

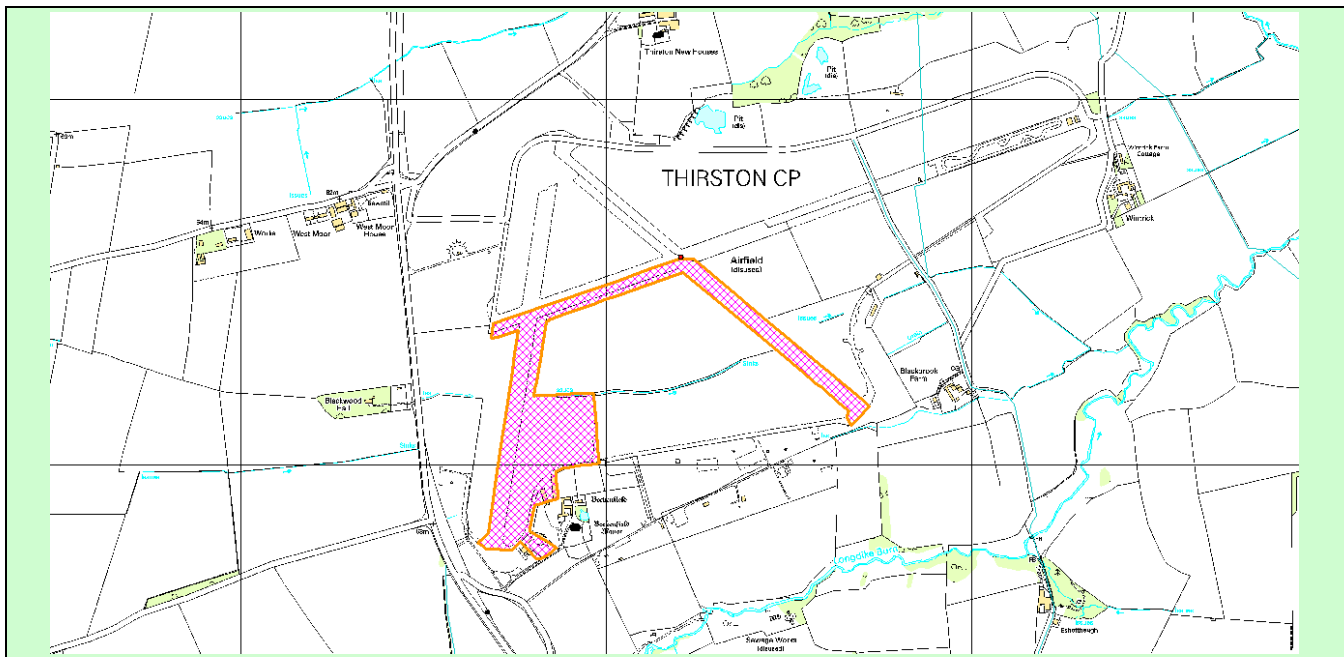


Northumberland County Council

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CASTLE MORPETH LOCAL AREA COUNCIL 10 SEPTEMBER 2018

Application No:	18/01707/VARYCO		
Proposal:	Variation and removal of conditions attached to planning permission CM/84/D/608C relating to operation of airfield namely conditions 1 (approved plans), 2 (personal permission), 3 (aircraft type restriction), 4 (hours of operation), 5 (airfield membership numbers), 6 (maximum number of resident aircraft on site at any one time), 7 (outside storage) and 8 (recording of aircraft movements) and further condition regarding hours restriction on use of machinery, all changes to better reflect current operational requirements and to remove any ambiguity regarding airfield operating times		
Site Address	Bockenfield Aerodrome Ltd, Eshott Airfield, Felton, Morpeth Northumberland NE65 9QJ		
Applicant:	Mr Jeffrey Pike Eshott Airfield, Felton, Morpeth, Northumberland NE65 9QJ	Agent:	None
Ward	Longhorsley	Parish	Thirston
Valid Date:	11 May 2018	Expiry Date:	10 August 2018
Case Officer Details:	Name: Mr Geoff Horsman Job Title: Senior Planning Officer Tel No: 01670 625553 Email: geoff.horsman@northumberland.gov.uk		



