



The Planning
Inspectorate

Room 3M
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5333
Customer Services:
0303 444 5000

Email: North1@pins.gsi.gov.uk

www.gov.uk/planning-inspectorate

Mrs Wendy Strangeway

Your Ref: NYM/2016/0817/FL

Our Ref: APP/W9500/W/17/3178824

10 October 2017

Dear Mrs Strangeway,

Town and Country Planning Act 1990

Appeal by Mr Robert 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 sincerely,

Anton Godfrey

Anton Godfrey

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



APP/W9500/W/17/3178824 – PROPOSED CHANGE OF USE OF LAND TO FORM 1 NO GRASS RUNWAY AND CONSTRUCTION OF PILOT/RESTROOM BUILDING AT SOUTH MOOR FARM, LANGDALE END, SCARBOROUGH

RESPONSE TO LOCAL PLANNING AUTHORITY STATEMENT OF CASE

1.5 Dalby Forest is used for motor sport events as well as quiet outdoor recreation. Military aircraft also practice low flying over the area.

4.5 The fallback position has not been considered by the Local Planning Authority as outlined in the recent Court of Appeal Decision between Mansell and Tonbridge and Malling Borough Council, dated 8 September 2017.

5.6 The Inspector in his conclusions on the first appeal stated:-

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

The Bird Assessment concentrated on the site and the immediate area which would be affected by take off and landings. The military do low flying over the SPA and SSSI which will have much more impact than light aircraft.

5.7 Light aircraft do not fly regular routes except when landing or taking off. This means the aircraft are unlikely to pass over the same location unlike commercial flights.

5.13 The Local Planning Authority have no evidence that goshawk and nightjar are vulnerable to the minimal likely disturbance and noise from the proposed airfield.

The operations manager of Stow Maries Great War Aerodrome in his correspondence dated 15 September 2017 supporting the appellant's case has stated that *"the site itself is very lucky as it has all 5 species of British owls resident at different parts of the year along with buzzards, kestrels, red kite and goshawk.... We have had no issues at all with regard to disturbance of our resident population and indeed with careful management we have been able to increase our populations."*

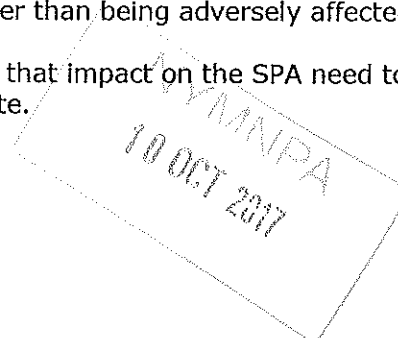
This is relevant factual evidence, the Local Planning Authority have submitted no factual evidence of harm.

5.14 The mentioning in the statement of Turtle Doves and Honey Buzzards is a new introduction and it is frustrating that the Local Planning Authority keep adding further species, however in any case the ecological reports and other information has covered the issue of birds generally.

5.18 The Local Planning Authority by using the words "could decline" have no evidence that this is the case.

As per 5.13, it has been shown that at other airfields birds can actually be encouraged and thrive with good management practices rather than being adversely affected.

6.3 The Inspector in the first appeal did not consider that impact on the SPA need to be considered due to its distance from the appeal site.



- 6.10 Neither Garry Marchant, nor the Forestry Commission, have any evidence that the development will harm goshawk or nightjar species. Birds are known at other, much busier, airfields to be present without any harm. In particular goshawks are resident at Stow Maries Airfield.
- 6.12 The presence of nightjar can be mitigated against by imposing a condition that flying cannot take place near dawn and dusk.
- 6.18 There is no evidence supplied that Turtle Doves are susceptible to noise.
- 6.20 The report is unpublished and there is no evidence that the airfield would have any effect on turtle doves. In any case there is motor sport taking place within the forest which is likely to have much more of an impact due to being on the ground rather than in the air.
- 6.22 The nearest southern edge of Dalby Forest is 2 miles from the site with the larger part being 4 miles away.
- 6.25 There is no evidence to show that nightjars are not tolerant to potential sources of disturbance.
- 6.26 The Bird Assessment was unable to definitively say there was any goshawk nests as the locations are kept secret.

The report concludes that *"Based on all available information, it is considered that the proposed aircraft light activity is not likely to result in significant disturbance of goshawks provided that the flight activity is undertaken responsibly, e.g. direct in and out flights rather than circling and/or erratic flight activity at a low altitude."*

There are no training flights nor practice circuits or aerobatics overhead to be undertaken by pilots at South Moor Farm.

Suggested Conditions

Condition 4 – Flying is a recreational day time activity and should be permitted from one hour after dawn to one hour before dusk taking into account the mitigation for nightjar.

Condition 6 – Who is the judge of what is erratic flying? This is unenforceable.

Condition 7 – This is unacceptable, there are many airfields with footpaths and bridleways. Previous Inspectors have considered there will be no impact on footpaths and bridleways.

NYMNEA
10 OCT 2017