



The Planning
Inspectorate

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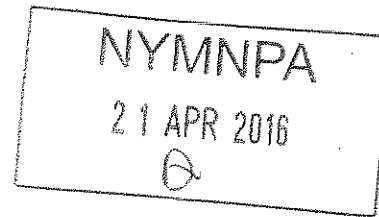
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North York Moors National Park Authority
Development Control Support
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Your Ref:

Our Ref: APP/W9500/W/16/3144478

21 April 2016



Dear Sir/Madam,

Town and Country Planning Act 1990

Appeal by Mr R Walker

Site Address: South Moor Farm, Langdale End, SCARBOROUGH, YO13 0LW

I enclose for your information a copy of the appellant's final comments on the above appeal(s). Normally, no further comments, from any party, will now be taken into consideration.

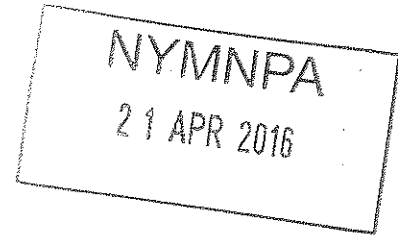
Yours faithfully,

Fran Littler

Fran Littler

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

**MR R WALKER
SOUTH MOOR FARM
LANGDALE END
SCARBOROUGH
NORTH YORKSHIRE
YO13 0LW**



APPEAL REF: APP/W9500/W/16/3144478

RESPONSE TO THE LOCAL AUTHORITY STATEMENT OF CASE

SITE AT

**SOUTH MOOR FARM
LANGDALE END
SCARBOROUGH
NORTH YORKSHIRE
YO13 0LW**

Prepared by:-

**BRIAN BARROW BSc (Hons) MRICS
Managing Director
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Old Market Office
10 Risbygate Street
Bury St Edmunds
Suffolk, IP33 3AA**

April 2016

NYMNP

21 APR 2016

Our comments on the various sections are as follows:-

- 2.5 The Local Authority's Statement of Case shows correspondence sent to the Planning Inspectorate which has not been made previously available to the appellant. In response a study undertaken by Clive Self Dip LACMLI MA (Urb Des) is attached which concludes that tranquillity is flawed as a subjective concept.
- 5.3 National Parks are still part of the working environment with farms, quarries, roads and forestry operations.
- There is a forestry harvesting operation taking place near South Moor Farm for three months which creates far more noise and disturbance than a limited number of light aircraft would. The machinery can be heard from Crosscliffe viewpoint and the Tabular Hills Walk.
- Dalby Forest hosts motor car rallies, motorcycle races and off road motor cycle events.
- 5.4 The national mapping of tranquillity was revised in 2008 and states on page 104 "*Light aircraft were also not flagged up as a major detractor from tranquillity in the original PA (Participatory Appraisal) work.*" Many small airfields are tranquil most of the time.
- 5.5 The area of the Moors including South Moor Farm is within a military Low Flying Area in which military aircraft are permitted to fly at speeds of up to 450 knots (390 miles per hour) and heights as low as 250 ft (100 ft for helicopters). Military aircraft will avoid routing over sites such as where other aircraft may be operating at low level, so South Moor Farm will in effect replace military low flying in the area, so there may in fact be an improvement.
- Eberston Common Farm, South Moor Farm and Jingleby Farm and the forest area are all subject to machinery noise.
- 5.6 There is no night flying proposed.
- The area around South Moor Farm cannot be described as "semi natural, remote, wild and free from obvious modern day human impact. Every aspect from fields, stone walls, forest, forest roads, mountain bike trails. Tumuli, etc are man made.
- 5.8 Landing at night requires significant investment in lighting systems, runway lights, taxi lights, start bars, stop bars and Precision Approach Path Indicators which are not proposed at South Moor Farm. Therefore there can be no night flying and no unacceptable light or noise pollution. Night flying does not add to any reasons for refusal and could be conditioned in any event.
- 5.10 This argument is not subjective, the site can operate as an airfield from up to 28 days per year with potentially more than 10 aircraft visiting the site in any one day, for which

the Local Authority have no control over. The use is more likely to be spread over any particular time with some aircraft on site for only an hour.

Previous Inspectors considered that take offs and landings would not be detrimental to the area either visually or with regard to tranquillity.

The appellant proposes to plant trees and bushes to form a shelter belt, which can be conditioned with any permission.