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1. Introduction

- 1.1 Councillor Sanderson, County Councillor for Longhorsley Ward within which the application site lies has requested that this application be decided by the Local Area Council. His reason for making this request is the proposed extension of hours of operation. He advises that this will cause local residents potentially much greater loss of privacy and quality of life. He believes that the current hours of working are proportionate and reasonable and he sees no merit or benefit in increasing them. Arising out of this request the application was referred to the Head of Planning Services and the Chair of the Castle Morpeth Local Area Council for a decision as to whether or not it should be decided under delegated powers or by the Local Area Council. The Head of Planning Services (Interim) and Chair of the Local Area Council determined that the application should be decided by the Local Area Council.

2. Description of the Application Site & Proposal

- 2.1 The application site comprises the extensive Eshott Airfield site which lies to the immediate east of the A1 south of Felton and the River Coquet. The site covers an area of 37.66 hectares. Given that this is an application to remove and vary conditions on an existing permission, the application site is the same as that in respect of that existing permission. In this regard the site encompasses 3 sections of runway laid out in an 'n' shape, together with associated grassed areas either side of the westernmost section of runway. There are hanger and clubhouse facilities in the south west area of the site and further smaller hangers adjacent to the easternmost section of runway.
- 2.2 The nearest dwellings to the application site are within the hamlet of Bockenfield to the immediate south and east of the site. The farmhouse of Blackbrook Farm lies close to the easternmost section of runway.
- 2.3 This application seeks approval under Section 73 of the Town & Country Planning Act to vary and remove conditions attached to planning permission reference 84/D/608C granted on the 30 January 1995 by the former Castle Morpeth Borough Council. That approval granted planning permission for use of the aerodrome for light aircraft including microlights.
- 2.4 This current application has arisen out of a number of enforcement complaints received by the Council regarding alleged breaches of conditions attached to the 1995 permission. These breaches have been investigated and discussion has taken place between the site's current operator and Council Planning and Public Protection Officers regarding an application to remove/amend conditions. Through submission of this application the current site operator seeks to remove/amend the conditions on the 1995 permission to regularise any condition breaches, better reflect current operational requirements and remove ambiguity regarding airfield operating times.
- 2.5 The changes proposed in respect of the various conditions attached to that approval are as follows:
- 2.6 Condition 1 of the 1995 permission reads as follows:

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

2.7 The reason for this condition was in order to ensure that the development is carried out in accordance with the approved plans.

2.8 It is proposed that this condition be deleted.

2.9 Condition 2 of the permission reads as follows:

This permission shall operate for the benefit of 'Eshott Airfield Ltd' only and not for the benefit of the land nor any other person or persons for the time being having an interest therein.

2.10 The reason for this condition was to limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development.

2.11 It is proposed that this condition be deleted.

2.12 Condition 3 of the 1995 permission reads as follows:

The airfield shall not be used other than by microlights and propeller driven light aircraft; details of the maximum weight of light aircraft to utilise the airfield shall be submitted to the Local Planning Authority within 1 month of the date of grant of this consent, for the written approval of the Local Planning Authority.

2.13 The reason for this condition was to limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development.

2.14 It is proposed that the wording of this condition be varied to read as follows:

With the exception of military and emergency services aircraft, the airfield shall not be used other than by gliders, microlights, helicopters and propeller driven aircraft. No such individual aircraft shall exceed 5700 kilograms in weight.

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with the National Planning Policy Framework (NPPF).

2.15 Condition 4 of the permission reads as follows:

The airfield shall not be used (except in an emergency) or machinery operated at the premises between the hours of 7pm and 9am of the following day without the prior written approval of the Local Planning Authority.

2.16 The reason for this condition is the same as that for condition 3.

2.17 It is proposed that the wording of this condition be varied to read as follows:

For a temporary period of 12 months from the date of this permission, flights using the airfield may be between the hours of 7am and 11pm only on any day (except in an emergency). Circuit training shall only take place between the hours of 9am and 7pm and are not permitted outside of these hours on any day. Following the expiry of the above-mentioned 12 month temporary period the hours of flight operation of the airfield shall revert to 9am to 7pm only on any day (except in an emergency) unless a further planning permission has been granted by the Local Planning Authority for alternative hours of operation.

