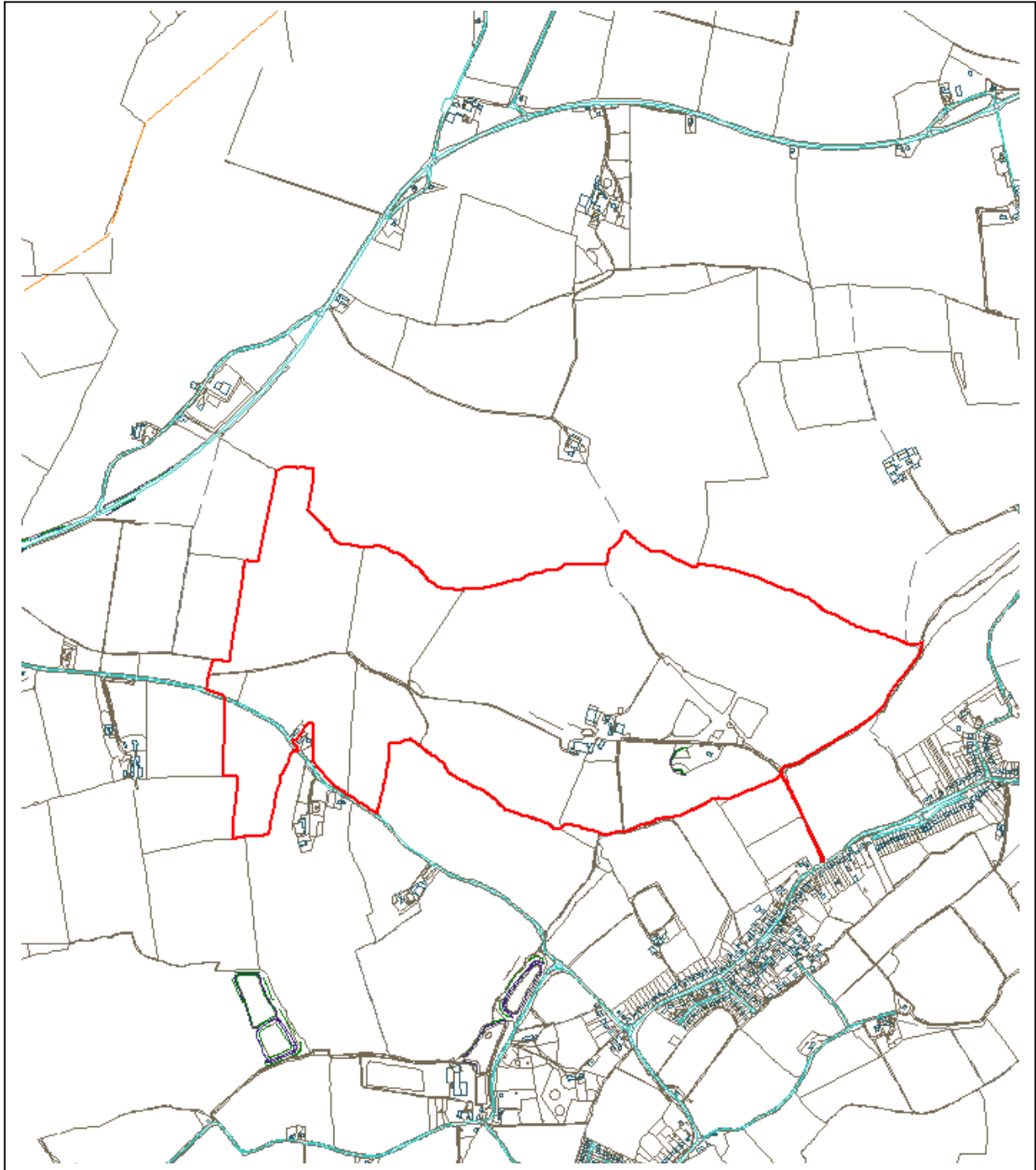


**PLANNING COMMITTEE**

**4 DECEMBER 2012**

**REPORT OF THE HEAD OF PLANNING**

**A.5 PLANNING APPLICATION - 12/00406/FUL - AIRSTRIP AND PREMISES, GREAT OAKLEY LODGE, HARWICH ROAD, GREAT OAKLEY, CO12 5AE**



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<b>Application:</b>	12/00406/FUL	<b>Town / Parish:</b> Great Oakley Parish Council
<b>Applicant:</b>	Mr T Spurge	
<b>Address:</b>	Airstrip and Premises, Great Oakley Lodge, Harwich Road, Great Oakley, CO12 5AE	
<b>Development:</b>	Variation of condition 6 of planning permission T/APP/P1560/A/94/435398 to allow flying training from the aerodrome.	

