

**PROPOSED AIRSTRIP INCLUDING GRASS RUNWAY AND PILOT/RESTROOM
FACILITY AT SOUTH MOOR FARM, LANGDALE END, SCARBOROUGH, NORTH
YORKSHIRE, YO13 0LW**

REPORT PREPARED FOR

**MR R WALKER
SOUTH MOOR FARM
LANGDALE END
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Report Prepared By

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1. INTRODUCTION

This report has been prepared at the request of Mr R Walker of South Moor Farm, Langdale End, Scarborough, YO13 0LW to outline the facts relevant to the proposed change of use of land to an air strip to include a grass runway and a small ancillary building to be used for the keeping of pilot logs as well as tea/coffee facilities at South Moor Farm.

Information contained within this report should enable the Local Authority to assess the proposal against National and Local Planning Policy.

2. BACKGROUND

South Moor Farm extends to 40 hectares (100 acres) and was purchased by Mr Walker at auction in 1993 after it fell into a state of disrepair and had been unoccupied for some years. Over the past 21 years Mr Walker has restored the overall appearance of the holding, investing £100,000 on renovating the buildings, walls, fences and grazing land. Sheep and cows currently graze the land.

In order to make the holding viable as an agricultural unit, significant investment would need to be made in large agricultural buildings to house intensive livestock. Mr Walker therefore decided to diversify by opening a bed and breakfast business and keeping the livestock grazing the land. Thirteen years ago Mr and Mrs Walker opened a bed and breakfast business and have also diversified into wind farming.

Mr Walker has installed equipment for beeline Broadband which provides fast internet connections to residents of Crosscliffe, Bickley, Langdale End, Brox and Darncombe to benefit the local community as well as South Moor Farm.

Mr Walker has held a private pilot's licence since 2005 and now owns his own aircraft, a Grumman AA 5A which is currently based at South Moor Farm.

South Moor Farm is within the North Yorkshire Moors National Park.

This is a re-application following three appeal refusals for the original proposal which originally included a proposed storage building and an ancillary runway. The building has now been removed from the application as has the ancillary runway. The third appeal failed only on ecology grounds as the Inspector considered that as the application was not accompanied by a wildlife survey then she could not be sure of the extent of likely harm to protected species, if any.

Previous Inspectors accepted that there would be no noise issues or impact on heritage assets from the proposed development, nor would the development harm the special character of the National Park. Partial costs for the previous 2 appeals

have been awarded against the Local Authority for refusing on the same reasons which the previous Inspector had already dealt with and felt were acceptable.

3. PROPOSALS

Mr Walker has explored the proposal to further diversify South Moor Farm into an airfield for his own aircraft and other aircraft privately owned by local residents.

This would further enhance the prospects for the Bed and Breakfast business as well as providing an additional means for visitors to access the National Park.

It is therefore proposed to change the use of the agricultural land at South Moor Farm to provide a General Aviation (GA) airstrip with one grass runway, and a flight planning/reporting office. There will not be a commercial maintenance facility at the site.

The auxiliary runway originally proposed has been removed from this application as Mr Walker has recently acquired an aircraft which has better crosswind capability, and for which the auxiliary runway would be too short. Should crosswinds prove to be too strong then aircraft would be diverted to an alternative airfield.

The use of the proposed facilities would be restricted to experienced pilots flying to and from the area. There would be no training flights, practice circuits or aerobatics overhead by pilots based at South Moor Farm.

Flights will be restricted to daylight hours only, and use of the airstrip will be by prior permission of Mr Walker. This permission will only be given to qualified licenced pilots with experience of operating from grass runways. A full briefing will be given on the procedures to be followed in using the airstrip with particular regard to environmental issues.

The runway will be a 600 metre grass strip aligned South West to North East as the prevailing wind is South Westerly.

All aircraft will be asked to avoid flying directly over houses within one mile of South Moor Farm.

The flight planning/reporting office is proposed to be a small wooden building, which can also be used for tea/coffee making facilities. WC facilities will be provided by the main farmhouse.

Appendix 1 contains a guidance to explain aeronautical terms, UK Aviation Regulation and General Aviation in the UK as well as providing useful references.

5. PLANNING POLICY

Relevant National Planning Policy is contained within the National Planning Policy Framework (NPPF), March 2012 (Ref 'h'). At the heart of the NPPF is a presumption in favour of sustainable development.

Paragraph 28 Supporting a Prosperous Rural Economy states:-

"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:-

- * support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- * promote the development and diversification of agricultural and other land based rural businesses;*
- * support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres"*

Paragraph 33 – Promoting Sustainable Transport states:-

"When planning for ports, airports and airfields that are not subject to a separate national policy statement, plans should take account of their growth and role in serving business, leisure, training and emergency service needs. Plans should take account of this Framework as well as the principles set out in the relevant national policy statements and the Government Framework for UK Aviation."