REASON: To allow for the trialling of extended hours of operation on a temporary basis in order that the impact of such extended hours on the amenity of the occupants of nearby residential properties may be satisfactorily assessed in accordance with the National Planning Policy Framework (NPPF).

2.18 Condition 5 of the 1995 permission reads as follows:

The total membership of Eshott Airfield Ltd shall not exceed 125 in number at any one time. A comprehensive list of members shall be maintained by Eshott Airfield Ltd and made available for inspection by the Local Planning Authority from time to time upon request.

2.19 The reason for this condition is the same as that for condition 3.

2.20 It is proposed that this condition be deleted.

2.21 Condition 6 of the permission reads as follows:

The maximum number of aircraft and microlights to be stationed on the application site at any one time shall not exceed 70.

2.22 The reason for this condition is the same as that for condition 3

2.23 It is proposed that the wording of this condition be varied to read as follows:

The maximum number of microlights, helicopters and aircraft to be stationed on the application site at any one time shall not exceed 100.

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with the National Planning Policy Framework (NPPF).

2.24 Condition 7 of the 1995 permission reads as follows:

There shall be no outside storage of any kind without the prior written approval of the Local Planning Authority.

2.25 The reason for this condition is the same as that for condition 3.

2.26 It is proposed that the wording of this condition be varied to read as follows:

There shall be no outside storage within the application site without the prior written approval of the Local Planning Authority except for the outside storage of plant/equipment associated with airfield operations

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with the National Planning Policy Framework (NPPF).

2.27 The final condition on the 1995 permission, condition 8, reads as follows:

All movements shall be recorded by the operators (Eshott Airfield Ltd) and entered into a diary or log showing the number and time of movements. The said diary/log shall be maintained by the operators and made available for inspection by the Local Planning Authority upon request.

2.28 The word 'movement' is defined on the decision notice as referring to take offs, landings and 'touch and go' – i.e. landing and take off.

2.29 The reason for this condition is in order to monitor and retain control over the development in the interests of residential amenity.

2.30 It is proposed that the wording of this condition be varied to read as follows:

The airfield operator shall manage operation of the airfield at all times in full accordance with the Airfield Standing Orders dated 23/04/2018 forming part of the approved application documentation.

REASON: In order to monitor and retain control over the development in the interests of residential amenity in accordance with the National Planning Policy Framework (NPPF).

2.31 Finally, it is proposed that the hours of use in respect of machinery that are currently addressed in condition 4 alongside the general use of the airfield, be placed in a separate condition to read as follows:

No machinery which generates a noise level in excess of 44dBA at the boundary between the application site and the nearest residential receptor to that machinery shall be operated on site outside of the hours of 9am to 7pm on any day.

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with the National Planning Policy Framework (NPPF).

3. Planning History

Reference Number: CM/84/D/608C

Description: Use of aerodrome for light aircraft including microlights

Status: PERMITTED

Reference Number: CM/04/D/011

Description: Erection of 20 individual re-locatable hangers

Status: PERMITTED

Reference Number: CM/06/D/195

Description: Erection of new hanger

Status: PERMITTED

Reference Number: CM/20060712

Description: Variation of condition 4 of permission 84/D/608C to permit up to four aircraft to land after 7pm

Status: REFUSED & subsequently dismissed at appeal (Ref: APP/T2920/A/07/2034168/NWF)

Reference Number: CM/20071039

Description: Proposed side extension to clubhouse and demolition and rebuild of toilet block as supplemented by letter and drawings received 03/12/07

Status: PERMITTED

Reference Number: 13/03182/RENE

Description: Installation of 200 solar photovoltaic panels to generate electricity

Status: PERMITTED

Reference Number: 14/03314/DISCON

Description: Discharge of condition 3 of application CM/84/D/608C

Status: WITHDRAWN

Reference Number: 17/00433/FUL

Description: Erection of a light aircraft hanger

Status: PERMITTED

Reference Number: 17/04453/FUL

Description: Change of use of land within part of airfield for outdoor recreational activities including corporate team building and experience days (Use Class D2) and off-road motor vehicle driving experiences together with construction of associated activity centre, off-road motor vehicle course, screen mounding, car parking area, internal site access track and landscaping.