## 1. Executive Summary

- 1.1 The application proposes variation of a condition to allow use of the airfield for flying training (which is unauthorised currently) to continue. It does not seek to increase the numbers of permitted daily or annual take-offs from the airfield. The NPPF and local policy seek to balance the needs of business with protecting against significant undue effects. Your Officers consider that the central issue is the impact on the locality (people and place) of noise disturbance which may be caused by flying training. They consider that the impacts of flying training would be limited and that the proposal can be made acceptable by the imposition of conditions. They do not consider that the refusal of planning permission would be sustainable at an appeal.

### Recommendation: Approve

#### Conditions:

1. No take-offs or landings between the hours of 21.00 – 08.30
2. No more than 30 take-off movements in any one day
3. No more than 3650 take-off movements in any calendar year
4. Single propeller fixed-wing light aircraft only
5. No circuit, including 'touch and go', flying training on Sundays or Public Holidays
6. Use to accord with protocol in Pilot Handbook
7. Circuits and flight paths to be displayed in club house
8. Accessible flight log to monitor movements
9. No aerobatic flying training
10. No helicopter/gyroplane flying training

#### Reason for approval

The grant of planning permission is in accordance with Development Plan policy and use of the airfield for flying training will help to provide a valued training facility for student pilots and help to support business (flying school/related employment, farm diversification) whilst operating within the current daily and annual limits set for aircraft take-offs.

## 2. Planning Policy

### National Policy:

National Planning Policy Framework (2012)

Regional Planning Policy:

*East of England Plan (2008)*

- SS1        Achieving Sustainable Development
- E4         Clusters
- T12        Access to Airports

Local Plan Policy:

*Tendring District Local Plan (2007)*

- QL7        Rural Regeneration
- QL11      Environmental Impacts and Compatibility of Uses
- ER16      Tourism and Leisure Uses
- COM22    Noise Pollution
- EN11a     Protection of International Sites: European Sites and Ramsar Sites
- EN11b     Protection of National Sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites
- EN11c     Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphologic sites
- TR1a      Development Affecting Highways
- TR10a     General Aviation

*Tendring District Local Plan Proposed Submission Draft (2012)*

- PRO15     The Rural Economy
- SD9        Design of New Development
- PRO7      Tourism
- PLA4      Nature Conservation and Geo-Diversity
- COU7      Farm Diversification

**3.        Relevant Planning History**

The start of flying activity

- 3.1        The applicant began flying activity from the site in July 1992, when he completed the construction of a self-assembly single-engine aeroplane and an area of set-aside grassland was prepared as an airstrip. In May 1993, two other light aircraft flew in and were based at Great Oakley Lodge until planning permission was refused in October 1993, under ref.

93/00773/FUL, after which time they moved away and the applicant's aircraft was put into storage.

#### The original planning permission

- 3.2 In August 1994, temporary planning permission for "Continued use of grassland for purposes of recreational flying and as a base for three light aircraft, use of caravan for meteorological equipment and safety equipment" was granted on appeal (Planning ref. 93/00773/FUL & Appeal ref. T/APP/P1560/A/94/435398), for the period up to January 1996. In allowing the planning appeal and quashing the related enforcement notice, the Appeal Inspector imposed seven conditions. Although, from the Inspector's decision letter, the reason for the temporary period was clearly to allow the noise impact of the use to be assessed more calmly, the precise reasons for the remaining 6 conditions are less clear. Those conditions appear to be based largely upon accommodating the applicant's proposal, excluding any not-applied-for wider uses, including flying training and by helicopters. The Council's concerns at that time were that the use of the land for general flying by three light aircraft had an unreasonable impact on the locality by reason of noise, nuisance and loss of amenity caused by low flying aircraft in close proximity to residential property.
- 3.3 The Appeal Inspector's opinion was that the central issue at that time was "whether the continued use of the airstrip on the scale proposed is likely to cause undue disturbance by reason of noise and intrusion to the quiet enjoyment of the occupiers of dwellings in the neighbourhood". In allowing the appeal, the Inspector therefore accepted that there would be a degree of disturbance from flying activity but that this would not amount to *undue* disturbance.

#### Summary list of subsequent related planning permissions

November 1995 - permanent renewal of temporary planning permission (95/01206/FUL).

December 1996 - to allow up to 4 aeroplanes to be based at the airfield (96/01267/FUL).

December 1998 – vary conditions 3 and 4 of the original planning permission (98/01284/FUL) to allow 5 take-offs/day and 10 aeroplanes (until 31 December 1999).

November 1999 - to allow the number of take-off movements to be increased from 5 to 10 in any one day (99/01430/FUL) (until 31 December 2001).

April 2001 – variation of planning condition 3 of 99/01430/FUL to allow up to 10 take-off movements in any one day on a permanent basis (01/00319/FUL).

February 2003 – change of use of agricultural land to use as grass airstrip for private flying (second runway) (02/02235/FUL). No more than 10 take-offs/day in total and 10 aeroplanes.

