



# The Planning Inspectorate

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[www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)

Mrs Wendy Strangeway  
North York Moors National Park Authority  
Development Control Support Officer  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Your Ref: NYM/2020/0586/FL  
Our Ref: APP/W9500/W/20/3265041

26 March 2021

Dear Mrs Strangeway,

Town and Country Planning Act 1990  
Appeal by Mr Robert Walker  
Site Address: South Moor Farm, Langdale End, Scarborough, North Yorkshire,  
YO13 0LW

I enclose for your information a copy of the third party correspondence on the above appeal(s).

If you have any comments on the points raised, please send 2 copies to me no later than 06 April 2021. You should comment solely on the representations enclosed with this letter.

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

Comments submitted after the deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours sincerely,

**Deb Smith**  
Deb Smith

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - [www.planningportal.gov.uk/planning/appeals/online/search](http://www.planningportal.gov.uk/planning/appeals/online/search)*

-----Original Message-----

From: Glynis Ludkin

Sent: 22 February 2021 15:21

To: Planning

Subject: NYM/2020/0586/FL

I'm contacting you re. the letter I received informing me of Mr.Walker's latest appeal. I no longer live at Spring Farm, YO13 0LL so the letter reached me via the PO redirection service. My new address since August 2020 is

;

Lindum

Peaslands Lane

Thornton le Dale

YO18 7QX

I sent the previous letter off to the new occupants of Spring Farm, Mr & Mrs. Parker. Please amend the addresses.

If MrWalker just wishes to reinstate his original situation of having his own private plane I have no objection as, despite living so close, I hadn't realised he had one until his application for the 10 hangars. It had never been a problem. It's a great pity he ever started all this.

Best wishes

Glynis Ludkin

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### COMMENTS ON CASE (Online Version)

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**Appeal Reference: APP/W9500/W/20/3265041**

#### DETAILS OF THE CASE

Appeal Reference APP/W9500/W/20/3265041

Appeal By MR ROBERT WALKER

Site Address  
South Moor Farm  
Langdale End  
Scarborough  
North Yorkshire  
YO13 0LW

#### SENDER DETAILS

Name MR MARK HAMMOND

Address  
Eberston Common Farm  
Langdale End  
SCARBOROUGH  
YO13 0LW

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

## YOUR COMMENTS ON THE CASE

Mr. M. A. Hammond.  
Ebberston Common Farm,  
Langdale End,  
Scarborough,  
YO13 0LW.  
23/03/2021.

Mrs. D Smith.  
3D Eagle Wing,  
Temple Quay House.  
2 The Square,  
Bristol.  
BS1 6PN

Planning Appeal APP/W9500/W/20/3265041 South Moor Farm Air Strip.

Dear Mrs. Smith,

I am writing this letter to support the planning appeal for a Farm-Strip at South Moor Farm by Mr. Walker.

I am one of his closest neighbours. Mr. Walker gave myself and other close neighbours a copy of the original proposal in February 2013 and asked our opinion.

Aircraft using the main runway will pass between Ebberston Common Farm and Jingleby Thorn Farm at low height as they are climbing away or descending.

Mr. Walker has applied for planning permission several times, each time amending the proposal to overcome the planning objections.

I have supported all the past applications and support this one.

We have a variety of aircraft, military and civilian, including gas pipe line and electricity line helicopters, flying overhead which do not cause any problems.

Light aircraft passing overhead are generally only heard for two or three minutes. I do not think one from South Moor Farm will cause any problems.

The National Park supports many recreational activities including flying at Sutton Bank and I see no reason why a small farm air strip could not be used for a limited number of flights.

I understand that the planning authority and many objectors are concerned with the effect on birds.

However the birds manage quite well with noisy forest operations, car rallies, concerts, military and civilian aircraft. I do not think they will be bothered by a light aircraft.

Yours Sincerely,

Mark Hammond.

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#### DETAILS OF THE CASE

Appeal Reference APP/W9500/W/20/3265041

Appeal By MR ROBERT WALKER

Site Address  
South Moor Farm  
Langdale End  
Scarborough  
North Yorkshire  
YO13 0LW

#### SENDER DETAILS

Name MR JOHN MILNER

Address  
Meadow House  
Baunton  
CIRENCESTER  
GL7 7BB

#### ABOUT YOUR COMMENTS

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## **YOUR COMMENTS ON THE CASE**

I'm given to understand that there are concerns about the disturbance of wildlife, especially birds. There is no justification for this concern. Small airfields are a well known haven for wildlife as they are left largely undisturbed apart from the occasional mowing of grass. As to birds, they are so relaxed about aeroplanes that major airports have to scare them away and small aeroplanes and birds happily co-exist to the extent that birds such as buzzards and kestrels have been known to use airfield signs as perches. This application is a perfectly reasonable one and there is no conservation or other planning justification for its refusal.