Status: PERMITTED

4. Consultee Responses

<p>Thirston Parish Council</p>	<p>They object to the application.</p> <p>Background</p> <p>Thirston Parish Council supports the growth of sustainable local businesses. It is however important that such plans acknowledge and appropriately minimise the impact on existing local businesses and on local residents.</p> <p>Eshott Airfield was developed for the RAF in World War Two. It opened for operations in November 1942 and closed in June 1945 when it reverted to agricultural use. In 1984 part of the airfield re-opened for recreational flying with Planning Approval for use by single engined light aircraft and microlights. A condition was applied to the approval that 'The airfield shall not be used, or aircraft or machinery operated at the premises between the hours of 7pm and 9am. The reason given for the imposition of these conditions was to ensure nearby properties were not adversely affected by the development. The airfield has been in operation with this condition applying to the present day.</p> <p>In 2006 a Planning Application was made to vary the operational times of the airfield. The Application sought to extend the operational hours at the airfield by two hours from 7pm to 9pm and allow up to four additional landings during that time. This application was refused by Castle Morpeth Borough Council.</p> <p>The reason for the council's decision to refuse permission was:</p> <p>'An extension to the permitted times for landing as proposed would allow prolonged or sustained flying around the area of the airfield (e.g. for training purposes) notwithstanding any statements made in good faith by the then current owners. Should sustained flying occur in and around the area of the airfield this would cause disturbance to the amenity of local residents which the local planning authority would be unable to adequately control through the use of enforceable planning conditions, and which is not controlled by any other statutory body. The application is therefore regarded as Contrary to Policy R1 (iii) and (iv) and Policy R6 (iii)' of the Castle Morpeth District Plan (Feb 2003).</p>
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This decision went to appeal but the Planning Inspector upheld the decision to refuse the application again quoting the impact on the amenity of local residents.

There is a history of concerns being raised with Thirston Parish Council regarding aircraft flying low over local villages causing disturbance to residents. Notably though the residents of Wintrick and Bockenfield, whose homes are most directly impacted due to their adjacency to the airfield, largely accepted the level of disturbance as a consequence of where they chose to live knowing that the hours of operation, and thus noise, allowed at the airfield were restricted to the hours between 9am in the morning and 7pm at night.

To the extent any issues arose, the previous airfield operator would recognise these and deal with them constructively.

There has however been a recent and significant change since the new airfield operator became the tenant at the airfield. The volume of concerns and complaints has increased significantly, and now includes issues raised by local residents in Wintrick and Bockenfield. This includes complaints that noise making operations regularly begin before the defined airfield operation time of 9am in the morning for machinery and aircraft.

The Parish Council have sought to get involved to resolve matters but have found the new airfield operator to be confrontational, unwilling to accept responsibility for the issues raised and unwilling to help.

Flights routinely now fly in directly over houses (previously they used a route which avoided this) and there is a significant increase in noise from military helicopters arriving unannounced for refuelling less than 100 metres from residential properties at Bockenfield which can take up to an hour during which time the engines are kept running (apparently a MOD requirement).

It is against this background that Thirston Parish Council, following consideration by Councillors and representation from local residents, feels obliged to oppose the application for variation and removal of existing conditions as set out below.

Any application which seeks to increase the size and extent of the operation on the airfield when so many concerns exist about its current usage is in our view wholly inappropriate.

The Application

There is considerable surprise and disquiet amongst residents to learn that NCC has apparently encouraged this application to be made without apparent consideration of the impact of

these proposals on existing local businesses and local residents.

The Application to extend the hours of operation at the airfield is a repeat of the 2006 application which also sought to increase the hours of operation. That application was refused by Castle Morpeth Borough Council and refused on appeal by the Planning Inspectorate. The Application was judged against the Castle Morpeth Local Plan policies R1 (iii) and iv) and Policy R6 (iii).