The Government Framework for UK Aviation referred to in the NPPF was formally issued in March 2013 with the title Aviation Policy Framework (Ref 'i'), the following paragraphs are considered relevant:-

Chapter 1 Supporting growth and the benefits of aviation

"Value of business and general aviation

1.12 *The business and general aviation (GA) is important to the UK. Its contribution to the economy has been estimated at £1.4 billion per annum. The sector delivers vital services, including search and rescue, mail delivery, life-saving (organ) transport, law enforcement, aerial survey and environmental protection flights, as well as underpinning the training of future pilots, ground-based aircraft*

engineers and technicians. The sector also covers a wide range of activities, from corporate business jets and commercial helicopter operations through to recreational flying in small private aircraft, including gliders. A Civil Aviation Authority (CAA)-initiated and chaired strategic review of the sector has acknowledged its growing economic importance, particularly for the British and European manufacturing industry.

Maintaining a viable network of business and general aviation

1.86 *Across the UK there is a network of aerodromes of varying sizes, from airports in Northern Ireland, Scotland, Wales and regional airports in England to small business and general aviation (GA) airfields into which GA aircraft can readily gain access. While almost all of these are privately owned and operated, maintaining access to such a national network is vital to the continuing success of the sector.*

1.87 *Business and general aviation connects many UK and international destinations that do not have, and are unlikely to develop, scheduled air services or other direct transport links. GA aerodromes can also complement commercial air transport and provide increased connectivity at important hubs such as London. These links are particularly important for local businesses. Ninety-six per cent of city pairs served by business aviation have no scheduled connection.*

1.88 *Given the importance of this GA network, while recognising that in congested airports this may not be appropriate, we encourage airport operators to ensure that GA aircraft are able to continue to enjoy equitable access to their airports and in doing so take account of the needs of all users, alongside other relevant considerations.*

1.89 *We will also carefully consider any EU legislative proposals affecting the GA sector that may emerge in the future and will seek to ensure that they are based on the principles of proportionality and subsidiarity and appropriate for the type of aircraft to which they apply. In addition, we support the CAA's review of the regulatory approach to recreational aviation which is also aimed at ensuring that UK safety regulation is proportionate.*

1.90 *The planning system also has a bearing on the operation of small and medium-sized aerodromes. The National Planning Policy Framework (NPPF) is intended to simplify the Government's overarching planning policy, but the underlying planning principles in respect of airfields remain unaltered. The NPPF states "when planning for ports, airports and airfields that are not subject to a separate national policy statement, plans should take account of their growth and role in serving business, leisure, training and emergency service need. Plans should take account of this framework as well as the principles set out in the relevant national policy statements and the Government Framework for UK Aviation".*

Chapter 3 Noise and other local environmental impacts

"General aviation and helicopters

3.42 *The Government recognises that aviation noise is not confined to large commercial airports and that annoyance can also be caused by smaller aerodromes used for business and general aviation (GA) purposes, especially at times of intensive activity. However, it would not be appropriate for the Government to intervene by exercising powers under section 78 of the Civil Aviation Act 1982 to set noise controls at small aerodromes. Industry has developed codes of practice and the CAA has produced guidance. We would encourage the GA sector and the CAA to review their respective best practice and guidance to reflect the policy adopted in this Policy Framework. We would also encourage the sector to monitor compliance with its codes of practice."*

Chapter 5 Planning

5.6 *In preparing their local plans, local authorities are required to have regard to policies and advice issued by the Secretary of State. This includes the Aviation Policy Framework, to the extent it is relevant to a particular local authority area, along with other relevant planning policy and guidance. The Aviation Policy Framework may also be a material consideration in planning decisions depending on the circumstances of a particular application."*

Local Planning policy is contained within the North York Moors Local Development Framework, November 2008 (ref 'j') with policies relevant to this proposal outlined below:-

Core Policy H – Rural Economy

"The rural economy will be strengthened and supported by providing local communities with a range of opportunities for entrepreneurship, education and training. This will be achieved through:-

- * *New employment development in the Local Service Centre of Helmsley, Whitby Business Park, Service villages and the Local Service Villages.*
- * *Training and education opportunities in the Local Service Centre of Helmsley, Service Villages and Local Service Villages.*
- * *Supporting the agricultural sector and opportunities for diversification.*
- * *Sustainable tourism based on recreation activities and tourism development related to the understanding and enjoyment of the Park.*

Development Policy 13 – Rural Diversification

"Proposals for the diversification of existing agricultural businesses will be supported where:

- 1) The scheme will make use of an existing building and complies with Development Policy 8. New buildings will only be permitted if the diversified use cannot be suitably accommodated through the conversion or alteration of an existing building.*
- 2) The proposed scheme is compatible with the existing farming activity and is of a scale and nature which will not harm the character or appearance of the locality.*
- 3) The existing access arrangements are appropriate for the proposed use."*