January 2006 - to allow a maximum of 30 take-offs in any one day; visiting aircraft to land and take off (not only those 'based' at the site); and gliding to take place on 3 days per year (05/001152/FUL). No more than 3650 take-offs/year. No more than 30 aircraft based at airfield.

January 2006 – building for aircraft storage (05/01153/FUL).

January 2006 – use of building for aircraft support room (05/01154/FUL).

June 2006 – to allow additional flights (in excess of 30 per day) on special occasions (06/00770/FUL).

#### Unauthorised use for flying training

- 3.4 In April 2011, Skyward Flight Training (SFT) began operating from Great Oakley Airfield and your Officers were made aware of the alleged use of the airfield for unauthorised flying training in breach of “Condition 6”. A subsequent planning enforcement investigation established that a business was operating as a flying school and that a breach had occurred. A letter from the flying school operator dated 5 April 2012, submitted with the application to vary that condition, states that over the preceding twelve months, “ ... we have sold somewhere in the region of 150 trial lessons although some of these have been bought as presents and about 30 have yet to be redeemed. Nearly all of the trial lessons have been taken by people from the immediate Tendring District region and many have come from Great Oakley and the surrounding villages. Some of these people continue training to take their licenses and to date 2 of our students have qualified and of around 12 active students at the school several are about to qualify. In addition 4 people have returned to flying to re-qualify and some PPL students have transferred to Great Oakley from other schools in the area due to the good facilities and the reputations of the instructors.
- 3.5 “Having a school at the airfield has attracted qualified pilots who keep their aircraft at Great Oakley Airfield and elsewhere to use the school instructors for their annual check-outs, and about 6 have signed on to train for their IMC [Instrument Meteorological Conditions] ratings.
- 3.6 “The big advantage of teaching student pilots at Great Oakley Airfield is that there are two long grass runways so that most landings and take-offs can be into wind whatever the wind direction and no other airfield within a 50 mile radius has this facility. Another advantage is that the airfield is sited on farmland remote from residential areas, and the established approach and departure circuits create very little disturbance within this rural area.
- 3.7 “With the opening of the school 6 jobs have been created at Great Oakley Airfield this year and if allowed to continue there are good prospects for the number of jobs to increase.”
- 3.8 As background information, Members are advised that in 2010, the Civil Aviation Authority (CAA) removed the requirement for flying training to be conducted only from licensed aerodromes, observing that this change would increase the choice of aerodromes conducting such training whilst allowing training organisations greater flexibility. A legal obligation remained for aerodrome operators and those conducting flight training to ensure that the aerodrome is suitable for the safe conduct of flight training. CAA publication CAP 793 "Safe Operating Practices at Unlicensed Aerodromes (Including Helicopter Landing sites and Aerodromes Used for Flying Training)" provides relevant guidance. CAA publication 8AP/25/00/11 (27 February 2008) "Noise Considerations at General Aviation (GA) Aerodromes" provides aerodrome and aircraft operators with best practice guidance on minimising their noise impact on the local population.

#### **4. Consultations**

##### Great Oakley Parish Council:

- 4.1 No comment received.

#### Little Oakley Parish Council:

- 4.2 Original comment: Object – increased noise annoyance due to prolonged circuit flying and increased frequency of take-offs by flight training planes and current flight paths not always adhered to. Planes fly regularly over houses. More noticeable since flight training started a year ago.
- 4.3 Revised comment: Objection remains. 3 extra points: recent road traffic accident – further risk (increased road traffic including fuel tankers); flight paths differ from noise assessment – should be remodelled; and pilot's handbook not enforceable in planning terms unless advice translated into planning conditions.

#### Wrabness Parish Council:

- 4.4 Comment: Flight path is over village – more aircraft would mean greater nuisance; would like to know capacity of aerodrome; training lessons should avoid areas of population; and no indication of number of flights proposed.

#### Public Experience (Environmental Health):

- 4.5 Discussed requirements for Environmental noise assessment with applicant's acoustic consultants.
- 4.6 Attended site for part of consultant's noise assessment and carried out independent surveys of existing noise climate of area at six different locations relevant to the proposal.
- 4.7 Has scrutinized Environmental noise assessment submitted by applicant.
- 4.8 Considers the World Health Organisation (WHO) guidelines are most appropriate for this proposal. Noise levels do not exceed WHO guidelines for moderate and serious annoyance.
- 4.9 Concludes from acoustic consultant's report and own findings that proposal would not detrimentally affect residential properties and given current mitigation in restriction on take-offs (30 per day) impacts on health and quality of life are minimized, thereby avoiding any significant adverse effects.

#### Regeneration:

- 4.10 Support initiatives which provide added value services and facilities which contribute to growth of local economy. Ability to provide such training could also appeal to a niche tourism market.

