Brighton City Airport Limited
Terminal Building
Cecil Pashley Way
West Sussex
BN43 5FF

Safia Kausar
The Planning Inspectorate
Temple Key House
Bristol
BS1 6PN

T: [redacted]
M:
E:
W: [redacted]

Our Ref:
Your Ref: APP/Y3805/W/20/3261736
Date: 08 February 2021

Dear Ms Kausar,

Re: Appeal Reference APP/Y3805/W/20/3261736 Penhill Court, Lancing, West Sussex

I am writing to confirm that Brighton City Limited does not believe that this application is suitable for development as proposed under Schedule 2, Part 20, Class A of the Town & Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020.

Part 20, Class A, clearly states that *"Development is not permitted by Class A if-*

(o) the land or site on which the building is located, is or forms part of –

(vii) land within 3 kilometres of the perimeter of an aerodrome"

The proposed development is approximately 1.5km from the boundary of Brighton City Airport, a UK Licensed Aerodrome, licensed by the UK Civil Aviation Authority (CAA) and, as a matter of record, the oldest purpose-built commercial airport in the world, having commenced operations as an aerodrome in 1910.

The proposed development, being approximately 1.5km from Brighton City Airport boundary falls under the "Development not permitted…" list in Section 20 A 1.

In the interests of clarity, our representation to this application is based on the fact that were it to be permitted under this process, it would undermine the agreed safeguards that were included in this revised planning legislation, for the protection of Aerodromes. To ride roughshod over this would set a precedent that would have potentially very serious implications for Aerodromes of all sizes in the UK.

The applicant appears to be confusing the applicability of the permitted development process with the specific merits of this application. For clarity, Brighton City Airport did not object to the original (withdrawn) planning application and would be unlikely to object to a new planning application. However, we were drawn into this process because the applicant made a factually incorrect statement on the permitted development form where they ticked 'no' in answer to the question "is the development within 3km of an aerodrome".

Brighton City Airport submitted a response to the Local Planning Authority confirming that we were indeed an 'Aerodrome', as evidenced by our Aerodrome Licence (a copy of which was attached to our submission to Adur& Worthing District Council), issued by the Civil Aviation Authority, or confirmed by reference to most English language dictionary definitions.

Having made our submission, the Applicant has subsequently, in their appeal, expressed a **view**, that the intention of paragraph A.1.(o)(vii) is to apply to the perimeter of safeguarded aerodromes only.

Brighton City Airport is a safeguarded aerodrome – we have a safeguarding process in accordance with the guidance contained in Civil Aviation Publication (CAA) **CAP738 Safeguarding of Aerodromes** and have, for many years, lodged a safeguarding map with our local Planning Authorities, including Adur and Worthing Council.

What I believe the applicant meant to refer to was 'officially safeguarded' aerodromes only – these being a specific list of 41 Aerodromes including the largest airports in the UK that are afforded some additional protections in the planning process.

CAP 738 confirms in its opening paragraph (reproduced below) which aerodromes it is applicable to:

> *"This publication is intended to provide advice and guidance to all those involved in the process of 'aerodrome safeguarding'. Primarily these are certificated and licensed aerodromes, heliports and hospital helicopter landing sites (HHLS) but non-licensed aerodromes, heliports and HHLS3 may find the information of assistance. Additionally, the publication provides guidance on the planning process for those aerodromes that are 'officially' safeguarded in accordance with DfT Circular 01/2003 and those 'non-officially' safeguarded aerodromes that may wish to establish a similar process with their Local Planning Authority"*

It goes on to advise (emphasis added):

> *"Aerodromes holding a certificate based on European Union (EU) regulation or a licence based on UK regulation are **required by the CAA to ensure they have a system in place to safeguard their aerodrome against the growth of obstacles; or activities that may present a hazard to aircraft operations** (e.g encourage wildlife, glare, lighting, building induced turbulence, etc). Responsibility for all safeguarding activities at these aerodromes' rests with the aerodrome operator. Government advice is that non-licensed sites are also encouraged to have a system of safeguarding in place with their Local Planning Authority (LPA)."*

You will see from the above that the CAA encourage licenced aerodromes (like Brighton City Airport) to have an agreed safeguarding process in place with their local Planning Authorities.

CAP 738 goes on to provide specific guidance for 'non-officially safeguarded aerodromes' (like Brighton City Airport):

> *"Non-officially safeguarded aerodromes are not afforded a 'call in' opportunity. It follows that there is no requirement for the Local Planning Authority (LPA) to notify the CAA where it intends to grant permission contrary to their objection. However, Operators of licensed aerodromes which are not officially safeguarded, and operators of unlicensed aerodromes and sites for other aviation activities (for example gliding or parachuting) should take steps to protect their locations*

from the effects of possible adverse development by establishing an agreed consultation procedure between themselves and the local planning authority or authorities. ***One method, as described above in Para. 1.2 is to lodge a nonofficial safeguarding map with the local planning authority or authorities.*** *Moreover, it is Government's advice to LPAs that they should respond "sympathetically" to requests for safeguarding from non-officially safeguarded aerodromes (and operators of unlicensed aerodromes and sites for other aviation activities)."*

It is our view that the attempt to link the category of safeguarding afforded to our airport is misleading in this context and an attempt to move the debate from the specific point that cannot be refuted – Brighton City Airport is an Aerodrome, and the 'permitted development' being sought by the applicant is within 3km of our boundary, therefore falls under the 'Development not permitted by Class A …" in this instance and therefore should not be able to follow this abbreviated process.

Such are the ramifications for the wider airport sector, were this application to be considered as acceptable having answered 'no' to whether the development is within 3km of an Aerodrome, it has been copied to the following groups:

- Regional and Business Airport group (RABA)
- Airport Operators Association (AOA)
- CAA, Airspace, ATM and Aerodromes
- CAA Airfield Advisory Team (AAT)

If you require any further information, please do not hesitate to contact me.

Yours sincerely,

[redacted]

Rob Cooke
Managing Director