Development Policy 14 – Tourism and Recreation

"The quality of the tourism and recreation product in the National Park will be maintained and improved through adopting the principles of sustainable tourism. New tourism development and expansion or diversification of existing tourism buildings will be supported where:

- 1. The proposal will provide opportunities for visitors to increase awareness, understanding and enjoyment of the special qualities of the National Park or in a way that conserves and enhances the special qualities.*
- 2. The development can be satisfactorily accessed from the road network (categories 1, 2 or 3) or by other sustainable modes of transport including public transport, walking, cycling or horse riding.*
- 3. The development will not generate an increased level of activity including noise, which would be likely to detract from the experience of visitors and the quality of life of local residents.*
- 4. It will make use of an existing building. Proposals for new buildings will be expected to demonstrate that the facility cannot be satisfactorily accommodated within an existing building in that location."*

Development Policy 3 – Design

"To maintain and enhance the distinctive nature of the National Park, development will be permitted where:

- 1. The siting, orientation, layout and density preserves or enhances views into and out of the site, spaces about and between buildings and other features*

that contribute to the character and quality of the environment and will not result in the loss of an open space which contributes to the amenity, character and setting of a settlement.

2. *The scale, height, massing, proportion, form, size, materials and design features of the proposal are compatible with surrounding buildings, and will not have an adverse effect upon the amenities of adjoining occupiers.*
3. *A high standard of design detailing is used where traditional or contemporary, which reflects or complements that of the local vernacular.*
4. *Provision is made for adequate storage and waste management facilities.*
5. *Good quality sustainable design and construction techniques are incorporated in the development including measurements to minimise energy use and where possible use energy from renewable sources.*
6. *A satisfactory landscaping scheme forms an integral part of the proposal.*
7. *The design takes account of the safety, security and access needs for all potential users of the development and provides car parking provision in line with the standards adopted by the Authority."*

6. ACORUS COMMENTS

6.1 Overview

This is a re-application following dismissal of three proposals at appeal on the grounds that the first two Inspectors considered the proposed storage buildings to be inappropriate and the third Inspector felt a wildlife survey was required to ascertain any potential impact on protected species. The main problem issue (i.e. the building) was removed from the last application and a wildlife survey has now been prepared. Costs were awarded against the Local Authority for refusing the second and third application on grounds that previous Inspectors had already dismissed.

South Moor Farm extends to 40 hectares with sheep and cows grazing the land. The applicants, Mr and Mrs Walker opened a bed and breakfast business 13 years ago and diversified into wind farming in order to help maintain viability. He proposes to further diversify as follows.

The proposal is for the change of use of agricultural land at South Moor Farm, Langdale End to provide a General Aviation (GA) airstrip to include a grass runway, and a small flight planning/reporting office. There will not be a commercial maintenance facility on site.

Mr Walker has held a private pilot licence since 2005 and owns a light aircraft.

The grass runway will be 600 metres x 30 metres. Permitted development rights allow the taking off and landing of aircraft for up to 28 days per year.

Flights would be restricted to daylight hours only and there would be no training flights, practice circuits or aerobatics overhead by pilots based at South Moor Farm. There will be no aircraft flying directly over houses within one mile of South Moor Farm. Use of the airstrip will be by prior approval of Mr Walker.

A basic Private Pilot Licence (PPL) holder is limited to flying aircraft of 5,700 kg or less in Visual Meteorological Conditions (VMC). This weight limitation, plus the physical size and grass surface of the proposed runways, restricts the airstrip's use to light aircraft only and the VMC restriction means that the airstrip can only be used in reasonable weather conditions, especially since it will have no navigation or landing aids. CAA document 'Guide to Visual Flight Rules in the UK' gives details (Ref '1').

The flight planning/reporting office is to be a small wooden building which can also be used for tea/coffee making facilities. WC facilities will be provided by the main farmhouse.

The proposal promotes the development and diversification of an agricultural business, supports rural tourism and provides economic growth in a rural area. It will assist in bringing tourists to the area with knock on benefits to local businesses.

The existing access is considered adequate for the proposed development. It is anticipated that there will be an average of 5 visits to the site per week mainly by car, which is minimal compared to any proposed agricultural use.

6.2 Regulations

In the UK, under the Civil Aviation Act 1982 the Civil Aviation Authority (CAA) is responsible to Government for the regulation of civil aviation and, jointly with the Ministry of Defence, the regulation of air navigation services. The Air Navigation Order (ANO) and the Rules of the Air Regulations are the main legal documents that regulate the industry and they enact into UK law the international agreements arising from the Government's membership of the International Civil Aviation Organisation (ICAO) and the relevant legislation passed by the European Parliament.

Regarding Mr Walker's proposal to establish an airstrip, the major legislative issue is Article 208 (ref 'd') and Article 211 of the ANO which requires aerodromes used for the public transport of passengers to be licenced. Public transport includes any flights where passengers are carried for a fare by, for example, purchasing an airline ticket or an inclusive package holiday. This definition covers flights by airlines and the Commercial Air Transport (CAT) sector of civil aviation. Since the proposed airstrip is not intended or designed to be licenced, such flights cannot be conducted from it.

