

Blackbushe Airport Section 16 Application

SUMMARY OF PRE-APPLICATION CONSULTATION REPONSES



1 CONSULTATION RESPONDENTS

CONSULTATION ACTION / EVENT	CONSULTEE REF	CONSULTEES
Pre-consultation Open Evening at Pathfinder Café (17/10/2023)	A	Owners of 14 Hillfield (Registered Commoner)
	B	Owners of Wicksfield (Registered Commoner)
	C	Owners of Follyfoot Farm (Registered Commoner)
	D	Owners of Lea Cottage (Registered Commoner)
	E	Owners of Grasshoppers (Registered Commoner)
	F	Owners of 2 Laurel Cottages (Registered Commoner)
	G	Owners of 1 Bramley Cottages (Registered Commoner)
	H	Owners of Quarry House (Registered Commoner)
	I	Owners of Bayfield House (Registered Commoner)
	J	Hart District Council (Chairman of Planning Committee)
Written Submissions	K	Hart District Council (Chairman of Planning Committee)
	L	Natural England (Senior Advisor - Commons and Access)
	M	Hampshire Countryside Services (Countryside Strategic Manager - Access, Planning and Wellbeing)
	N	Owners of Moulsham House (Registered Commoner)
	O	Open Spaces Society (Case Officer)
	P	Owners of Follyfoot Farm

2 SUMMARY OF CONSULTEES' FEEDBACK AND THE APPLICANT'S RESPONSES

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
1	Pre-Consultation Open Evening	A majority of consultees had concerns over what happens at the Airport after the exchange rather than the exchange itself.	The applicant notes this feedback but confirms that any concerns relating to the future development of the Release Land (i.e. the Airport) would be appropriately considered and addressed by the planning process.
2	Pre-Consultation Open Evening	It was noted that the Vision Document references past movement data but there are no future predictions. The consultee requested to see these.	The Applicant has provided additional information regarding anticipated future movement levels on a publicly accessible webpage: www.blackbusheairport.co.uk/movements
3	Pre-Consultation Open Evening	There were concerns over the number of large jets shown in the Vision Document and whether the Applicant expects this number of large jets will be regularly present at the Airport.	The Applicant notes that although the Vision Document shows where aircraft can be accommodated on site, it would not expect to see all areas occupied at once. The Applicant confirms that a limited number of large aircraft can use Blackbushe Airport due to runway length and other operational factors that will not change. The imagery within the Vision Document has been amended in the 11/2023 edition to reflect this.
4	Pre-Consultation Open Evening	Several consultees questioned how the Replacement Land would be managed after the Environmental Management Plan ("EMP") expires at the end of the 15 year management period.	The Applicant has updated paragraphs 1.5, 1.6 and 1.55 of the EMP to confirm that, after the 15 year management period expires, the landowner – Cottage Farm Holding Ltd ("CFHL") - will remain, as the responsible land owner, responsible for the general upkeep of the Replacement Land and for the maintenance of the desire paths established and continue to manage the land. CFHL will also remain open to discussion with Hampshire County Council, Natural England and other parties who wish to undertake further ecological work.

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
5	Pre-Consultation Open Evening	Some consultees reported that they were unaware of their Common rights and what their rights mean for them in practice.	The Applicant was able to discuss with the consultees the rights of common which are summarised in paragraph 2.8 of the Exchange Land Report. The Applicant confirms that a key benefit to commoners of the proposed Application is the provision of land (i.e. the Replacement Land) where rights of common are capable of being exercised, compared to the Release Land where rights of common cannot currently be exercised within the operational Airport land.
6	Pre-Consultation Open Evening	Consultees questioned whether the proposed exchange would enable the Airport to accept scheduled commercial flights.	The Applicant confirms that the Airport will not be able to accept scheduled commercial flights. The runway length precludes commercial aircraft of this type using the Airport and the proposed exchange will not change this.
7	Pre-Consultation Open Evening	Several consultees were unaware of what an exchange was and wanted to understand what it meant for the local community.	The Applicant was able to discuss the proposed exchange with consultees and explain the expected benefits to the community. These benefits are considered in section 6 of the Exchange Land Report and summarised at paragraph 6.40. The Applicant confirms that the fundamental benefit is that currently inaccessible common land (i.e. the Release Land) will be replaced with accessible common land (i.e. the Replacement Land).