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#### DETAILS OF THE CASE

Appeal Reference APP/W9500/W/20/3265041

Appeal By MR ROBERT WALKER

Site Address  
South Moor Farm  
Langdale End  
Scarborough  
North Yorkshire  
YO13 0LW

#### SENDER DETAILS

Name MR JOHN MILNER

Address  
Meadow House  
Baunton  
CIRENCESTER  
GL7 7BB

#### ABOUT YOUR COMMENTS

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## **YOUR COMMENTS ON THE CASE**

I have made an earlier representation but omitted to point out that it is not aircraft that disturbs wildlife it's people. As noted elsewhere there are few areas on an airfield where people are active and aircraft do not disturb wildlife. If there is concern about disturbance of wildlife then access by people needs to be constrained aircraft are irrelevant.



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**Appeal Reference: APP/W9500/W/20/3265041**

#### DETAILS OF THE CASE

Appeal Reference

Appeal By

Site Address

#### SENDER DETAILS

Name

Address

Company/Group/Organisation Name

#### ABOUT YOUR COMMENTS

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- Agent
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- Rule 6 (6)

What kind of representation are you making?

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- Statement of Common Ground

Interested Party/Person Correspondence

Other

**COMMENT DOCUMENTS**

**The documents listed below were uploaded with this form:**

**Relates to Section:** REPRESENTATION  
**Document Description:** Your comments on the appeal.  
**File name:** SM Appeal 5.docx

**PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US**

## **Introduction**

I am writing to support the appeal by Mr R Walker, who is not related to me, against the refusal of his fifth application for a change of use of his land to form an airstrip with a single grass runway. The previous applications which have progressively reduced the scale and scope of the proposed development were also subject to appeals as listed in the following table.

<b>Appeal Case Reference</b>	<b>Appeal Decision Letter Date</b>
APP/W9500/A/14/2212850	28 August 2014
APP/W9500/W/15/3007950	5 October 2015
APP/W9500/W/16/3144478	16 September 2016
APP/W9500/W/17/3178824	5 February 2018

I made submissions on the above appeals on 12 March 2014, 10 June 2015, 22 March 2016 and 20 September 2017 respectively and request that these submissions are taken into account when deciding the current appeal.

## **Legal Issue**

The Civil Aviation Act 1982 states the following:

*“Section 76(1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of an aircraft over any property at a height above the ground in which, having regard to wind, weather and all circumstances of the case is reasonable, or the ordinary incidents of such flight, so long as the provisions of any Air Navigation Order and of any orders under section 62 (Control of aviation in time of war or emergency) above have been duly complied with.”*

The actions of the Park Authority in respect of the potential alleged nuisance to protected bird species arising from the airstrip proposal are incompatible with this legal provision.

## **Planning Consistency**

Decisions in the High Court [R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050 and Baroness Cumberlege v Secretary of State for Communities & Local Government [2017] EWHC 2057] have emphasised the importance of consistency in planning decisions and the need for clear reasons to be given where inconsistencies arise.

The Park Authority has granted numerous planning permissions involving the disruption of the natural environment and the generation of noise in areas that the Authority know are occupied by protected bird species. Notable examples of these are NYM/2013/0477/EIA involving the construction of a gas pipeline and a natural gas wellhead referred to in my previous submission of 10 June 2015 and NYM/2018/0076/R3 for extensions to the Sutton Bank Visitor Centre, creation of additional car parking areas, proposed paths and erection of a dark skies viewing/bird hide building

Within the Park Authority area there are four existing flying sites all of which are within or adjacent to forested areas and SPAs both of which areas are likely to host protected bird species. To these sites must be added Sutton Bank, one of the busiest gliding centres in the country which site is known to have protected bird species residing in its immediate vicinity. The Park Authority has granted various planning permissions for the Sutton Bank gliding site, including an extension to a runway and the erection of a hangar, without any operating restrictions and no reference to adverse effects on any bird species neither has any Article 4 Direction been made in respect of the five flying sites. This is in marked contrast to the Authority’s actions on the proposed South Moor farm airstrip where the proposed level of activity is much less than the operations at the Sutton Bank gliding centre. Since the sites of the protected bird species are known only to a select few, logic would dictate that EVERY planning application in the Park area should be refused on the grounds of the potential adverse impact on these species.

## **Park Authority Written Submissions**

It is an accepted fact that different bird species react in different ways to noise disturbance. Very little is known about the protected birds in question which is clear from the references quoted in the Park Authority’s submissions and they

have found no authoritative, documentary evidence concerning the effects, if any, on Goshawks, Nightjars or Turtle Doves arising from aviation activity. Indeed, there is only one reference to a document specifically referring to Nightjars and that discusses birds of this species residing on heathland in Dorset. The submissions have admitted the shortfalls in this regard but have still taken the results from work on other bird species in locations dissimilar to a forest environment and then extrapolated these results in an attempt to prove adverse effects on the protected species.

From the information provided, it appears that the bird species are averse to noise and that their natural habitat is a forested area or adjoining heathland with the forest or heathland floor providing a readily available source of food and, in the case of Nightjars, a nesting place. The question that is not answered is why with 56,000 acres of forest in North Yorkshire (including the 8,000 acres of Dalby Forest) have these birds then elected to reside on land close to one of the few paved roads leading to settlements within the forest and frequented on a random basis by vehicles of all types and occasionally used for sporting activities; criss-crossed by many cycle and bridle paths and trekking trails and close to South Moor Farm currently used for animal grazing which site is not heathland and has been clear of trees for centuries?