#### Highway Authority:

- 4.11 No objection subject to: warning signs for footpath users to be provided; car parking and vehicular parking area to be provided; and manoeuvring and turning facility for fuel tankers and service vehicles to be provided.

#### Natural England:

- 4.12 Original comment: Objection – Natura 2000 site and SSSI impact. Appropriate Assessment needed ('Holding objection' pending reconsideration following additional information).

- 4.13 Revised comment: Satisfied that any adverse effects on Natura 2000 site should be avoided - Appropriate Assessment not needed. Also, that revised proposal should not damage any SSSI. Reference to map to identify 'areas to avoid' by pilots and related condition requirement.

RSPB:

- 4.14 Original comment: Object. Risk of increased disturbance to birds. Appropriate Assessment needed.
- 4.15 Revised comment: Withdraw objection following further information, subject to suitable planning conditions. Important that pilots follow flight routes shown on map to avoid designated sites.

National Air Traffic Services:

- 4.16 No safeguarding objections.

**5. Representations**

- 5.1 At the time of writing this report:

297 separate objections had been received, in total, raising various concerns which are summarised mainly as follows:

- Noise impact - quiet rural area/villages especially at weekends and public holidays;
- Proximity to residential property/overflying;
- Proximity to businesses, school and services including GP surgery/overflying;
- Low flying - loss of privacy/can't hold a conversation;
- Disturbs cats and dogs;
- Proposal is huge change from original;
- Impact on natural environment – especially areas protected for nature conservation;
- Impact on wildlife/protected species particularly birds;
- Effectiveness of planning controls questioned;
- Planning conditions ignored;
- Safety issues – student pilots/footpath/Bramble Island/A120;
- Airfield too small – no safety margin at end of runways;
- Airfield too large - could become like Stansted/Southend airports;
- Pollution – aviation fumes/smell;
- MoD already uses local airspace;
- Impact on AONB/setting;
- Economic threat to region – impact on tourism/sailing;
- Extra road traffic – cars/tankers/risk of accidents;
- No local benefits;
- Stones Green not an identified settlement (reference to Pilot Handbook); and,
- Should not differentiate between types of flight training.

(For information: most objections come from residents of Great Oakley but some come from smaller villages nearby and a smaller number from other parts of the district, county and country. Many objections received recently are pro-forma types, using either a 'standard' wording or forms.)

5.2 Mr Shepherd-Rose (SFT) has stated in response to the recent 'Objection leaflet' that "The statements made in this leaflet are untrue and legal action might be taken [highlighting a mention of "dangerous flying"]".

5.3 A petition had also been submitted which contains 251 signatories objecting.

(For information: few signatories give complete addresses. Most would appear to be residents of Great Oakley with some from other villages nearby and a smaller number from other parts of Tendring District)

5.4 Some representations have asked that if planning permission is granted, conditions are imposed to minimise the impact.

5.5 48 representations had been received in support of the proposal; key points are summarised as follows:

- No flying training aircraft have crashed and there has been no damage to such aircraft or any injury;
- No serious pollution;
- No noise problem experienced;
- Minimal impact on local area;
- More noise comes from existing road traffic;
- Helps support local economy;
- Area needs regeneration;
- Asset to local community;
- Flying training enhances air safety;
- Sited away from nearby villages;
- Better location than near an urban area;
- Use the airfield when visiting London area for business and pleasure;
- Shortage of flying training in Essex/Suffolk;
- Flying training is a positive activity;
- Many aircraft already fly over from elsewhere;
- Enormous benefit for "check flights" (2 yearly); and,
- Appears to accord with planning policy.

(For information: most representations in support have been received from residents of Tendring District, including from Great Oakley and Little Oakley, in addition to elsewhere in England and from Wales and Scotland).

5.6 2 petitions with a total of 96 signatories in support had been submitted by Skyward Flight Training.

(For information: signatories in support include residents of Tendring District, including from Great Oakley and Little Oakley, in addition to elsewhere including north east Essex and Suffolk).

5.7 7 separate representations had been received making observations.

## **6. Assessment**

6.1 The application supporting letter, written by the applicant's professional agent - an Aviation Planning Consultant, considers that the flying training referred to means the "training of student pilots to a standard where a Private Pilots Licence (PPL) can be awarded by the



CAA [Civil Aviation Authority].” This licence allows a pilot to fly for recreation or as a personal means of transport. He explains further that:

- 6.2 “As part of the PPL flying syllabus a student pilot is required to undertake a series of exercises, one of which involves circuit practice, which includes a take off, a circuit of the aerodrome and a landing. At some stage, once the basic skills have been acquired a student pilot will be required to undertake continuous circuits involving ‘touch and go’ practice, where the aeroplane is landed and immediately takes off again. Such touch and go/circuit practice sessions can last upto one hour duration.” and
- 6.3 “No flying training for a Private Pilots Licence (Helicopters) PPL (H) is proposed at GOA.”