8	Pre-Consultation Open Evening	One consultee was concerned over the appearance of the new development and thought it looked too modern and imposing. The consultee would like to see more natural materials used.	The Applicant notes this comment for future consideration when the development designs / plans are progressed.
9	Pre-Consultation Open Evening	Several consultees supported the proposed development and appreciated that a successful airport was beneficial to the local community in terms of jobs and money coming into the local area.	The Applicant welcomes the consultees' indication of support.

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
10	<p>Pre-Consultation Open Evening</p> <p>Consultee C – Owners of Follyfoot Farm</p>	<p>The consultee expressed concerns regarding the arrangements for the maintenance and removal of the boundary between Follyfoot Farm and the Replacement Land.</p>	<p>The Applicant confirms that the parties in the process of agreeing a deed to vary the existing covenants concerning the boundary between the properties. The Applicant will cover the consultee's legal costs at a pre-agreed amount.</p>
11	<p>Pre-Consultation Open Evening</p> <p>Consultee C - Owners of Follyfoot Farm</p>	<p>The consultee expressed concerns regarding the creation of new footpaths around the perimeter of their property.</p>	<p>The Applicant has updated paragraph 1.6 of the Environmental Management Plan ("EMP") to clarify that no defined public rights of way will be dedicated on the Replacement Land. Instead, access ways will be defined by the public use of the land and the creation of 'desire lines'. The Applicant explained that entrance boards and waypoint posts will be placed on the Replacement Land in the positions shown on Appendix 1 Figure 2 to the EMP to connect the Replacement Land to the surrounding network of rights of way.</p>
12	<p>Pre-Consultation Open Evening</p> <p>Consultee C - Owners of Follyfoot Farm</p>	<p>The consultee expressed concerns over what would happen to the Cottage Farm buildings if the proposed exchange is granted. The consultee suggested that the existing equestrian business would cease to be viable and that, if the business ceased, the farm buildings would no longer satisfy the planning condition of equestrian use. The consultee requested the Applicant to apply for the planning condition to be removed before any exchange takes place.</p>	<p>The Applicant's understanding is that there is no lower limit on the number of horses required to be compliant with the planning condition, and that the tenants of Cottage Farm intend to continue some equestrian use of the Property if the exchange proceeds. Nonetheless, in response to the consultee's concern, the Applicant and Cottage Farm Holding Limited (the landowner) are considering seeking to remove the livery tie from the Cottage Farm property at an appropriate point in the future and have had preliminary discussions with Hart District Council ("HDC") regarding the provision of pre-application advice.</p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
13	<p>Written Submissions</p> <p>Consultee K - Hart District Council (Chairman of Planning Committee)</p>	<p>The consultee noted that the Airport still allows the public to use upon request the bridleway that crosses the main runway but that such requests are rare. The consultee requested an indication of how rare - i.e. once a month, once a year, or only once in living memory.</p>	<p>The Applicant confirms that requests to use the public right of way (called Welsh Drive – Number 260/16/1) are rare, in part because the section of this right of way that crosses the British Car Auctions site is obstructed and impassable. The Applicant only started logging access requests in 2021 but can confirm that 3 requests were received in 2021, 2 requests in 2022, and 3 in 2023 (of which 2 were made by a Councillor from Hampshire County Council). The Applicant notes that requests are often made by a small group of 3-4 people and that some people call ahead to “pre-book”, others just call when they’re at the gate.</p>
14	<p>Written Submissions</p> <p>Consultee K - Hart District Council (Chairman of Planning Committee)</p>	<p>The consultee notes that the map of the Replacement Land at Cottage Farm (Figure 4 to the Exchange Land Report) shows a strip of land running east from the south-western corner of the site that is not within the light green boundary, with an irregular shape at its eastern end. The consultee questioned if there is any reason why this land is not included in the exchange.</p>	<p>The Applicant confirms that this strip of land (which is shaped like a bow tie) has been identified by the Exchange Land Report (at paragraph 3.6) as being the “land bank” owned by Hampshire County Council. The Applicant further understands that some of the land bank is already common because it was used for a section 16 exchange when the Ranger’s Cottage was sold. The Hampshire Countryside Services team sometimes uses the land bank for storing cuttings or controlled burns, but there are no fences or other features that identify the land as “not common land” to those walking in that area.</p>
15	<p>Written Submissions</p> <p>Consultee K - Hart District Council (Chairman of Planning Committee)</p>	<p>The consultee confirmed that, overall, they are inclined to support this application because it seems to have benefits for both the Airport and local residents wanting to use the common.</p>	<p>The Applicant welcomes the consultee’s indication of support.</p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