For the purposes of the legislation, the proposed airstrip at South Moor Farm will therefore be an unlicensed aerodrome. In fulfilment of its obligations, the CAA has published CAP 793 'Safe Operating Practices at Unlicensed Aerodromes' which provides guidance and advice on the setting up and operating of an unlicensed aerodrome. Mr Walker will follow this guidance in establishing the airstrip at South Moor Farm.

The main grass runway will be aligned in the direction of the prevailing south westerly wind and a second, shorter runway aligned in an east- west direction for use when the wind speed and direction dictate it. To allow the safe operation of aircraft on take off and landing the runway surfaces will be maintained to a high standard promoting a smooth surface with good grass coverage. A windsock will be provided to provide pilots with an indication of the actual wind speed and direction at the site to enable the most appropriate runway to be used for a safe take off or landing. The windsock will be sited so that it can be clearly seen from the air.

It is a legal requirement that aircraft are maintained at regular intervals to a recognised and approved standard. A pre-flight aircraft inspection is required before every flight which necessitates the removal of all ice and snow from the aircraft should there be any, and the opening of various panels to check on oil, fuel and brake fluids etc. Depending upon the number of hours flown on the time elapsed since the last detailed inspection, deeper inspections are proscribed involving the removal of further inspection panels and the replacement of time expired or faulty parts.

General Aviation (GA) is defined as covering 'all civil aircraft other than that carried out by the Commercial Air Transport (CAT) sector (i.e. the airlines) and represents the largest element of aviation in the UK. GA includes business flights, pipeline and cable inspections, police, security and pollution patrols, traffic survey flights, medical and medevac flights, aerial surveys, civil search and rescue operations pilot training and flights for recreational purposes.

The proposed development is designed to meet the needs of GA with the exception of pilot training. Aerobatics, parachute dropping and regular glider towing activities within the recreational flying category will also not be

permitted. At the beginning of 2013 almost 20,000 aircraft were on the UK register of aircraft, 96% (19,200) of which are in the GA category.

6.3 Local Aviation Activity

Although there are no military aerodromes in the National Park itself, Yorkshire has a number of well established military flying sites including the RAF stations at Church Fenton, Leeming, Linton-on-Ouse and Topcliffe and the dual RAF/Army Air Corps airfield at Dishforth. These bases conduct extensive flying training over the local area using fixed wing aircraft which has its own distinctive sound, and helicopters. The extent of this flying is such that aeronautical charts designate the airspace over the North Yorkshire Moors as an 'Area of Intensive Aerial Activity.'

Within the National Park there are two civil aerodromes, Fadmoor and Sutton Bank. Fadmoor is a privately owned, poorly drained airstrip on the crown of a hill on the edge of an escarpment with limited aviation facilities. Its location, coupled with the slopes on its runways makes it a difficult site for operating aircraft for other than experienced pilots. Sutton Bank is operated by the Yorkshire Gliding Club and is one of the leading gliding sites in the country benefitting from its geographic position. As such it is not available for regular use by GA aircraft as defined above.

Within the National Park, there is also one private air strip at Newgate which has restricted facilities.

The site at South Moor Farm is a flat well drained site, appropriate for all private licenced pilots. It is also well screened with extensive woodland surrounding the site.

6.4 Noise

Although there are no military aerodromes in the National Park itself, Yorkshire has a number of well established military flying sites which conduct extensive flying training over the local area using fixed wing aircraft which has its own distinctive sound, and helicopters. The extent of this flying is such that aeronautical charts designate the airspace over the North Yorkshire Moors as an 'Area of Intense Aerial Activity'

The area of 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 mph) and heights as low as 250 ft (100 ft for helicopters). The use of the low flying areas is subject to a centralised pre booking procedure to ensure the safe separation of aircraft using each area. Military aircraft will avoid routing over sites such as where other aircraft may be operating at low level.

A basic Private Pilot Licence holder is limited to flying aircraft of 5,700 kg or less in Visual Meteorological Conditions. This weight limitation plus the physical size and grass surface of the proposed runways, restricts the airstrip's use to light aircraft only, and the VMC restriction means that the airstrip can only be used in reasonable weather conditions.

Civil aircraft are subject to the noise legislation laid down in Aircraft Noise Regulations which in turn reflects both European Union and International Civil Aviation Organisation regulations on this topic. The regulations require civil aircraft types to have been tested under specified weather conditions and at prescribed points to ensure that their noise emissions are below set limits during take off with the aircraft engine at maximum power, landing (engine at idle power) and overflight (engine at cruise power). A Noise Certificate specific to a particular aircraft is then issued certifying compliance with the set limits. For the general aviation aircraft capable of using the airstrip proposed, a typical certificated noise level would be 67.8 dBA (similar to that of a shower, dishwasher or passing diesel truck). Military aircraft are exempt from any noise certification regulations.

