

**WAVERLEY BOROUGH COUNCIL**

**EXECUTIVE – 4 APRIL 2017**

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**Title:**

**CALL IN OF DUNSFOLD PARK PLANNING APPLICATION – REQUEST FOR A  
SUPPLEMENTARY ESTIMATE**

**[Portfolio Holder: Brian Adams]  
[Wards Affected: All]**

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**Summary and purpose:**

On 14 December 2016, the Joint Planning Committee resolved to approve hybrid planning application WA/2015/2395 from Dunsfold Airport Ltd and Rutland Ltd for a new settlement with residential development comprising 1,800 new homes, space for new businesses, amenity space and supporting infrastructure.

On 8 March 2017, the Secretary of State called in the application for planning permission for his own determination. A Planning Inspector will hold a Local Inquiry and report their recommendation to the Secretary of State. The Planning Inspectorate will decide the date and location of the inquiry.

The purpose of this report is to request approval for a supplementary estimate of up to £200,000 to hold the Inquiry and pay for legal representation, including Counsel and planning and / or technical consultants required in order to defend the Council's resolution to grant planning permission for the scheme.

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**How this report relates to the Council's Corporate Priorities:**

**Community Wellbeing**

The Council's priority is to secure the wellbeing of its communities through the provision of affordable housing, leisure and recreational facilities, support for older people and vulnerable families as well as support for local businesses.

**Environment**

Through the planning service, the Council can influence and support the aspirations for development in its towns and villages.

**Equality and Diversity Implications:**

There are no equality and diversity implications.

### **Resource/Value for Money Implications:**

The cost to the Council of holding the Inquiry and defending its position to the Secretary of State is expected to be between £160,000 and £200,000. There is no budget provision for this work; a supplementary estimate up to £200,000 is requested. This cost is not recoverable and will need to be met from Waverley's council taxpayers' funds which will redirect resources from other priority service spending.

### **Legal Implications:**

The general criterion for calling in applications for determination by the Secretary of State must concern planning issues of more than local importance. The applicant's application for planning permission will be scrutinised before an independent Inspector at a Public Inquiry and then decided at the highest level in the planning system.

A bespoke timetable for the Inquiry will be agreed by all parties, and failure to keep to this timetable which has caused another party unnecessary or wasted expense, could result in a claim for costs against the party being upheld.

Considering the scale and importance of the site both locally and nationally, experienced counsel and consultants are therefore recommended.

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### **Introduction/Background**

1. On 14 December 2016, under WA/2015/2395, the Joint Planning Committee resolved to grant planning permission, in outline, for a new settlement comprising 1,800 dwellings; care accommodation; a local centre for retail, financial and professional, cafes/restaurant/takeaway and/or public house uses; new business uses for offices, research and development industry, light and general industry, storage and distribution and flexible commercial space; health centre; relocation of Jigsaw School; new community centre; two-form entry primary school; open space including water bodies, outdoor sports, recreational facilities, a canal basin and nature conservation areas; public transport routes, footpaths and cycleways; landscaping, removal of three runways; and all related infrastructure.
2. Under the same planning application, there was a resolution to grant permission, in full, for the demolition of a certain number of buildings and the retention of others for specified uses and the temporary use of one building as construction headquarters.
3. On 8 March 2017, the Secretary of State called in the application for planning permission for his own determination. A Planning Inspector will hold a Local Inquiry and report their recommendation to the Secretary of State. The Planning Inspectorate will decide the date and location of the inquiry.

4. Advice received from the Planning Inspectorate so far is that the Secretary of State is particularly interested in matters relating to the location and the sustainability of the proposal. The Council will be informed if further matters are raised as being relevant by the Inspector.
5. In defending its position at the inquiry, the Council will require Counsel for advice during the preparation of the case and to represent the Council throughout the course of the Inquiry. Clearly, the Council will be in the strongest possible position with the benefit a highly qualified and experienced planning barrister in place to robustly defend the Council's resolution to grant planning permission. It is likely that the inquiry will last in excess of a week.
6. As well as requiring a barrister, officers are proposing to employ the services of a private planning consultant to represent the Council throughout the inquiry in order to support the demand on staffing capacity that this major public Inquiry will cause. In addition, it is considered that securing the services of a consultant with experience of high level and complex planning inquiries will be beneficial and appropriate to defend this important and strategically significant development.

### **Recommendation**

The Executive recommends to the Council that a supplementary estimate of up to £200,000 be approved from the revenue reserve fund, to meet the costs of the Council defending its resolution to grant planning permission for the proposal at Dunsfold Park following the Secretary of State call-in.

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### **Background Papers**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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