



Summary of the GAAC response to the Government Consultation on 'Brownfield Passports'

The Government has run a short consultation on the concept of a 'Brownfield Passport' being a proposed short cut to permitting new development on appropriate 'Brownfield' sites. A number of questions were posed and the GAAC responded. In summary the points made were as follows.

Asking if national policy would be clearer if it were explicit that development on brownfield land within urban settlements is acceptable, we agreed the principle is sound but definitions of 'brownfield' and 'urban settlements' are needed to avoid misunderstanding or disingenuous manipulation of policy.

We added the current definition of 'previously developed land' places General Aviation (GA) Airfields at risk, contrary to the National Planning Policy Framework which is supportive of GA and of sport and recreational activities. We argued, specifically, that General Aviation Airfields should be excluded from the definition of previously developed land.

We pointed out the current definition of previously developed land, can, and is being applied to General Aviation Airfields where only a small percentage of the land - less than 5% - has ever been developed. Suggesting that this equates to previously developed land is nonsensical.

We also suggested it may also be appropriate that a 'brownfield' definition is dependent upon a period of time when the site has not been in use.

We support the principle of giving priority to utilising brownfield land for development. However, aviation and General Aviation airfields have strong support from Government as, inter alia, critical national infrastructure, making significant contribution to the economy and employment, supporting connectivity and STEM skills and jobs. General Aviation airfields also make major contributions to their local communities, biodiversity and emerging new technology which will, over time, reduce the environmental footprint of aviation.

A more detailed account of the Brownfield issue is set out below (and this text has been submitted to the Government).



GAAC Position on GA Planning Policy and the 'Brownfield' error

Introduction

The NPPF specifically supports the value of GA airfields for their economic value, support for business and their use for leisure, training and the emergency services.

There are two threats to General Aviation airfields which could be remedied by caveats / exclusions to sit alongside the brownfield land priority.

Definition of Previously Developed Land

Firstly, general aviation airfields should be explicitly excluded from the NPPF definition of 'Previously developed land' in the Glossary which would also address the need for explicit exclusion from the definition of 'Grey Belt'.

They were excluded previously and there was never any specific consultation or explanation or even reference to changing this. The sequence of events is set out in Appendix 1. This confirms that the change was unintentional.

As set out in below, the current situation added to the emphasis on brownfield in the draft new NPPF would be devastating to the UK General Aviation Airfield network.

Since the PPS (see below) and the first NPPF, General Aviation Airfields have had a significantly higher national policy status. Paragraph 111(f) of the NPPF, introduced in 2018, now states that planning policies should '...recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy.'

This is underlined in the Department of Transport's 2023 General Aviation Handbook which emphasises (inter alia) the strategic value of GA airfields for local assets, government services, STEM/workforce opportunities, regional connectivity, innovation and professional aviation training, as well as their contribution to the new technology which commences at the local, GA, level and which will be scaled up for all aviation operations in the future.

At present, therefore with the in NPPF there is a direct conflict between paragraph 111(f) and the emerging policy priority to be given to brownfield land.



The mechanism to address this issue is to add 'general aviation airfields, helipads and hospitals' to the exclusions contained within the NPPF Glossary definition of 'Previously developed land'.

Detail

In 2000, Planning Policy Guidance for Housing, PPG3 at Annex C defined 'brownfield' as:

'The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site (as defined above) will also be defined as previously-developed.'

However, this does not mean that the whole area of the curtilage should therefore be redeveloped. For example, where the footprint of a building only occupies a proportion of a site of which the remainder is open land (such as at an airfield or a hospital) the whole site should not normally be developed to the boundary of the curtilage.'

Under the provisions of the Planning and Compulsory Purchase Act 2004 PPGs were gradually replaced by Planning Policy Statements (PPS) and PPS3 amended the above to:

'Previously-developed land (often referred to as brownfield land)

Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.'

That definition included defence buildings, but excluded:

'Land that is or has been occupied by agricultural or forestry buildings.

Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.

Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.

Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings). There is no presumption that land that is previously-



developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.'

In PPS 3, therefore, the specific reference to airfields was omitted but there is no documentary evidence to suggest that there was any deliberate intent to reclassify airfields. It has been described as an 'administrative oversight'.

On 9 November 2015 Planning Minister Brandon Lewis went further, in responding to three questions from Dudley North MP Ian Austin he made a sweeping statement - 'Currently, all airfields, as land that has been previously developed, are regarded as brownfield land.' In addition, he did not refer the longstanding distinction between permanent built development on a site and the open land within the curtilage. There was and is no coherent justification for this statement.

The current NPPF definition of 'previously developed land' states that '...it should not be assumed that the whole of the curtilage should be developed...' (Mr Lewis' assertion was in conflict with this).

The NPPF goes on to exclude 'recreation grounds' from the definition of previously developed land – and GA airfields inter alia have a recreational function. This recreational function is fully upheld by Sport England and as airfields are defined as 'sports venues' they are protected by NPPF (new) paragraphs 87 and 95.

However, with Mr Lewis' statement on the record and in the absence of a specific mention of airfields in the new NPPF there is a significant risk that local planning authorities may suggest that General Aviation airfields are, in their entirety, brownfield. That would devastate the UK General Aviation airfield network with concomitant impacts on for example, wider aviation research and development, and training.

It should, however, also be noted that the Government's response to a petition seeking to overturn any reference to airfields as 'brownfield') clearly states: 'Although [the PPG3] detailed explanation of curtilage was not carried forward into Planning Policy Statement 3, the assumption in relation to developing the curtilage of previously developed land, including airfields has remained the same and there has been no change to the policy relating to airfields in this respect.'

The confusion and conflict in various documents needs to be addressed. The original principle should be reinstated.

The advantage of an amendment to the NPPF Glossary, as proposed above, is simplicity.