until the improvements have been carried out.

- 22) [24d] No dwelling shall be occupied until a highway delivery programme for the carrying out of improvements to the Compasses bridge access, as indicated on drawing 5, revision P1 has been submitted to and approved in writing by the local planning authority. The number of dwellings occupied shall not exceed the number specified in the approved highway delivery programme until the improvements have been carried out.
- 23) [25] No development within any phase or sub-phase, apart from the provision of access to the A281, shall commence until a scheme detailing the phased provision of community facilities, play areas, sports facilities, allotments, trees, landscaped areas and publicly accessible open space within each phase or sub-phase (as applicable) and the management and maintenance thereof has been submitted to and approved in writing by the local planning authority.
- 24) [28] No development shall take place until the applicants, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted and approved in writing by the local planning authority.
- 25) [29] Prior to the construction of the bridge over the Wey and Arun canal a scheme to demonstrate that flood risk will not be increased on or off site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 26) [30] Prior to the commencement of any phase or sub-phase of the development, a phased scheme for the provision of surface and foul water drainage infrastructure and pollution control measures shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with that scheme and no dwelling within the relevant phase or sub-phase shall be occupied until the approved scheme has been completed.
- 27) [31] No development within any phase or sub-phase shall commence until updated surveys to identify any species within the site protected by the Wildlife and Countryside Act 1981 and the Badgers Act 1991 have been undertaken and the results reported to the local planning authority. Where protected species and any badger setts, foraging areas and trails are found within any phase or sub-phase of the development, a scheme for their protection or relocation shall be submitted to and approved in writing by the local planning authority prior to the commencement of development within that phase or sub-phase. Development shall take place in accordance with the approved scheme.

#### THE FULL PART OF THE APPLICATION

- 28) [1] The development hereby permitted shall begin not later than three years from the date of this decision.
- 29) [3] Prior to the opening to vehicular traffic of the new access road to the A281, no more than 1,350 employees, including contract and other staff shall

work at the application site. This limitation shall exclude persons employed in the construction of the development.

- 30) [4] No aircraft shall be flown to or from the site except by the Surrey Air Ambulance or any subsequent emergency service use, employees of the firms operating at the site and customers of companies associated with Dunsfold Park.
- 31) [5] Before any external plant, machinery or other equipment is used on any of the buildings, a scheme for the attenuation of odours, fumes and air and structure borne sound shall be submitted to and approved in writing by the local planning authority. The equipment shall be installed, maintained and operated in accordance with the approved scheme.
- 32) [6] Prior to the opening to vehicular traffic of the new access road to the A281 there shall be no more than 2,723 total road vehicular movements into or out of the site (excluding pedal and motor cycles) per day allowed to gain access to any part of the airfield. This limitation shall exclude vehicular movements associated with the construction of the development.
- 33) [9] There shall be no floodlighting or any other external lighting of the development other than street lighting, security lighting controlled by movement sensor and lighting required in the interests of health and safety.