16	<p>Written Submissions</p> <p>Consultee P - Owners of Follyfoot Farm</p>	<p>The consultee notes that the Application documents do not refer to the fact that the use of Cottage Farm is subject to a livery tie and must operate as a livery yard. Therefore, without action, the exchange would leave Cottage Farm with an uncertain future.</p>	<p>Please refer to the Applicant's response to similar feedback at row 12 above. The Applicant reiterates its understanding that the land exchange would not render the planning permissions at Cottage Farm invalid. As confirmed, the Applicant is in discussion with Hart District Council to raise the issue and is likely to seek pre-application advice about removing the livery tie. The Applicant is committed to achieving a satisfactory resolution.</p>
17	<p>Written Submissions</p> <p>Consultee P - Owners of Follyfoot Farm</p>	<p>The consultee understands that there are 3 mast sites adjacent to the Replacement Land (which have been transferred to a separate title) and that 1 of these mast sites has not yet been built. The Application Form indicates that access across the Replacement Land to the mast sites will be on foot, but the consultee believes this will be inadequate for maintenance, the construction of the third mast and future removal, and therefore vehicular access will be required.</p>	<p>The Applicant clarifies that the 3 mast sites are not under separate titles and remain on land owned by Cottage Farm Holding Limited ("CFHL"). The Applicant acknowledges that vehicular access to the mast sites may be required in the future and confirms that, if the Replacement Land becomes common land, CFHL (as landowner) will be able to grant permission (i.e. 'lawful authority') for vehicular access across the common. The Applicant has updated its response to question 13 of the Application Form with this information.</p>
18	<p>Written Submissions</p> <p>Consultee P - Owners of Follyfoot Farm</p>	<p>The consultee expressed concern that horse riders will have reduced access and lose a valuable community leisure facility because Cottage Farm is home to a large number of horses. In addition, horses which are relocated further afield may still wish to access the popular hacking area and unload horse boxes at the end of Cobbetts Lane.</p>	<p>The Applicant's view is that Cottage Farm is not a community leisure facility – it is a facility used by those who keep horses at the livery but the stables and fields are not available to any other users. Therefore, the proposed exchange does not affect any of the rights of the wider equestrian community. The Applicant does not anticipate that the end of Cobbetts Lane will be used to unload trailers for hacking because it is a bridleway from the point it passes Hill Farm and Leafy Oak farm. The Applicant has also made the users of Cottage Farm aware of the envisaged exchange since the purchase of Cottage Farm by Cottage Farm Holding Limited (or when those users arrived, if later).</p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
19	<p>Written Submissions</p> <p>Consultee P - Owners of Follyfoot Farm</p>	<p>The consultee expressed concern regarding the implications of the proposals for the electric fencing between Follyfoot Farm and Cottage Farm and the muck heap. The consultee wished to seek legal advice concerning any changes to be made to existing arrangements and for the Applicant to reimburse their reasonable costs.</p>	<p>The Applicant is willing to work with the consultee to agree a legal deed covering any proposed changes and has requested details of the consultee's solicitors. These details have not yet been confirmed by the consultee (as at 22/12/2023). Once received, the Applicant will request an estimated fee quote in order to issue an undertaking for the consultee's reasonable legal costs in connection with the deed.</p>
20	<p>Written Submissions</p> <p>Consultee L - Natural England (Senior Advisor - Commons and Access)</p>	<p>The consultee questioned who will be responsible for managing the Replacement Land if it becomes registered common land.</p>	<p>The Applicant confirms that Cottage Farm Holding Limited ("CFHL"), as the owner of the Replacement Land, will be responsible for managing the common land in accordance with Environmental Management Plan ("EMP"). The EMP would be secured by the Unilateral Undertaking by CFHL, which could be enforced by Hampshire County Council under section 106 of the Town and Country Planning Act 1990. For the avoidance of doubt, the day-to-day management of the Replacement Land may be carried out on CFHL or on behalf of a CFHL by a suitably qualified contractor.</p>
21	<p>Written Submissions</p> <p>Consultee L - Natural England (Senior Advisor - Commons and Access)</p>	<p>The consultee noted that the Replacement Land is currently partitioned by fences to contain the horses and questioned how the Applicant will provide access once it becomes common land.</p>	<p>The Applicant confirms that if the Application is granted (and is extant of the challenge period or any challenge), the Applicant will be required by paragraph 1.23 of the Environmental Management Plan ("EMP") to remove perimeter and internal fencing from the Replacement Land. Those fences are shown on Figure 1 to Appendix 1 of the EMP. This EMP would be secured by the draft unilateral undertaking and the draft s.17 order.</p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