Policy R6 is a saved policy and as such still applicable and any extension to hours of operation at the airfield should be judged against this policy.

It is difficult to see how an application for a much greater extension of hours compared with that rejected in 2006 could be approved for this application particularly as there have been major changes in the local area that would increase the impact of such a change.

Since 2006 more residential properties have been built in the area local to the airfield, for example, at West Moor, Thirston New Houses and Burgham.

In addition Bockenfield Country Park, and Felmoor Park have been developed with in excess of 150 holiday lodges. If this application was approved it could have a major impact on the number of tourists using the holiday lodges because of aircraft noise with the close proximity of these holiday parks to the airfield.

Northumberland Country Zoo at Eshottheugh has also been developed in this time period with considerable numbers of animals that would be affected by the additional aircraft noise.

The Parish Council is also seriously concerned about the inconsistency of Northumberland County Council's approach to noise control. It seems perverse that the County Council is encouraging the extension of the operating hours at the airfield with the associated noise impact of aircraft on local residents in a wide area whilst in 2016 applying a condition on a Planning Approval for a business based on the airfield at Wintrick limiting the activity of that business to the hours of 0900 to 1700 Monday to Saturday and not at all on Sundays or Bank Holidays. The reason quoted for this condition is 'In the interests of neighbouring amenity'.

Surely the County Council should be consistent in its approach to protecting local residents from noise. As such rather than encouraging an application for an extension of operating hours at the airfield it should be attempting to reduce those hours and

days of operation for the businesses based at the airfield in line with the conditions it applies to other businesses adjacent to residential areas in the county.

As such Thirston Parish Council objects to a number of the proposed changes to conditions applying to the operation of the airfield sought in this application as listed below:

Condition 4

Thirston Parish Council objects to the application to extend the hours of operation of the airfield from 7am in the morning to 11pm at night. This is an increase of 60% in operational hours, the majority of which would be in the evening in summer when local residents should be able to expect good quality amenity time. The proposed hours of operation between 7am until 11pm offer no respite from noise during daylight hours at all for local residents and the villages and hamlets in the area.

Thirston Parish Council objects to the proposal for an extension to operating hours for a trial period. This proposal is not supported by local residents and the proposal itself whilst seemingly attractive lacks any detail about the criteria by which the success or otherwise of the trial would be judged or indeed who would be responsible for undertaking the judgement.

There would also be the important issue of how monitoring of the impact on local residents will be dealt with during the period of the trial, which does not currently seem to have been considered.

Reference is made to other airfields but they are not a good comparator since, as the Applicant says, this is the only airfield of its type around. It already sees more use during the day than other local airfields.

Condition 5

Thirston Parish Council has no view on the number of members.

Condition 6

Thirston Parish Council do not think an increase from 70 aircraft up to 100 is reasonable as this will inevitably lead to a significant increase in air and ground activity. It is unclear how many aircraft are actually based at the Airfield at present and thus why there is a need for such a dramatic increase.

More information is required to be able to judge whether an increase in aircraft is needed. The original limits were there for a reason which now seem to be being wholly disregarded.

	<p>The Applicant can always apply for further increases in due course if appropriate justification is provided.</p> <p>Condition 8</p> <p>Thirston Parish Council think this condition should be framed to require the Applicant to do all he can to ensure operations are managed in the correct way. They used to be but are not currently with the new operator who simply says he has no control over pilots, is unwilling to accept responsibility for issues raised and is unwilling to help. That he is unable to control users of the airfield may or may not be true as a matter of law, but the previous operator managed to control operations and the law has not changed here. Even if the Applicant cannot stop activity, he can publish rules, put up notices etc and should do so.</p> <p>According to the application the Applicant manages the airfield in accordance with Standing Orders, yet it is the pilot's responsibility to record aircraft movement. The Council propose that the airfield operator should keep a record/log of all breaches of Standing Orders which is available for NCC enforcement at any time for inspection.</p> <p>Condition 9</p> <p>Thirston Parish Council welcomes the proposal to apply a noise limit of 44dBA at the boundary of the airfield. However it is proposed that this should only to apply to machinery.</p> <p>To be consistent this limit should apply to all noise generated at the airfield including that created by aircraft. To single out specific sources of noise is illogical and will in any case be impossible to measure and to enforce.</p> <p>Safety</p> <p>As a general comment there is no mention of any safety plans or safety improvements in the application. The application seeks to increase operational hours by 60%, the number of aircraft based at the airfield by over 40%. The potential increase in aircraft movements with these proposed changes is more than double at 125% over existing levels. This proposal is for a major increase in flying over the airfield and the local villages and hamlets but there is no mention of safety or indeed whether the Northumberland Fire Service have been consulted about these proposals.</p> <p>As a Parish Council we find this to be of major concern.</p>
Felton Parish Council	Comments awaited.