### **National Planning Policy Framework (NPPF)**

- 6.4 The NPPF gives advice on promoting sustainable transport and paragraph 33 states that when planning for airfields, “plans should take account of their growth and role in serving business, leisure, training and emergency service needs”.
- 6.5 The Tendring District Local Plan: Proposed Submission Draft (2012) was published for public consultation on 9 November 2012 and any representations made will be subject to assessment prior to its formal examination next year. Members are advised that it can be given very little weight at this stage.
- 6.6 The NPPF includes advice on noise, including paragraph 123, which states, among other things, that “Planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; ... [and] recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”.
- 6.7 The NPPF recognises that businesses will often create noise and makes clear that noise should be avoided which gives rise to *significant* (emphasis added) adverse effects. In other words, the government accepts that some adverse effects may arise. In order to justify the refusal of planning permission on noise grounds, it would therefore be necessary to demonstrate, convincingly, not just that there were concerns over noise, but that *significant adverse effects* would result.

### **Local Planning Policy**

- 6.8 The main planning issues concern the acceptability of the proposal having regard to the provisions of the Development Plan; in particular the Adopted Tendring District Local Plan (2007) ‘saved’ Policy TR10a – General Aviation. This sets out seven criteria against which the application should be assessed and these are considered, in turn, below. As the supporting text to the policy refers specifically to the airfield at Great Oakley, the text and the policy are reproduced below in full, for ease of reference (although the Development Plan should be considered as a whole):

### ***General Aviation***

**7.44a** *Within the District there are currently two small airfields/airstrips, one at Clacton-on-Sea and one at Great Oakley. Aviation activities can contribute to national, regional and local economies and airfields are therefore important in that context. At the same time, the use of airfields can raise difficult environmental issues and careful consideration is necessary to strike the right balance between potentially conflicting interests.*

**7.44b** *The two airfields in the district operate on a small scale with the principal function in the broadest sense being 'recreational'. The Council does not consider it appropriate that this situation should change and it is therefore unlikely that planning permission will be granted for any activities that would have that effect.*

**7.44c** *Development proposals for airfield/airstrip related activities will be judged in relation to the economic, environmental and social impacts that are likely to arise. These are potentially very varied. The Council will therefore expect applications for planning permission to be sufficiently detailed so that a proper appreciation of the potential environmental effects can be gained.*

**7.44d** *Some development proposals may also require an Environmental Impact Assessment and all proposals may have conditions imposed on them to limit:*

- the environmental impacts of aviation activities;*
- the number of take-off and/or touch-and-go movements (normally on a daily basis);*
- the types or weights of aircraft to be operated; and*
- the hours of operation of the site.*

**7.44e** *In view of the different locations and geographical circumstances of the two airfields/airstrips it is difficult to draft detailed prescriptive policies that can be applied to both sites. Whilst the criteria set out in TR10a are intended to provide a broad framework within which proposals will be considered, there may be other material considerations that would be relevant to a specific planning application.*

#### **Policy TR10a – General Aviation**

**Proposals for new development relating to any existing operational airfield or proposals to establish a new flying site will be considered on their merits having regard to the following criteria:**

- a. Air travel needs of residents, business and air sports users;**
- b. The economic and employment advantages arising to local and regional businesses;**
- c. The impact upon public health and safety and residential and other noise sensitive properties in the immediate vicinity (i.e. under flight paths and circuits) by virtue of noise and disturbance;**
- d. The impact on environmental and nature conservation interests;**
- e. The impact on the landscape such as visual amenity and lightening;**
- f. The accessibility of the site in relation to transport; and**
- g. Development proposals will not be allowed where they would compromise the existing use of the districts' airfields or airstrips.**

**a) Air travel needs of residents, business and air sports users;**

- 6.9 It is a Council priority to support the needs of local business and granting planning permission could also provide additional air travel opportunities for local residents who train and qualify as pilots. In this case, the main businesses to benefit will be the flying school and farm.
- 6.10 Members may be aware that a weekend air sports event has been held. Air sports use is not being proposed in the submitted application.

**b) The economic and employment advantages arising to local and regional businesses;**

- 6.11 It is a Council priority to support the needs of local business and the ability to use the airfield legitimately for flying training would be consistent with this aim.
- 6.12 The economic and employment advantages of the proposal can be considered in terms of the benefits to local businesses which result from flying training. The flying school is not large-scale and, most specifically, these relate to the flying school itself, which has been based at the airfield (albeit without the benefit of planning permission) for over one year. Employment is therefore created directly at the school and supports employment at the airfield itself. Other businesses in the form of local services including shops, pubs/restaurants, B&B might also benefit.
- 6.13 Some objectors have stated that flying instructor jobs have been relocated from Clacton Airfield and are not therefore 'new' jobs as such. The applicant has stated that only one job transferred from Clacton Aerodrome and that a new post was created there. SFT has one full-time instructor and has created additional employment in respect of Reception work, book-keeping and IT. An additional flying instructor was also employed part-time for 6 months and if permanent planning permission is granted, SFT intends to employ at least one more full-time instructor.