22	<p>Written Submissions</p> <p>Consultee L - Natural England (Senior Advisor - Commons and Access)</p>	<p>The consultee queried whether some grazing could be re-introduced as part of the management plan on the basis that this may be more cost effective and environmentally friendly.</p>	<p>The Applicant remains open to the views of all stakeholders as to future uses of the land. Grazing on CL24 is a regular feature of discussions at the Yateley Common Management Committee, but to date has not been implemented due to the need to fence livestock. Grazing could be incompatible with the removal of fences from Cottage Farm. However, the Applicant would not object in principle to a third party wishing to graze animals on the land, provided stakeholders and interested parties were in agreement and any fences required to support grazing were authorised per Section 38 CA 2006.</p>
23	<p>Written Submissions</p> <p>Consultee L - Natural England (Senior Advisor - Commons and Access)</p>	<p>The consultee queried what provision would be made for commoners to continue exercising rights on the Replacement Land if rights currently exist of the Release Land and the Release Land is deregistered.</p>	<p>The Applicant confirms that 26 properties have commons rights but that common rights are not able to be exercised on the Release Land due to the operation of the Airport. The Applicant confirms that rights of common will be exercisable on the Replacement Land.</p>
24	<p>Written Submissions</p> <p>Consultee L - Natural England (Senior Advisor - Commons and Access)</p>	<p>The consultee expressed concern that the proposed exchange could lead to additional use of the Public Rights of Way that border the Replacement Land, which could result in damage and additional pressure on the SSSI/SAC. The consultee questioned where there are any plans to improve the Public Rights of Way to reduce the impact.</p>	<p>The Applicant does not expect that the Replacement Land will attract additional access from the public. The land is at the end of a narrow lane and the Applicant will not put in any parking provisions. The Applicant notes that there is a bridleway which runs to the north of the Replacement Land which is already in poor repair and that Hampshire Countryside Services were due to be laying a new surface this autumn but works are on hold. The Applicant further notes that Replacement Land connects the eastern part of Yateley common to the western part, so it is anticipated that the public will, over time, shift their patterns to walk over the Replacement Land, relieving some of the pressure from the bridleway to the north. The provision of the Replacement Land should improve the access for people walking in this area.</p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
25	<p>Written Submissions</p> <p>Consultee L - Natural England (Senior Advisor - Commons and Access)</p>	<p>The consultee confirmed it does not anticipate any likely adverse impact on the qualifying features of the adjacent Site of Special Scientific Interest (Castle Bottom to Yateley and Hawley Commons) which also forms part of the Thames Basin Heaths Special Protection Area (SPA).</p>	<p>The Applicant notes this confirmation.</p>
26	<p>Written Submissions</p> <p>Consultee M - Hampshire Countryside Services (Countryside Strategic Manager - Access, Planning and Wellbeing)</p>	<p>The consultee notes that this Application is only linked to the area which is proposed to be developed at Blackbushe Airport and the remainder of the common land within the Airport boundary is not included. The consultee expressed concern that a conflict therefore remains within the Airport boundary with an operating runway remaining over common land.</p>	<p>The Applicant acknowledges this response and confirms that there is simply not enough available land which is suitable to provide in exchange for the entire Airport area. The Replacement Land secured by Cottage Farm Holding Limited is sufficient to achieve some hangarage and site rationalisation. The Applicant confirms that it remains in conversation with local landowners to monitor opportunities that may arise to secure additional parcels of land with a view to trying to resolve the ongoing issues presented by the conflict between an active aerodrome and registered common land.</p>
27	<p>Written Submissions</p> <p>Consultee M - Hampshire Countryside Services (Countryside Strategic Manager - Access, Planning and Wellbeing)</p>	<p>The consultee has no objection in principal to the Application in terms of the relative quality and quantity of the Release Land and Replacement Land.</p>	<p>The Applicant notes this confirmation.</p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
28	<p>Written Submissions</p> <p>Consultee M - Hampshire Countryside Services (Countryside Strategic Manager - Access, Planning and Wellbeing)</p>	<p>The consultee questioned what happens after the 15 year Environmental Management Plan ("EMP") has lapsed.</p>	<p>Please refer to the Applicant's response to similar feedback at row 4 above. The Applicant reiterates that following the 15 year management period under the EMP, Cottage Farm Holding Limited ("CFHL") as a responsible land owner will be open to discussion with Hampshire Countryside Services and other parties who have proposals for the future ecological management of the Replacement Land. The Applicant confirms that it is corresponding with the consultee to try and arrange a meeting to discuss this point further. The presence of the masts generates a modest income each year which CFHL envisage being used for the ongoing upkeep of the land.</p>