The top three activities which cause the most enquiries to the Civil Aviation Authority are circuit training, aerobatics and parachute dropping/glider towing, all of which will not be permitted at the proposed airstrip. In addition no night time flying is proposed and so night time noise impact and sleep disturbance will not be an issue.

A Noise Assessment has been undertaken by MAS Environmental which is contained at Appendix 2. The summary conclusions are as follows:-

- * The findings of a background noise survey indicate that the noise climate is typically rural with the soundscape consisting of natural sounds such as bird song and manmade sounds such as cars, farm machinery and vehicles, overlying aircraft and sounds related to recreational facilities such as motor sports.
- * Noise levels of light aircraft taking off from the proposed site are insignificant when limited to the number of movements proposed. The actual duration of an aircraft movement lasts around one to two minutes and once in the air and flying away from the listener, the noise rapidly decreases in volume.
- * Light aircraft are much less likely to result in an equine related incident compared to low flying military aircraft or other rural sounds such as bird scarers or clay pigeon shooting, however there is a bridleway that runs through the site. Aircraft engines will be clearly audible when preparing for take off or on approach to land and to

give increased warning that flying is taking place, a flag or windsock will be flown, accompanied by signage on the bridleway.

- * Risks to horses has been considered at other sites assessed by MAS Environmental, and even with dressage horses expert veterinary advice was that an adjacent light airfield, potentially overflying the dressage training area was acceptable.
- * In view of the limited activity of the proposed development and the avoidance of risks to horse riders the development is considered to fall well within acceptable limits to impact. This also needs to be considered in the light of the fact 28 days a year can be used for flying activity without the need for planning permission and private domestic use is uncontrolled other than in relation to any structures on the ground.

The Inspector of the first appeal concluded 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."*

6.5 Bridleway and Footpath

The British Horse Society has recorded many incidents between low flying aircraft and horses, the majority being caused by military aircraft or helicopters, with few incidents by light aircraft.

Pilots operating from South Moor Farm would be required to check there are no horses visible on the bridleway before starting engines.

There are one or two equestrian events per year in Dalby Forest and the appellants propose to liaise with the organisers and not allow any take offs or landings whilst the events are close to South Moor Farm.

The footpath and bridleway are not generally used by visitors to Dalby Forest. The majority of the visiting parking at the Visitor Centre 5 miles away and rarely venture further than a mile or so away from the area. In any event the removal of the auxiliary runway from this application means that the footpath will no longer be affected.

There are several aerodromes throughout the UK with public footpaths and Bridleways crossing the sites are adjoining them including the following:-

Barra (licenced) – Western Isles
Brimpton – Berkshire
Chilbolton – Hampshire

Clacton (Licenced) – Essex
Cuckoo Tye Farm – Suffolk
Currock Hill – Tyne and Wear
Elstree (licenced) – Hertfordshire
Garston Farm – Wiltshire
Lands End/St Just (licenced) – Cornwall
Little Gransden - Cambridgeshire
Saltby – Leicestershire
Sandown – Isle of Wight
Shotteswell – Warwickshire
Walton Wood – West Yorkshire
Wharf Farm – Leicestershire

In addition to the above, a licenced aerodrome at Shuttleworth (Old Warden) has a bridleway adjacent to the site 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.

The Civil Aviation Authority, particularly in respect of licenced aerodromes, takes the necessary action to prevent public rights of way crossing runways or being in the proximity of aerodromes if this constituted a safety hazard either to the general public or the animals concerned. Irrespective of this the appellant has submitted in his application measures to enhance the safety of airstrip operations with respect to this issue.

The Inspector stated in the original decision:-

"With ten take-offs in a day, the likelihood of a walker or horse rider being on one of the rights of way at the same time is relatively small and, even if it occurred, the likelihood of either the horse or the rider being startled is also fairly small; and people or horses further afield would be still less likely to be startled.

In a similar vein, the likelihood of an accident is very small indeed. Anyone on the bridleway or public footpath would easily be able to see if there was an aircraft about the take off and could take action accordingly. An incoming aircraft would be more difficult to spot – but appropriate warning signs would encourage walkers to look before crossing the auxiliary airstrip (which of course, would not be the one commonly used)."

The last Inspector was also satisfied that the proposal would not be likely to cause harm to walker and riders in the vicinity of the site, nor would it significantly detract from enjoyment of the public right of way or bridleway.

6.6 Ecology

James Hodson of Eco Check Consultancy originally considered the ecological impact of the proposed development with the previous application, in particular the likely impact on birds in the adjacent North York Moors Special Protection Area (SPA) and the adjacent SSSI, and commented as follows:-

"A site check was undertaken by Eco Check Ltd which shows that there are no SPA's or SSSI's within 2 km of the closest boundary of the proposed landing strip. The nearest boundary of designated nature conservation sites are 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. Furthermore the closest boundary of the North York Moors SPA is approximately 6 km to the north west.