- 5.11 Dalby Forest hosts motor car rallies, motorcycle races and off road motor cycle events.
- 5.14 National Planning Policy Framework at Paragraph 28 states that local and neighbourhood plans should "*support the economic growth and expansion of all types of business and enterprise in rural areas, and promote the development and diversification of agricultural and other land based rural businesses.*"
- 5.16 The footpath and bridleway is not part of the Tabular Hills Walk nor the Moors to Sea Cycle route.
- 5.17 There is no evidence that there would be an adverse effect on the enjoyment of users of the Public Rights of Way. In the first appeal decision the Inspector stated that the likelihood of either a horse or rider being startled is fairly small and that the likelihood of an accident is very small.

There are several aerodromes throughout the UK with public footpaths and bridleways crossing the sites. There are no records of these being adversely affected by occasional use of the runway by light aircraft.

- 5.18 The Inspector for the first appeal concluded in the previous appeal that *the technical evidence shows no real likelihood of noise levels that would be harmful to residential amenity or the enjoyment of the area by visitors.*" The Local Authority have no evidence to back up their argument of the opposite.

Close neighbours who might be affected by the development were consulted and did not object to the application. The noise assessment states that noise levels of light aircraft taking off from the proposed site are insignificant when limited to the number of movements proposed. Residents of properties over one mile away would not be affected by the proposed airstrip.

- 5.19 The Inspector for the second appeal did not consider that the development would harm heritage assets.
- 5.20 The heritage assets cannot be viewed at the same time as any parked aircraft and can be viewed more easily from the air with many only being discovered by the use of aerial photographs.

- 5.21 Many airfields are very attractive to birds and mammals as they often have large undisturbed areas. Stowe Maries airfield has resident owls and kestrels and has been used of the BBC services "The Great British Year". The airfield operations have not affected local wildlife which is encouraged at the site. In addition there is existing military aircraft flying over the site.
- 5.22 There are no SPA's or SSSI's within 2 km of the closest boundary of the landing strip. The nearest boundary of designated nature conservation sites are at Troutdale and Rosekirk Dale Fens SSSI situated approximately 2.4 km to the south and Bride Stones SSSI situated approximately 2.6 km to the west. The closest boundary of the North York Moors SPA is approximately 6 km to the north west.

None of these sites are adjacent or close to the proposed development.

The Local Authority's comments are entirely speculative. The Use of the word 'potentially' is vague. Due to the transient nature of birds it makes it impossible to say they will or will not use areas near to the airfield, or indeed any airfield.

There is already low level military aircraft operating in the area which will provide considerable more disturbance than the proposed low level activity.

Flying can take place for up to 28 days per year under the General Permitted Development Order with no control from the Local Authority.

- 5.23 The ecological implications of the proposal were assessed with the first appeal by way of a screening opinion which was sought to determine whether the development could require an Environmental Impact Assessment. It was concluded that *in the opinion of the Secretary of State, having taken into account criteria in Section 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size or location..... to date, there is no evidence to suggest that there would be significant environmental impact as a result of the proposal.*"

The Local Authority have failed to recognise the conclusions of both of the previous appeals which were based on evidence.

6. The case quoted was from the 1990's with planning policies changed considerably since then.

There are several airfields in National Parks, in particular Berrier Airfield in the Lake District National Park which is home to the Lake District Gyroplanes. There are also 2 micro light sites at Gassonby and Bedlands Gate and a helicopter site at Clifton Dykes, which are near the Lake District National Park. In addition Snowdonia National Park is allowing the development of Llanbedr Airfield which is a much larger project.

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- 7.3 There was no mention of the visible presence of aircraft forming a reason for refusal in the previous refusal notices.
- 7.6 There are existing airfields in other National Parks as detailed in (6) above.
- 7.9 As part of a previous appeal process a screening opinion as outlined in 5.23 about was sought as to whether the development would require an Environmental Impact Assessment. Therefore it was reasonable that the second Inspector used that information as a starting point.
8. Costs – A separate costs claim is submitted which deals with the issues raised.

Suggested Conditions

These are acceptable apart from Condition 7.

There are several aerodromes throughout the UK with public footpaths and bridleways crossing the sites. There are no records of these being adversely affected by occasional use of the runway by light aircraft.

There is a licenced aerodrome at Shuttleworth (Old Warden) which has a bridleway adjacent to the sit and an equestrian centre located close to its runway. The horse racing courses at Haydock Park, Newbury and Newmarket Heath all have grass runways within the track, with Newmarket Heath also having a stud farm on site.

Should an order be refused to divert the footpath and bridleway then the development would not be able to proceed. It is unreasonable to impose a condition which means the appellant could not implement any permission, and does not form part of this application.

Due to the presence of deep ravines on adjacent properties it would not be possible to divert the Bridleway.

The footpath could only be diverted onto Dalby Forest Drive which is not advisable due to volume of visitor vehicle traffic.