29	<p>Written Submissions</p> <p>Consultee M - Hampshire Countryside Services (Countryside Strategic Manager - Access, Planning and Wellbeing)</p>	<p>The consultee questioned who will oversee the Environmental Management Plan ("EMP").</p>	<p>Please refer to the Applicant's response to similar feedback at row 20 above. The Applicant envisages that oversight will be within Cottage Farm Holding limited and Blackbushe Airport Limited and that third parties will be instructed to carry out the surveys, reporting and works as required in the draft EMP. The Applicant anticipates these contractors will likely be the same third parties that that Hampshire County Council utilise for other areas of Yateley Common CL24.</p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
30	<p>Written Submissions</p> <p>Consultee M - Hampshire Countryside Services (Countryside Strategic Manager - Access, Planning and Wellbeing)</p>	<p>The consultee requested more information regarding the provision of public rights of way through Replacement Land.</p>	<p>Please refer to the Applicant's related response at row 11. The Applicant reiterates that there is no intention (or provision within the Environmental Management Plan) to dedicate additional rights of way through the Replacement Land because the public will have a right of access across the entirety of the Replacement Land by virtue of it becoming common land. Figure 16 to the Exchange Land Report shows the proposed placement of information boards and waymarking posts. The Applicants envisage suggesting some routes for the public to take through the Replacement Land to connect between Bridleway 30 in the east, 20b along the northern edge, and 21/19 on the western edge. Over time, it is expected that desire lines will form, which it could be appropriate to formalise in the future.</p>
31	<p>Written Submissions</p> <p>Consultee M - Hampshire Countryside Services (Countryside Strategic Manager - Access, Planning and Wellbeing)</p>	<p>The consultee questioned whether access to the country park for Hampshire Fire and Rescue Service ("HFRS") be maintained.</p>	<p>The Applicant confirms that access will be maintained eastwards through an access road to reach the existing parking area in front of the current Airport terminal, and the onward access through the bollards to the common. The Applicant does not expect any impact here for either Hampshire Countryside Service Staff / contractors, or for the HFRS.</p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
32	<p>Written Submissions</p> <p>Consultee M - Hampshire Countryside Services (Countryside Strategic Manager - Access, Planning and Wellbeing)</p>	<p>The consultee expressed concern that development of the Airport will encourage more visitors and higher footfall to the adjacent Yateley Common Country Park ("YCCP") and questioned what mitigation measures will be offered.</p>	<p>The Applicant confirms that although a desired increase in custom to the Airport facilities could increase activity within this area of the YCCP, the overall impact on YCCP is expected to be minimal. The Applicant is willing to discuss with the consultee an appropriate methodology for collecting survey data over the next 12 months to establish the current use of the area and assess the potential impacts in more detail.</p> <p>The Applicant has observed four different categories of public who use the Airport and YCCP and who may be impacted by the proposed Airport development:</p> <ul style="list-style-type: none"> (1) Public who walk up from Yateley to Blackbushe Airport to visit the Airport and café, and walk back. They typically come up from the Red Cross Hut on Bridleway 43 and then along the disused runways, or directly from Vigo lane and onto Footpath 47. (2) Public who drive to the Airport, park in the car park and access the common without using any of the Airport facilities. (3) Public who drive to the Airport, park in the car park with the primary purpose of using YCCP, but who visit the café "unplanned". (4) People who drive to the Airport, park in the car park with the primary purpose of using the café, but who then decide to use YCCP for a walk "unplanned". <p>The Applicant's view is that Category (1) users might increase if the capacity of the café is increased / facilities are improved, but Category (2) users should be unaffected.</p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
32	<p>Written Submissions</p> <p>Consultee M - Hampshire Countryside Services (Countryside Strategic Manager - Access, Planning and Wellbeing)</p>		<p>The impact on Category (3) users is more difficult to estimate but the volume of users isn't likely to increase and, with the café being moved further away from YCCP, it is likely that some Category (3) users will get back in their cars and leave the Airport rather than walking to the cafe. Likewise, it is likely that some Category (4) users will not use YCCP because YCCP will be further from the café. Overall, the Applicant expects the impact on YCCP would be minimal.</p> <p>The Applicant proposes that any impact on the YCCP should be demonstrated through data analysis, which would first require a baseline assessment. The Applicant is willing to discuss any proposals for a baseline assessment with the consultee.</p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