It is in our opinion that neither of the sites could be described as adjacent to or even close to the proposed development as stated and the coniferous woodland surrounding the proposed landing strip is likely to attenuate the majority of the noise associated with plane taxiing, take-offs and landings. It is presumed that there will be no level flying across the above designated sites. To the contrary there is already low level military aircraft operating in the area and as such there is unlikely to be any significant increase in disturbance to birds as a result of the proposed development."

The Inspector in his conclusions stated:-

"There are two SSSIs, about 2.4 km and 2.6 km from the appeal site – which hard qualifies for the adjective "adjacent; and the nearest boundary of the SPA is some 6 km away."

In the case between the Secretary of State for Communities and Local Government and the Secretary of State for Transport and Inspector, K D Barton BA(Hons) DipArch DipArb RIBA FCIArb in respect of an application at London Ashford Airport Lydd, the effect on birds, peace and tranquillity for the proposed construction of a runway extension and a 'starter extension' to the north/south runway was considered – APP/L2250/V/10/2131934 and 2131936.

The proposed development at Lydd is a much bigger operation than the proposal at South Moor Farm, however the conclusions on effects on birds and peace and tranquillity are relevant as follows. Lydd is also a commercial airport, not a private aerodrome.

Paragraph 23, Ornithology states:-

"The secretaries of State agree with the Inspector's reasoning and conclusions on ornithology at IR14.6.1-14.6.57 and IR15.1.9-15.1.13. They have carefully considered the formal advice of the NE and the case made by the RSPB to the Inquiry, but the Secretaries of State share the Inspectors conclusion (IR15.1.13) that there is little evidence that there would be any, never mind a significant decline in size, distribution, structure or function of the population such as to require an appropriate assessment (AA). Overall, having regard to the requirements on them as the competent authority in respect of the Conservation (Natural Habitats) Regulations 2010, the Secretaries of State are satisfied that they can proceed to grant permission of the applications before them without first being required to carry out an AA.

Paragraph 32, Landscape, Tranquillity and Noise (Quality of Life) states:-

"For the reasons given by the Inspector at IR14.10.1.1-14.10.28 and IR15.1.19-15.1.22 the Secretaries of State agree with his conclusion at IR14.10.29 that, given the limited harm to the wider population and the lack of significant harm to Greatstone School in terms of noise, there is no reason to refuse planning permission in terms of landscape and visual assessment, cultural heritage, noise or any combination of factors that contributes towards the concept of tranquillity and the quality of life. They also agree that there is little evidence that there would be any significant effect on the visitor experience along the western boundary of the RSPB Reserve (IR15.1.22).

Airfields do not necessarily impact on birdlife, i.e. the extract below is from the Visit Britain Website about the aerodrome at Stow Maries in Essex where part of the BBC series "The Great British Year" was filmed. The airfield operations which are still ongoing have not affected local wildlife, which is encouraged at the site, in particular owls.

"Stow Maries Aerodrome is a Great War Aerodrome set in the rural Essex countryside.

.....

Established in 1916, it was home to 37 (Home Defence) Squadron, Royal Flying Corps. The Squadron was charged with the eastern aerial defence of the capital. Abandoned in 1919, the aerodrome has most of the original buildings still standing. The aerodrome hosts 'fly ins' giving you the opportunity to see these wonderful bi-planes in flight. In addition to its historical significance the site is a haven for wildlife and is currently featured on the BBC wildlife programme The Great British Year."

The Inspector in his decision stated:-

"If there would be no unduly harmful effects for human beings or horses, it seems highly unlikely that there would be such effects for goshawks or nightjars. In short, the proposal raises no material conflict with Core Strategy Policy 3."

However in her decision for the latest appeal, the Inspector concluded that as the application was not accompanied by a wildlife survey she could not be sure of the extent of likely harm, if any, could occur to protected species.

A Bird Assessment has now been prepared by Quants Environmental Ltd and contained at Appendix 3 to assess the impact the proposed development would have on protected species with conclusions summarised as follows:-

Nightjar – The ecology of the nightjar, including its nocturnal behaviour and use of crypsis to avoid detection, suggests that this species may be relatively tolerant of daytime flights of light aircraft. Birds appear to become better habituated to aircraft flight activity where the flights are 'regular' in terms of their occurrence, type of aircraft and flight path. Nightjars should not be affected if a condition regarding flying near dusk and dawn is observed.

Whilst there is plentiful evidence of adverse effects on the numbers of breeding nightjars as a result of direct human disturbance from walkers and dogs, no published information regarding the effects of aircraft on nightjar has been found.