Public Letters of Objection

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R C Dunmore and W G Young

- * There are existing airfields adjacent to equestrian centres. Horse racing courses at Newbury, Haydock Park and Newmarket Heath have grass runways on site. Low level military aircraft already operate in the area.

Dr Julie Dixon and Mr Graham Dixon

- * There is no technical evidence provided by the objectors to back up that noise, or ecology would be an issue. Technical reports have been provided and the previous Inspector accepted that the proposal should not fail on these issues.

Allerston and Wilton Parish Council

- * The site is a working farm for which large vehicles can already use existing roads.
- * There is no construction involved, only the rolling of grass for the airstrips.
- * Noise and ecology impacts have been assessed.
- * Should there airstrip close there would be no restoration required as it is a grass field.

Ebberston with Yedingham Parish Council

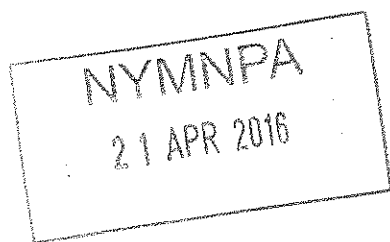
- * The site can be used as an airfield for up to 28 days per year without planning permission.
- * There is no storage building proposed.
- * The appellant has stated that any installations which could potentially be affected by the development will be put underground. It is assumed that the gas installation referred to is underground in any instance.
- * There is no reference in the application to buildings to be used to store waste materials and other items.
- * The technical reports were prepared for previous applications but remain relevant to the application now being considered at appeal. Should the Parish Council have had difficulty understanding the application then they could have requested clarification during the application process.

Summary

The appeal submitted has been based on technical evidence which has already been accepted by 2 Planning Inspectors and their conclusions have been ignored and questioned by the Local Authority.

It looks as if the Local Authority have approached the application by deciding they do not like it and are looking for reasons to refuse the proposal rather than objectively looking at the evidence before them. The previous Inspectors found only the proposed building to be inappropriate which has been removed from this proposal.

The NPPF states that Local Planning Authorities should approach decision making in a positive way and look for solutions rather than problems. In this instance the LPA have provided no technical evidence to support their view, nor have they looked at any appropriate mitigation or recognised that this scheme offsets the only substantive issue with the previous applications.



LAA/10/D

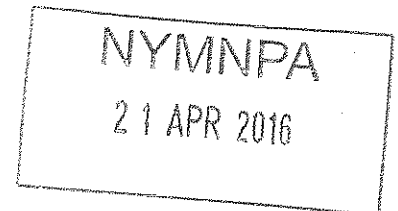
APP/L2250/V/10/2131934 & APP/L2250/V/10/2131936

SECTION 77 TOWN AND COUNTRY PLANNING ACT 1990 – REFERENCE
OF APPLICATIONS TO THE SECRETARY OF STATE FOR COMMUNITIES
AND LOCAL GOVERNMENT

TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND)
RULES 2000

REBUTTAL PROOF OF EVIDENCE OF CLIVE SELF
Dip LA CMLI MA (Urb Des)

LANDSCAPE AND VISUAL



In respect of:

Planning Application Reference: Y06/1647/SH (New Terminal
Building)

Planning Application Reference: Y06/1648/SH (Runway
Extension)

relating to land at London Ashford Airport, Lydd, Romney Marsh,
Kent, TN29 9QL

1.0 INTRODUCTION

1.1 My name is Clive Self. Full details of my qualifications and experience are contained in my main proof of evidence.

1.2 This Rebuttal Proof of Evidence has been prepared in response to the evidence of Mr Graeme Willis of the CPRE (CPRE/O2/A – Tranquillity).

1.3 This is not intended to be an exhaustive rebuttal and this document only deals with certain points where it is considered appropriate or helpful to respond in writing at this stage. Where a specific point has not been dealt with, this does not mean that these points are accepted and these other points may be addressed further at the Inquiry.

2.0 CPRE/O2/A

2.1 At paragraph 3.4 of his proof of evidence, Mr Willis notes that the CPRE's tranquillity maps have been added to the set of static maps on Defra's MAGIC database (Multi-Agency Geographical Information of the Countryside). Whilst this is factually correct, the maps have no recognised status and do not constitute advice. This is made clear under the 'Terms of Use' of the website which states that:

'The materials contained on this website are of a general, informational, nature. We have used reasonable endeavours to ensure the accuracy and completeness of the contents of the pages on this site but the information does not constitute advice and must not be relied on as such.'