33	<p>Written Submissions Consultee M - Hampshire Countryside Services (Countryside Strategic Manager - Access, Planning and Wellbeing)</p>	<p>The consultee expressed concerns that larger jets will be more frequent at the Airport, impacting users of the country park by the proximity of jet blast. The consultee questioned what mitigation measures will be offered by the Applicant.</p>	<p>Please see the Applicant's response to similar feedback at row 3 above. The Applicant reiterates that the amount of jet traffic will not increase substantially, and that the Applicant is undertaking a piece of work to accurately predict future traffic levels. The Applicant confirms that the aim of the proposed development is to generate revenue from the hangars, and aircraft parked in hangars.</p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
34	<p>Written Submissions</p> <p>Consultee M - Hampshire Countryside Services (Countryside Strategic Manager - Access, Planning and Wellbeing)</p>	<p>The consultee proposed that Bridleway 16 should be addressed as part of the Application because the proposed plans will adversely affect users.</p>	<p>Please see the Applicant's response to similar feedback at row 13. The Applicant confirms that it will continue to manage access to the Welsh Drive public right of way to balance the interests of the public with the practicalities of civil aviation safety. The Applicant reiterates that it entertains groups on request (usually a few times a year) who want to walk from the eastern edge across towards the British Car Auction ("BCA") site. As the consultee is aware, BCA has erected new fencing across the right of way with no gate or access, so users are forced to scramble over an earth mound and then make their own navigation over the BCA site. The Applicant is willing to offer an alternative route around the Airport perimeter by using the existing public rights of way network on Hampshire County Council land to the east and dedicating a new route around the northern perimeter of the licensed aerodrome onto BCA Land. The Applicant emphasises that these are separate issues under different legislative frameworks, and that the proposed land exchange will not have any impact on the rights to use the Welsh Drive, nor on the use of it in practice.</p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
35	<p>Written Submissions</p> <p>Consultee N - Owners of Moulsham House (Registered Commoner)</p>	<p>The consultee noted that the owners (of the Release Land) must have known about common land designation when they purchased the site in 2015. The consultee's view is that the Applicant is trying to develop the Airport at the detriment of local residents and common rights holders.</p>	<p>The Applicant clarifies that when the Airport's owners purchased the site in 2015, the Commons Act 2006 had recently introduced measures to deregister land covered by a building (Schedule 2(6)). The Airport's owners originally sought to use that process to deregister land to enable the development of modern facilities at the Airport. The Applicant acknowledges that this approach was not successful. In the meantime, the Replacement Land became available as potential exchange land and the Applicant views this Application as a reasonable and appropriate measure to allow the Airport to develop into a sustainable business whilst respecting (and, in the Applicant's submission, enabling the better exercise of) commons rights.</p>
36	<p>Written Submissions</p> <p>Consultee N - Owners of Moulsham House (Registered Commoner)</p>	<p>The consultee expressed concern that the development proposals would negatively impact the surrounding area and street scene.</p>	<p>The Applicant notes this feedback and confirms, as per the response above in row 1, that concerns relating to the development proposals will be appropriately considered and addressed by the planning process.</p>
37	<p>Written Submissions</p> <p>Consultee N - Owners of Moulsham House (Registered Commoner)</p>	<p>The consultee expressed concern that the proposals for the Release Land would result in a Site of Importance in Nature Conservation ("SINC") being lost.</p>	<p>The Applicant acknowledges that SINC grassland is located within some of the Release Land, but not all of it. The Applicant has included a new figure at Appendix D of the ELR to identify the SINC area. The exchange of land in itself will not result in the loss of the SINC grassland. The Applicant notes that the impact of the future development proposals on SINC grassland will be considered as part of the Biodiversity Net Gain assessment involved in the planning process.</p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
38	<p>Written Submissions</p> <p>Consultee N - Owners of Moulsham House (Registered Commoner)</p>	The consultee expressed concern that the proposed development will cause an increase in traffic.	The Applicant does not expect that traffic on the A30 will be materially affected and has provided information on this within the Vision Document (page 17).