Highways	No objections.
County Ecologist	No objection subject to a condition in respect of external lighting details having to be agreed by ourselves should external lighting be proposed.
Public Protection	<p>In responding they refer to having considered the existing Planning Permission ref:84/D/608C, a Supporting Statement (09/05/2018) and appeal decision ref: APP/T2920/A/07/2034168 (15 August 2007). Officers have also had regard to the objections made against this planning application and have undertaken a site visit where operations were observed.</p> <p>In principle this Service is in agreement with this proposal. The applicant is seeking to vary the conditions on the current planning permission from 1995 to reflect the current operation of the site. Since the planning permission was granted and the 2007 appeal was dismissed, there have been significant changes to how noise is assessed through the planning process. Noise must now be considered inline with the National Planning Policy Framework (NPPF) and the Noise Policy Statement for England (NPSE). However, there is no set methodology in either of those documents stating how noise should be assessed and as such secondary guidance must be considered.</p> <p>Officers have reviewed the 2007 inspector's decision and whilst it is relevant to the application, only limited weight can be given to it as the NPPF & NPSE were not in effect at the time of the 2007 decision.</p> <p>There are a number of secondary guidance documents available which consider noise, but these are fairly limited with regard to the assessment of aircraft noise. The main guidance on aircraft noise is contained within BS8223:2014 and is more focused on larger airports and noise prediction from aircraft in flight.</p> <p>Whilst prediction can be used for aircraft in flight, it is a complex process and relies on models developed to assess the impact of large commercial aircraft and not noise from small light aircraft. Modeling in this case is therefore of limited use to assess the noise impact for the applicant.</p> <p>There is also limited guidance relating to the measurement of aircraft noise. The methodology considers large commercial aircraft and involves measurement of the noise levels over a 90 day period (during the summer). Whilst this is appropriate for</p>

assessing the potential impact on aircraft noise on residential development from commercial airports it is not appropriate for use in this instance.

With regard to noise context, the site is an existing aerodrome which has operated for a number of years and as such it must be considered part of the local environment. Small aircraft have traditionally used the site and it is not proposed to change from this mode of operation. There will be a proposed increase in the times when flying can take place (with the exception of circuit flying). Regard must be had to the type of aircraft operating on site, which are small propeller driven aircraft having a significantly lower acoustic profile than a typical jet aircraft.

Officers have visited the site and observed a typical aircraft during takeoff and landing operations, which has informed our comments.

The A1 is located to the west of the application site which represents an existing noise source. Discussions are underway regarding the potential dualing of the A1, however, the proposals look to maintain the current location of the road near the airfield. Officers do not anticipate a significant change to the traffic numbers and as such the noise level from the road once improved, is likely to remain similar to current levels.

It is accepted that the noise influence from the A1 will decrease the further you get away from the road. However, this is also the same for noise from arriving and departing aircraft.

When we consider noise impacts current standards are based on the Equivalent Continuous Sound Level (LAeq). The LAeq level can be distinguished into two area day-time and night-time. Day-time covers noise between 07:00 and 23:00 and night time covers noise between 23:00 and 07:00. There is not expected to be a significant increase in the LAeq from the airfield.

Should the airfield double the number off flight cycles (landing and takeoffs) the LAeq would typically increase by only 3dB. This change is barely perceptible. The site is not however proposing to double the number of flight cycles, so the impact should be below what is typically perceptible over the course of the day.