**c) The impact upon public health and safety and residential and other noise sensitive properties in the immediate vicinity (i.e. under flight paths and circuits);**

- 6.14 Public health and safety in this context includes considerations of noise impact and also the additional use of the airfield for flying training, including having regard to the public footpath which crosses the farm. A large number of objections have been received citing noise as a major local concern. To inform this issue, an Environmental Noise Assessment has been submitted and the Council's expert has provided advice.
- 6.15 The Environmental Noise Assessment concludes that "i) the noise emissions from the airfield are, and would remain, low relatively to acknowledged thresholds; and ii) the change in the aggregate noise level as a result of the [individual or combined] application proposals would not be perceptible." Furthermore, "On this basis we conclude that the noise impact that would result from the proposals would be low and not "significant" – the test within the recently released NPPF."
- 6.16 The Council's Environmental Health Officer considers that the World Health Organisation's guidelines on noise are relevant. He has scrutinized the submitted noise assessment and has carried out his own noise assessments on site. He does not consider that the noise levels resulting from the proposal would be harmful to public health or detrimentally affect residential properties; given the restriction in numbers of take-offs impacts are minimised and any significant impacts will be avoided, thereby satisfying the aims of the NPPF.

- 6.17 Some overflying of this part of the district may occur in any event, unrelated to use of the airfield and wholly outside of the Council's control. The Council has no control whatsoever over flying activities where aircraft have not landed at, or taken off from an airfield within the district which is subject to planning conditions.
- 6.18 Your Officers consider that, by its nature, "ab initio" flying training may differ from other flying in terms of its local impact. Student pilots will be taught, and may practice, manoeuvres which would not normally be carried out on a routine flight. Regular circuit flying and 'touch and go' training will involve aircraft flying for a prolonged period in the vicinity of the airfield, whereas other pilots would arrive and depart relatively quickly. It is therefore likely that people in the vicinity, who are aware of the flying activity taking place, would find the flying training activity more noticeable over a longer period. A greater level of noise disturbance may therefore be perceived as a result. Your Officers acknowledge this possibility but are of the opinion, having regard to specialist advice, that *noise levels* are acceptable and the issue is a more general one – of *noise disturbance*. Further, any such noise disturbance will be occasional and temporary, due to the limitations on the number of daily take-offs permitted and other limitations, such as the weather and the demand for training (i.e. specific bookings).
- 6.19 However, your Officers acknowledge that flying training might be most likely to occur at weekends and public holidays, including on sunnier days, which is also when local residents may be more likely to be at home and outside enjoying their gardens and when the sound of light aircraft may be perceived as most intrusive. Members will wish to consider that for some people a noise which they find annoying may be a particular problem for them and that such an impact may be hard to demonstrate in terms of recordable noise levels. A large number of objections have been received, including a petition; however the weight of opposition to a proposal is not enough on its own to justify a refusal in planning terms and any refusal of planning permission must be supported by a sustainable planning reason or reasons.
- 6.20 In recognition of the large number of objections which concern noise and disturbance, your Officers have suggested that a condition be imposed to prevent flying circuit training (including 'touch and go' landings) from taking place on Sundays and Public Holidays. Members are advised that the condition would still allow for general flying training to take place and therefore support the wider operation of the business. However, your Officers consider that it would help to strike a balance between business interests and protecting residential amenity, in particular, on those days when those people who object would probably be most likely to be affected by noise disturbance from any circuit flying training. The applicant has confirmed that he is willing to accept such a condition.
- 6.21 Furthermore, Condition 7 of the Appeal planning permission sought to ensure that pilots were made aware of the recommended circuit pattern, by means of a requirement for the circuit plan to be displayed prominently at the airfield (so to avoid noise-sensitive areas).
- 6.22 The Great Oakley Airfield Pilot Handbook published June 2012 (Issue 2) includes a Flight Protocol Map which identifies Great Oakley, Little Oakley and Wix as Residential Settlements, each of which is annotated as a "Flight Avoidance Zone". Three flight paths to and from the airfield are shown (in addition to two runway circuit patterns) – all of which avoid those residential areas.
- 6.23 In your Officers' opinion, the regulated use of the land and application of the Flight Protocol set out in the Pilot Handbook, including the identification of flight paths, would be able to safeguard those particular interests. Students undergoing flying training, under the supervision of a qualified instructor, would observe the airfield runway circuit patterns which

guide flying away from nearby properties as far as practicable. Public safety would also be safeguarded in this way.