39	<p>Written Submissions</p> <p>Consultee N - Owners of Moulsham House (Registered Commoner)</p>	The consultee express concern that the proposed development will result in higher aircraft movements.	Please refer to the Applicant's responses to similar feedback at rows 3 and 33 above.
40	<p>Written Submissions</p> <p>Consultee N - Owners of Moulsham House (Registered Commoner)</p>	The consultee expressed concern that the environment will be negatively affected during construction stage of the proposed development.	The Applicant notes this feedback and confirms, as per the response above in row 1, that concerns relating to the development proposals will be appropriately considered and addressed by the planning process.
41	<p>Written Submissions</p> <p>Consultee O - Open Spaces Society (Case Officer)</p>	The Open Spaces Society expressed that it would not oppose the proposed exchange in principal but would look for reassurances on aspects of implementation.	The Applicant notes this feedback.

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
42	<p>Written Submissions</p> <p>Consultee O - Open Spaces Society (Case Officer)</p>	<p>The consultee noted that an existing deed under s.193(2) of the Law of Property Act 1925 ("LPA 1925") to grant rights of public access over common land does not extend to include the Airport and Release Land. Therefore, an order made under s.17 would not automatically 'carry-across' application of the s.193 to the Replacement Land. The consultee proposes that this uncertainty should be resolved by entry into an obligation to execute an irrevocable deed under s.193(2) of the LPA 1925 in respect of the Replacement Land immediately after the Application granted.</p>	<p>The Applicant confirms that it has discussed the consultee's concern and proposal with its legal counsel. The Applicant confirms its intention to ensure the access rights under s.193 of the LPA 1925 are conferred automatically. The Applicant was grateful to receive from the consultee a copy of the existing s.193 deed and confirms, from its review, that the deed does not apply to the Release Land (as it shows its western extremity as the old Vigo Lane - the airport's modern day east boundary). The Applicant has therefore prepared a draft deed (which is included with this Application) to apply s.193 of the LPA 1925 to the Replacement Land, allowing for certain contingencies (which are explained at paragraph 3.18 of the Exchange Land Report). The Applicant has also updated the Exchange Land Report and revised its response to Question 14 of the Application Form to reflect this position.</p>
43	<p>Written Submissions</p> <p>Consultee O - Open Spaces Society (Case Officer)</p>	<p>The consultee express concern that Part 1 of the Countryside and Rights of Way Act 2000 would not apply until the relevant definitive maps are updated. In addition, the statutory rights provided would only extend to access on foot and would be subject to exception, restriction or exclusion under Chapter II of Part 1 of that Act.</p>	<p>The Applicant notes that a previous common land exchange order under s.17 of the Commons Act 2006 concerning the Rangers Cottage at Yateley Common (COM 3199 623 - dated 28 Jan 2019) included a provision for s.193 of the Law of Property Act 1925 ("LPA 1925") to irrevocably apply to the replacement land. The Applicant confirms that it has included a similar provision in the draft s.17 order included with this Application to ensure that the access rights under section 193 of the LPA 1925 would apply to the Replacement Land as soon as is practicable following approval of the Application. Please see the Applicant's response at row 42 above. The Applicant has provided the draft wording for consideration by the consultee.</p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
44	<p>Written Submissions</p> <p>Consultee O - Open Spaces Society (Case Officer)</p>	<p>The consultee suggested (for the consideration of the Applicant's legal counsel) that the drafting might be refined as follows:</p> <p><i>Whereas that part of Yateley Common, which is within the manor of Crondall, is common to which section 193 of the Law of Property Act 1925 (public right of access for air and exercise) is applied by virtue of the deed made by the Ecclesiastical Commissioners for England on 5 May 1927, the release land is not common within the said manor, but the effect of this order is that the release land will become common within the said manor, therefore it is ordered that the said section 193 shall apply irrevocably to the replacement land, and Hampshire County Council shall enter a note of the irrevocable application of the right to the replacement land in the notes to the land section of the register.</i></p>	<p>The Applicant acknowledges this suggestion and has included additional provisions in the draft s.17 Order – please see the Applicant's response at row 43 above.</p>