2.2 Paragraph 3.4 of his evidence also includes a statement that the national tranquillity maps appeared in the Commission for Rural Communities State of the Countryside 2007 report. This is correct but the report merely acknowledged that work had been undertaken by the CPRE and it did not attribute any value to it or recognise it as any form of guidance. On the contrary, on page 134 of the report, it is stated that 'tranquillity is subjective' and that 'recent work by the Campaign for the Protection of Rural England (CPRE) has attempted to create an indicator of tranquillity...'.¹

2.3 It is also relevant to note that in subsequent reports on the State of the Countryside the CPRE's tranquillity map does not appear. For example, in the 2010 report no reference is made to the CPRE, although reference is made to

the 2008 State of the Countryside Report which contained a map, prepared by the CPRE, which showed relative areas of 'Intrusion'.

- 2.4 The CPRE's publication: Developing an Intrusion Map of England, August 2007, explains how the Intrusion Maps came about. In the introduction, it states:

"In 1995 the Council for the Protection of Rural England, now the Campaign to Protect Rural England (CPRE) and the then Countryside Commission first published a national set of 'Tranquil Area' maps. These had enormous impact at the time and brought the loss of tranquillity to national attention. These maps, showing intrusions into the countryside by features that had an impact both visually and audibly, such as roads, railways, and urban areas."

- 2.5 It continues:

"Following this work, which was groundbreaking at the time, the methodology was developed further and a national map of tranquil areas in England was produced in 1995 by ASH Consulting, published as the regional tranquil areas maps in October 1995 by CPRE and the Countryside Agency. These maps provided a snap shot of Tranquil Areas in the early 1990s and, for comparison, in the early 1960s following the same methodology."

- 2.6 The introduction then explains why the original tranquillity maps were abandoned in favour of a more perceptual and consultative approach:

"Nevertheless, over time the approach that lay behind the maps was subject to criticism. The main thrust of this criticism was that the approach did not take local perceptions into account only considered detractors from tranquillity, ignoring factors that contribute to tranquillity."

Subsequent work has been carried out by CPRE and Natural England, in conjunction with Northumbria and Newcastle Universities and others, to refine the approach to tranquillity mapping, leading to the publication of a new national map of tranquillity in 2006. This newer methodology builds strongly on consultation methods to determine what people consider to be 'tranquil' and 'non-tranquil' rather than the objective 'expert judgement' used in the original 1995 Tranquil Areas maps. To avoid confusion with the new national tranquillity maps, the Tranquil Area maps published in 1995 will now be termed 'Intrusion

Maps' to reflect the fact that they map distances to various visual and audible intrusions in the landscape."

- 2.7 The Intrusion Maps for the early 1990s and for 2007, which as noted above are based on the CPRE's original tranquil maps, are included as Appendix A to this Rebuttal Proof of Evidence. Both these maps show LAA and the adjoining area as 'areas disturbed by noise and visual intrusion'. This is described in the key as 'areas disturbed by urban development, major infrastructure projects and other noise and visual intrusion'.
- 2.8 The Intrusion Maps, which the CPRE describe as resulting from 'expert judgement', serve to highlight the difficulty in rationalising tranquillity. For example, on the basis of the CPRE's own work, the 2007 Intrusion Map shows the area around LAA as containing 'urban development and being disturbed by noise and visual intrusion'. By contrast, the CPRE's current tranquillity map purports to show the same area as one of the most tranquil areas in England.
- 2.9 Paragraph 3.6 of Mr Willis' proof of evidence refers to Natural England's CQuEL Project (Character and Quality of England's Landscapes). This is essentially a project that will assess and monitor the quality and character of England's landscape. Mr Willis states that tranquillity is considered as one of the key ecosystem services the project will address.
- 2.10 The CQuEL project is still at the scoping stage and no firm decisions have been made on the content and methodology for the project. The detailed project timetable shows an anticipated delivery date for the report at the end of 2013, with public consultation on the methodology due to start in 2011 and consultation with professional stakeholders in 2012.
- 2.11 Natural England has confirmed that the timetable has already slipped and that, due to funding issues, they do not know when consultation will take place, if at all. Given these factors, one simply cannot say that tranquillity will be one of the ecosystem services or if the project will proceed at all.

3.0 CONCLUSIONS

- 3.1 The concept of tranquillity is referred to in a number of government reports but it does not constitute policy.
- 3.2 The CPRE's original tranquillity maps, which have since been relabelled as 'Intrusion Maps', show the area around LAA as containing urban development and being disturbed by noise and visual intrusion'. By contrast, the CPRE's current tranquillity map purports to show the same area as one of the most tranquil areas in England. This clearly demonstrates the highly subjective nature of the concept of tranquillity.