6.24 Members may be aware that a public footpath (No. 29) crosses the site, including both existing runways. Although the application proposal does not alter the circumstances of this arrangement, Members will wish to consider whether any new safety issues are raised by the nature of the proposal. Your Officers consider that as flying training is carried out under the close supervision of a trained instructor, student pilots will be made aware of the need to consider the possibility that footpath users may be in the vicinity of the runways and the presence of a flying instructor will protect safety. The applicant has stated that although he has placed advisory warning notices to alert footpath users to the presence of the runways, they have been removed (by a person or persons unknown). Members are advised that if a person or persons using the footpath removed any signs which were required to be so placed, the applicant would be unable to comply with a condition which required such signs to be displayed at all times when the airfield is in use for flying training. Your Officers consider that the imposition of a condition to require the erection of warning signs near the runways would not be justified in the particular circumstances of this application.

6.25 The Council's attention has been drawn to several examples of accidents at the airfield, including aircraft either undershooting or overshooting the runways. However, the flying school operator has confirmed that these cases do not relate to his use of the airfield. The applicant has reviewed the size of the runways and confirmed compliance with the relevant CAA standards in CAP 793. However, although there is no formal requirement for the airfield to include defined Runway End Safety Areas, your Officers suggest an Informative recommending that such provision be considered if planning permission is granted, as an additional safety feature.

6.26 Complaints have been received about recent aerobatic flying although the applicant has confirmed that the aircraft concerned did not take off from, or land at, Great Oakley Airfield. Although the application does not propose aerobatic flight training, your Officers consider that such specific training should be prevented by means of a planning condition as, by their nature, aerobatic manoeuvres are likely to cause a level of noise and disturbance which is significantly greater than the general training of new student pilots described in the application.

**d) The impact on environmental and nature conservation interests;**

6.27 The application site does not lie within a sensitive area for biodiversity. However, there are such sensitive areas to the north, east and south of the site. These include sites of international, European, national, regional and local importance, including: two internationally important sites - the Stour and Orwell Estuaries and Hamford Water Ramsar Sites; two European sites - the Stour and Orwell Estuaries and Hamford Water Special Protection Areas; Hamford Water National Nature Reserve; Sites of Special Scientific Interest (SSSI); and Local Nature Reserves.

6.28 Further to Natural England's original advice, the applicant has issued a new handbook to be used by pilots. The Great Oakley Airfield Pilot Handbook published June 2012 (Issue 2) Flight Protocol Map also identifies the Orwell Estuary, Stour Estuary, Stour and Copperas Wood, Hamford Water, Weeley Hall Wood and Holland Haven Marshes SSSI - which are each described as a "Flight Avoidance Zone". In addition to the two runway circuit patterns, three flight paths to and from the airfield are shown – all of which avoid those areas sensitive in nature conservation terms.

- 6.29 Natural England has confirmed that it is satisfied that the modifications to the application should avoid any adverse effects on the designated Natura 2000 sites and not damage any SSSI.
- 6.30 The RSPB response to the original application consultation was to object because of the possible risks of increased disturbance to birds, close to or over designated sites in the vicinity. The new Pilot Handbook and associated Flight Protocol is, in your Officers' opinion, an appropriate and proportionate response to the concerns raised and the RSPB has withdrawn its objection.
- 6.31 The Council has no control whatsoever over flying activities where aircraft have not landed at, or taken off from an airfield within the district which is subject to planning conditions. Members will wish to consider whether the limited use of the airfield for flying training would be likely to cause any harm to local biodiversity, particularly in respect of the sensitive areas identified. In your Officers' opinion, the regulated use of the land and application of the Flight Protocol as set out in the Pilot Handbook, including identification of flight paths, would safeguard nature conservation.

**e) The impact on the landscape such as visual amenity and lighting;**

- 6.32 The proposal will have no impact upon the wider landscape in terms of visual amenity and lighting.

**f) The accessibility of the site in relation to transport;**

- 6.33 The site is accessible from the B1414 Harwich Road at Great Oakley village. The B1414 runs between Harwich/Dovercourt and Little Clacton and is accessible to local centres of population. A bus route runs through the village and there are bus stops nearby in Harwich Road. There is no objection to the proposal from the ECC Highways Authority.
- 6.34 The ECC Highways Officer raises no objection subject to three suggested condition relating to footpath signage, car parking/turning area and fuel tanker/service vehicle manoeuvring/turning. Public safety in respect of users of Footpath No.29 has already been considered at c) above and your Officers do not consider that a requirement for signage would pass the relevant tests contained in Planning Circular 11/95 (The Use of Conditions in Planning Permissions). Further, the flying training school is based in a small office within the existing airfield club house. There is ample parking and manoeuvring/turning space nearby to accommodate vehicles and there is therefore no wider impact in terms of road users. Your Officers do not consider, in the circumstances of the application, that such conditions would be justified, as the relevant Circular tests would not be met.