### **Rebuttal Evidence**

**Thetford Forest.** Based on national bird surveys, Thetford Forest contains some 10% of the national Nightjar population which is twice as high as the percentage reported for the North York Moors and 4% of the Goshawk population. The eastern part of Thetford Forest is within the MoD's Stanford Training Area (STANTA) and on the western side, separated only by the A1065 road from the forest, is RAF Lakenheath

**RAF Lakenheath.** Lakenheath has been occupied and operated by the United States Air Force (USAF) since 1948 and is currently the home base for 72 F-15 Eagle jet-powered, supersonic aircraft conducting some 19,056 take-offs and landings annually (a daily average of 52) as well as other aircraft and helicopters. For the South Moor Farm airstrip the proposed corresponding movement figures are a maximum of 52 flights a year. The Station's normal operational weekday flying hours are from 6:00am to 11:00pm (6:00pm on Fridays) compared with the proposed daylight hours only limit of 7:00am to 9:00pm for the airstrip. It should be noted that the F-15 aircraft uses reheat (like Concorde did) to take-off. Also, the runway alignment at Lakenheath means that it is not possible for conventional aircraft to take-off or land without flying over part of Thetford Forest.

**STANTA.** The STANTA covers 30,000 acres of land and is in LFA 5 in which military aircraft spend an average of 10.84 hours a day low flying. It is classified as a Danger Area with live firing exercises by 155mm and 105mm artillery pieces, mortars and small arms taking place on the land on a regular basis up to 11:00pm. It is also used for demolition purposes and parachute dropping, including regular exercises conducted by 16 Air Assault Brigade; has a number of designated helicopter landing sites and a 'Harrier' airstrip suitable for use by aircraft capable of short take-offs and landings. The Area is administered by the Defence Infrastructure Organisation who provide an annual report entitled Sanctuary and an article published in Sanctuary 45 for 2016 clearly shows that all of the military ground and air activity within, close to and over Thetford Forest has NOT proved detrimental to the well-being of the resident Goshawk population.

**Nightjars.** Nightjars are also present on the Lulworth Ranges which form part of the Dorset heathlands, a study of which is referred to in the Park Authority's submission (see above). The Ranges cover some 7,000 acres of mainly heathland with forestry plantations and some three-quarters of the area have designated SSSI, SPA or RAMSAR status. The Ranges are used for the training of crews of armoured fighting vehicles and are designated as Danger Areas which can be active up until midnight. Live tank firing exercises by 120mm guns and heavy machine guns take place on the Ranges and there is frequent activity over the entire area by tracked military vehicles of which there are some 200 based at the adjacent Armoured Centre. Nightjars are also present on the Longmoor Army Ranges, a 4,500 acre site the majority of which is an SSSI and forms part of the Wealden Heath SPA and on Strensall Military Training Area occupying 1,900 acres of land including an SSSI. Both of these sites are Danger Areas hosting ranges for various purposes and Strensall is also used for parachute dropping. There are designated helicopter landing sites within all of the aforementioned areas and the use of drones within them is becoming more prevalent.

**Turtle Doves.** The Park Authority submissions also refer to Turtle Doves which bird species have been found on the 700 acres of land occupied by the Defence School of Transport (DST) at Leconfield a former RAF Station in Yorkshire. DST is the world's largest residential driving school. It provides driver training, including for off-road and emergency response situations, for personnel from all the Armed Services with some 14,000 students annually being trained to drive / operate all forms of wheeled vehicles in the Services inventory.

## **Conclusion**

The Park Authority grounds for refusal of the airstrip planning application is incompatible with the legal provision of the Civil Aviation Act 1982 and inconsistent with the Authority's granting of numerous planning consents for developments known to be in areas inhabited by protected bird species. The Authority has also not been consistent in its actions regarding flying sites with respect to protected bird species. It is clear that there is a considerable amount of noise disturbance arising from the military activities both on the ground and in the air within and adjoining the STANTA and the MoD sites noted above. The nature, intensity and frequency of this noise is diverse consistent with its source and far eclipses anything that would come from the operation of the South Moor airstrip. Since these sites host protected bird species in spite of their respective noisy environments there is no valid argument that the airstrip at South Moor Farm would have potentially harmful effects on these species.

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Site Address

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Name

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## **YOUR COMMENTS ON THE CASE**

Mr Walker is our nearest neighbour approx 1 mile away, I am in full support of his planning application and we will not be affected by any noise disturbance as recently a private aircraft flew over and it was a pleasure to see. The forestry allow rally racing yearly in the forest where the cars reach up to 100 mph on the tracks and that does cause a lot of noise and extra traffic to the forest and you don't see any deer for a good week after it

My horses graze Mr Walkers air strip on occasions and recently when an air craft flew over low and circled as I waved at it they were not frightened , disturbed or distressed at all.