45	<p>Written Submissions</p> <p>Consultee O - Open Spaces Society (Case Officer)</p>	<p>The consultee expressed concern that the neither the Exchange Land Report ("ELR") nor the Environmental Management Plan ("EMP") refer to the boundary features of Cottage Farm.</p>	<p>In response to this feed feedback, the Applicant instructed its consultants (RPS) to consider the boundary features of the Replacement Land and the ELR has been updated accordingly (see paragraphs 3.64 to 3.72). With respect to the proposed entrances as detailed in Figure 16 to the ELR, the Applicant confirms that these are all areas where there are natural breaks in the tree lines and require minimal clearance of low level scrub to make the access inviting. The Applicant does not propose the felling of any trees to facilitate access, except if they are identified to pose a risk of falling. The Applicant has updated paragraph 4.2 of the ELR and paragraph 1.6 of the EMP accordingly.</p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
46	<p>Written Submissions</p> <p>Consultee O - Open Spaces Society (Case Officer)</p>	<p>The consultee expressed concern that although the Environmental Management Plan ("EMP") will be given effect through the unilateral undertaking under s.106 of the Town and Country Planning Act 1990 ("Unilateral Undertaking"), this undertaking is not enforceable by third parties. The consultee invited the Applicant to consider including key elements of the EMP to be set out in the draft s.17 order relying on the powers in s.59(1) of the Commons Act 2006.</p>	<p>The Applicant has amended the draft s.17 order to include a direct obligation linked to the Unilateral Undertaking for Cottage Farm Holding Limited to remove the fencing which inhibits access to the Replacement Land in accordance with Appendix C to the draft order.</p>
47	<p>Written Submissions</p> <p>Consultee O - Open Spaces Society (Case Officer)</p>	<p>The consultee would appreciate to see draft clauses as respects the removal of perimeter and internal fences, and the s.193 access. The consultee also suggested the draft s.17 order would need to include provision as to s.17(2)(b).</p>	<p>The Applicant has provided draft clauses to the consultee.</p>
48	<p>Written Submissions</p> <p>Consultee O - Open Spaces Society (Case Officer)</p>	<p>The consultee proposed that the Application should be made clear that where the boundary to the Replacement Land is contiguous with any existing registered common land, there should be no demarcation between existing and new.</p>	<p>The Applicant confirms that the response to Question 19 of the Application Form has been updated as follows:</p> <p><i>Where the boundary to the replacement land is contiguous with any existing area of registered common land, it is our intention that there should be no demarcation between the existing and new common, (i.e. no strip of undesignated land).</i></p>

REF	CONSULTEE REF	SUMMARY OF CONSULTEES' FEEDBACK	SUMMARY OF THE APPLICANT'S RESPONSE
49	Written Submissions Consultee O - Open Spaces Society (Case Officer)	The consultee proposed the inclusion of an express commitment in the Environmental Management Plan ("EMP") for the landowner to mow and cut overhanging vegetation restricting several key access ways across the Replacement Land throughout the management term.	The Applicant confirms that the EMP has been updated to include a paragraph at 1.6 as follows: <i>CFHL are committed, throughout the Management Period and beyond, to the maintenance, by mowing and cutting of any overhanging vegetation of key access ways within the Replacement Land. Such access ways will be defined initially by the public use of the land and the creation of 'desire' paths, and subsequently will be defined within the management measures when reviewed annually according to the provisions of this EMP</i>
50	Written Submissions Consultee O - Open Spaces Society (Case Officer)	The consultee requested that all reports prepared under the Environmental Management Plan ("EMP") should be placed in public domain.	The Applicant has updated the EMP to include a commitment at paragraph 1.58 for the Cottage Farm Holding Limited to maintain a website within the public domain on which a copy of the EMP and all reports produced in respect of the EMP will be made available.