**g) Development proposals will not be allowed where they would compromise the existing use of the district's airfields or airstrips.**

- 6.35 This criterion does not apply directly to the proposal, which relates to use of the airfield itself. However, it reinforces the Council's aim to protect the existing airfield from proposed uses which would be harmful to its operation.

**Central issue**

- 6.36 The application does not propose any increase in the total numbers of take-offs currently permitted (nor does Application Ref.12/00405/FUL on this Agenda). Your Officers consider that the central issue identified by the Appeal Inspector – in essence that of noise disturbance – is also the central issue with the application but have considered this in much

wider terms than the Appeal Inspector, who was concerned with impact upon “dwellings in the neighbourhood of the Great Oakley Lodge”.

- 6.37 The Appeal Inspector’s decision letter does not consider specifically the issue of use for flying training. A specific reason for including in his condition 6 prevention of flying training was not given and at the time of the appeal no flying training could be carried out at an unlicensed airfield.
- 6.38 The adopted local plan highlights the need to strike the right balance between potentially conflicting interests. This recognises that the wishes of the airfield owner, operators and users to vary the operation of the airfield have to be considered alongside those of others, who do not wish the use to develop as proposed.
- 6.39 It is inevitable that some noise and disturbance will result from use of the airfield for flying training. However, the predicted noise levels are not so great that they would be harmful to public health. Whether the noise impact likely to result from the proposal would amount to *undue* disturbance, in the Appeal Inspector’s terms, or be *significant*, in NPPF terms, or be otherwise unacceptable, so as to warrant the refusal of planning permission, is therefore a matter of judgement for Members. Your Officers have considered the evidence and merits of the case and do not consider that planning permission should be refused.
- 6.40 The adopted local plan states that the Council does not consider it appropriate that the small scale of the airfield or its broad principal ‘recreational’ function should change. Your Officers consider that the proposal, if permitted, would not conflict with that approach as the purpose of the flying training is, in essence, to allow students to be able to fly independently - which would include flying for recreation. Further, there would be no expansion of the airfield or any increases in the total numbers of take-offs permitted. Your Officers consider that the ability to accommodate flying training would not, by itself, or in conjunction with use by helicopters (if that use is permitted under Application Ref.12/00405/FUL on this Agenda), undermine the Council’s policy to protect the small scale and broad principal recreational function of the airfield.
- 6.41 A number of objectors have raised concerns over alleged breaches of planning conditions and the unauthorised use of the airfield for flying training (and by helicopters subject of Application Ref.12/00405/FUL on this Agenda) and some have expressed doubts whether, if planning permission is granted, any new planning conditions imposed would be adhered to. Members are advised that it is not possible to refuse planning permission on such grounds. If permission is granted, any complaint about an alleged breach of planning control would be subject of an enforcement investigation. A requirement to maintain and make accessible a record of all take-offs will assist in such monitoring and if considered expedient, enforcement action would be taken.
- 6.42 Whilst most of the objections the Council has received have raised concerns over noise, and your Officers acknowledge that this is a material planning consideration, they do not consider that there is evidence to demonstrate that significant adverse effects would arise necessarily which would justify the refusal of planning permission. Such a refusal would have to be defended at any subsequent planning appeal (likely to be held as a Public Inquiry where witnesses’ evidence would be tested under cross-examination). Members are aware that if the Council is held to have acted unreasonably in refusing planning permission (for example by including reasons for refusal which are not supported adequately by evidence), it would also be liable to pay the appellant’s costs of the subsequent appeal/s.
- 6.43 Your Officers consider that the proposal accords with Development Plan policy and that, on balance, the use of the airfield for flying training could be accommodated without overriding

harm being caused to local and residential amenities or any other planning interests. They consider that granting planning permission (within the existing daily and annual take-off limits) would strike a reasonable balance between allowing business to develop whilst protecting local and residential amenities and other planning interests. In allowing for limited flying training, the planning conditions proposed are otherwise consistent with those imposed in respect of the Appeal decision and subsequent related planning permissions. Your Officers acknowledge that in granting the original planning permission, the Appeal Inspector considered that flight circuits could not be controlled by a planning condition. However, he reasoned that he could, instead, impose a condition which required that a circuit plan be displayed at the airfield. Your Officers recognise the limits to planning which exist in respect of circuit patterns (and flight paths) and that Great Oakley Airfield is not unique in that respect. However, the approach taken to this issue is consistent with that of the Appeal Inspector. Furthermore, the application of the Flight Protocol as set out in the new Pilot Handbook will help to demonstrate "Best Practice" principles, as outlined by the CAA.

#### Background Papers

None.