Goshawks – During the field survey no evidence of goshawk was observed. The areas within the survey area have therefore been assessed in terms of their suitability to support goshawk. It is possible that up to 4 breeding pairs of goshawk could occur within 500 metres of the flightpath, although the actual number, if present, may be much less than 4 pairs. As with Nightjars birds appear to become better habituated to aircraft flight activity where the flights are 'regular' in terms of their occurrence, types of aircraft and flight path.

Goshawks in Britain generally avoid housing and public roads at distances greater than 200 metres but goshawk colonisation of large cities elsewhere in Europe is a demonstration that the presence of humans per se does not prevent successful breeding.

6.7 Heritage Assets

An assessment of the impact of the proposal on the setting and the significance of the Scheduled Monuments is attached at Appendix 4 which concluded the following:-

"Aircraft movement and noise will affect their setting and significance but this may be mitigated by setting controls on numbers of aircraft movements. These effects will need to be weighed against the Inspector's appeal decision dated 28 August 2014 (Gray 2014, 3) for the previous application NYM/2013/0435/FL which states 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.

Resiting the power line underground across the auxiliary runway will have an impact on designated barrows HER 6289 and 6290 and others as yet unrecorded on the line. This can be mitigated with an archaeological watching brief during excavation of the trench.

The proposed aircraft storage building and wind turbine will have no impact on the significance and setting of the monuments. There is no known undesignated archaeology on or close to the footprint and it is too far east to be a likely location for undiscovered archaeology."

The Inspector in the second appeal agreed with the Conclusions, Impacts and Mitigations identified in the Heritage Assessment and found no reasonable justification for the Authority to refuse on this issue.

This application now removes the requirement for an auxiliary runway, therefore the power lines will not need to be re-sited underground and the heritage assets will not be affected.

6.8 Sustainable Development

There are three dimensions to sustainable development which is at the heart of the NPPF as follows:-

Economic

South Moor Farm extends to 40 hectares (100 acres) with sheep and cows currently grazing the land. This is a small farm in modern terms. In order to make the holding viable as an agricultural unit, significant investment would need to be made in large agricultural buildings to house intensive livestock.

The proposal is for the diversification of the agricultural holding to an airstrip. The applicant, There would be a fee for using the airstrip and it is considered the development would be economically viable.

The proposal will provide economic growth in a rural area and assist in bringing tourists to the area with knock on benefits to local businesses.

Social

The proposal supports rural tourism and will provide an additional means for visitors to access the National Park. It will help support the local community by bringing in tourists as well as providing a service to aircraft owners in the locality.

Neighbours within a 1 mile radius have been consulted regarding the proposed development and to date there have been no adverse comments on concerns.

Residents living over one mile away will not be affected by this development.

Environmental

The proposals include the use of renewable energy via a miniature wind turbine.

A screen of natural hedgerow trees has been planted to screen parked aircraft from the bridleway. There are no traffic issues with the proposed development.

7. CONCLUSIONS

The granting of planning permission would be in accordance with national and local planning policies and with the proposed limit of 20 movements (representing 10 take-offs and 10 landings) on the busiest days and taking into account all of the points above it is considered that there is no reason why this application should not succeed.

The Inspector of the first appeal concludes in Paragraph 12 of his decision that noise levels would not be harmful nor would the activity pose a serious threat to public safety, therefore there is no undue conflict with Core Policies A or H or Development Policies 3, 14 and 23.

Paragraph 17 of the appeal decision deals with the effect of the proposal on ecology and concludes that the proposal raises no material conflict with Core Strategy Policy C.

It is accepted that the Inspector in the second appeal found the proposed storage building to be unacceptable and this element has now been removed from the application.

The second appeal Inspector agreed with the original appeal decision on all other issues and indeed costs were awarded against the Local Authority on these issues, therefore there is no reason why this application cannot be granted.

The only issue raised by the third appeal Inspector was that of the possible effect of aircraft on protected species and to this end a bird assessment has been prepared and is submitted with this application which concludes that any impact can be mitigated.

In summary the application only includes proposals that were considered acceptable taking into account the 3 appeal decisions.

APPENDIX 1

Definitions

A definition of aeronautical terms is given below.

'*Aerodrome*' is legally defined in Section 105 of the Civil Aviation Act 1982 (Ref'a') as 'an area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft'.

'*Airfield*' is according to the Collins English Dictionary, 'a landing and taking-off area for aircraft.'

'*Airport*' is defined in the Collins Dictionary as 'a landing and taking-off area for civil aircraft, usually with runways and aircraft maintenance and passenger facilities'.

'*Airstrip*' is defined by the Dictionary as 'a cleared area for the landing and taking-off of aircraft'.

Given these definitions, an '*airfield*', '*airport*' and an '*airstrip*' are all legally an '*aerodrome*'.

'*Commercial Air Transport*' (CAT) is defined by the International Civil Aviation Organisation (ICAO Ref 'b') as 'any aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.'

'*General Aviation*' (GA) has been defined by the General Aviation Awareness Council (GAAC Ref 'c') as covering 'all civil aircraft activity other than that carried out by the Commercial Air Transport (CAT) sector (i.e. the airlines) and represents the largest element of aviation in the UK. GA includes business flights, pipeline and cable inspections, police, security and pollution patrols, traffic survey flights, medical and medevac flights, aerial surveys, civil search and rescue operations, pilot training (ab initio(student) and instrument, night rating, commercial pilot and air transport pilot training) and flights for recreational purposes.'

'*Private Pilot Licence*' (PPL) Is a licence issued to allow the holder to fly single engine piston aircraft after completion of flight training, examinations and a general flight test with an examiner. The PPL does not allow flights at night or in adverse weather conditions unless additional endorsements are obtained.

UK Aviation Regulation.

In the UK, under the Civil Aviation Act 1982 the Civil Aviation Authority (CAA) is responsible to Government for the regulation of civil aviation and, jointly with the Ministry of Defence, the regulation of air navigation services. The Air Navigation Order (ANO) and the Rules of the Air Regulations are the main legal documents that regulate the industry and they enact into UK law the international agreements arising from the Government's membership of the International Civil Aviation Organisation (ICAO) and the relevant legislation passed by the European Parliament.

As regards this planning application to establish an airstrip, the major legislative issue is Article 208 (ref 'd') and Article 211 (Ref 'e') of the ANO which requires aerodromes used for the public transport of passengers to be licensed. Public transport includes any flight where passengers are carried for a fare by, for example, purchasing an airline ticket or an inclusive package holiday. This definition covers flights by airlines and the CAT sector of

civil aviation. **Since the proposed airstrip is not intended or designed to be licensed, such flights cannot be conducted from it.**

For the purposes of the legislation, the airstrip will therefore be an unlicensed aerodrome. In fulfilment of its obligations, the CAA has published CAP 793 'Safe Operating Practices at Unlicensed Aerodromes' (Ref 'f') to provide guidance and advice on setting up and operating an unlicensed aerodrome. The applicant intends to follow this guidance in establishing the airstrip at South Moor Farm.

GA in the UK

The proposed development is designed to meet the needs of GA as defined above with the exception of pilot training. Aerobatics, parachute dropping and regular glider towing activities within the recreational flying classification will also not be permitted. At the beginning of 2013, almost 20,000 aircraft were on the UK register of aircraft some 96% (19,200) of which are in the GA category.

The CAA's 'Strategic Review of General Aviation in the UK' published in July 2006 (Ref 'g') makes reference in an Executive Summary to a detailed study by Terry Lober who calculated that in 2005, UK GA directly contributed £1.4 billion to the UK economy and employed over 110,000 people in the UK. The Strategic Review concluded with a recommendation that the Government should "*consider making a policy statement on the value of maintaining a viable network of GA airfields, to be considered by those involved in planning decisions in the future*". The Government has recently accepted this recommendation in drafting the Government Framework for UK Aviation.

References

- a. Section 105 of the Civil Aviation Act 1982
<http://www.caa.co.uk/default.aspx?catid=375&pagetype=90&pageid=1365>
- b. International Civil Aviation Organisation (ICAO) (CAT defined in Appendix B of following)
http://www.icao.int/Meetings/STA10/Documents/Sta10_Wp007_en.pdf
- c. 'General Aviation' (GA) has been defined by the General Aviation Awareness Council (GAAC)
http://www.gaac.org.uk/content/?page_id=3
- d. Article 208 of the ANO. Flights which must use licensed or Government aerodrome
<http://www.legislation.gov.uk/uksi/2009/3015/article/208/made>
- e. Article 211 of the ANO Licensing of aerodromes
<http://www.legislation.gov.uk/uksi/2009/3015/article/211/made>
- f. CAP 793. Safe Operating Practices at Unlicensed Aerodromes
<http://www.caa.co.uk/docs/33/CAP793.pdf>
- g. The CAA's 'Strategic Review of General Aviation in the UK' published in July 2006
<http://www.caa.co.uk/docs/33/strategicreviewga.pdf>

h. The National Planning Policy Framework issued in March 2012

http://www.environment-agency.gov.uk/static/documents/Business/NPPF_published_27Mar2012.pdf

i. Aviation Policy Framework. March 2013.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/153776/aviation-policy-framework.pdf

j. North York Moors Local Development Framework of November 2008

<http://planning.northyorkmoors.org.uk/ldf/text/Adopted%20Core%20Strategy%20and%20Development%20Policies.pdf>

k. CAA document 'Noise Considerations at General Aviation (GA) Aerodromes'

<http://www.caa.co.uk/docs/33/NoiseConsiderationsAtGAAerodromesFINAL.pdf>

l. document 'Guide to Visual Flight Rules in the UK' gives details.

http://www.caa.co.uk/docs/64/VFR_Guide_2011.pdf