As the site is already operational, consideration of historical complaints has been made and there have been no recent noise complaints received by the Public Health Protection Section concerning noise disturbance or noise nuisance.

The applicant is proposing to vary the conditions to allow aircraft movements between between 07:00 and 23:00 for a 12 month basis to see what the impacts will be. Given the lack of assessment methodology available to officers, the existing operation of the site, officer observations on site and complaints history, I would consider this to be an appropriate method of assessing the suitability of the proposal and impact on amenity.

Concerns have been raised regarding the potential impact on the animals at Northumberland Zoo. Public Health Protection cannot comment on the potential impact on animals as we are only concerned with the impact on residential amenity.

It is also worth noting that Public Health Protection has no powers to deal with noise from fixed wing aircraft in flight so we cannot comment on the routes used to for circuits and training. Such issues normally falls to the Civil Aviation Authority. Public Health Protection would only be able to investigate noise from the airfield and aircraft whilst on the ground.

Some concerns have been raised regarding the use of the site by Military helicopters. As with fixed wing aircraft Public Health Protection has no powers to deal with military helicopters in flight and issues relating to them need to be investigated by the Ministry of Defence.

Several comments have been received regarding the wood processing activity and the restriction places on the operating hours for that activity. Each application is considered on its own merits, however, the hours permitted in this planning permission reflect the hours that the applicant was seeking to operate.

Despite of the objections outlined, Public Health Protection would support the temporary proposal in order to assess the impacts on residential amenity over the period.

Using appropriate conditions and site management procedures Public Health Protection are of the opinion that the application would be compliant with the principles of the Noise Policy Statement for England and thus the NPPF.

One key aspect that must be highlighted is the restriction on flying in the dark. The airfield is not proposing to install lighting and as such aircraft movements will be governed by natural variations in the light level and during the winter months this will become the limiting factor rather than the permitted time of operation.

	<p>With regards to emergency situations, Public Health Protection recommend that protection of human life should take primacy over amenity.</p> <p>If members are minded to grant planning permission then Public Health Protection would ask that the condition in the supporting statement regarding hours of operation is applied for a period of 12 months.</p> <p>Public Protection have clarified verbally that the other proposed condition amendments do not in their view need to be granted for 12 months only.</p> <p>Informative The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice. In all cases, the Council retains its rights under the Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.</p>
Natural England	No objections.
Highways England	No objections.
Civil Aviation Authority	Comments awaited.
National Air Traffic Services (NATS)	No safeguarding objections.
Fire & Rescue Service	No objections.
Newcastle Airport	No objections.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	132
Number of Objections	44
Number of Support	84 As of 07/08/18 inc.
Number of General Comments	0

Notices

General site notice, 4th June 2018

Morpeth Herald 14th June 2018

Summary of Responses:

Those objecting to the application who live/work primarily within the immediate locality of the airfield raise the following concerns:

- Increased noise pollution including such pollution at unsocial hours.
- Cumulative impact of noise given existing noise from local shooting club and canine centre nearby.
- Temporary hours extension would become permanent.
- Existing permitted hours should be adhered to and were endorsed by the previous appeal decision.
- Security concerns re aircraft arriving at night when airfield unattended.
- Currently approved hours achieve the right balance.
- Adverse impact on nearby Northumberland Zoo from disturbance to animals and impact on visitor numbers.
- Safety concerns associated with flight movements generally but including also night flying and re-fueling activities on site
- Night flying will result in lighting being provided to runway.
- Dust pollution from helicopters.
- Air pollution.
- Other airfield options are available to pilots who need to land outside of the currently permitted hours.
- Other airfields cited by supporters are not comparable to Eshott due to having fewer aircraft and being further away from dwellings.
- Disturbance to horses, farm animals and local wildlife.
- Concerns regarding increased storage if number of aircraft increases.
- Extension of hours inconsistent with 2016 permission for wood processing and storage on land at Wintrick at the eastern end of the airfield which restricted hours of that operation to 9am to 5pm Monday to Saturday with no operations on Sundays or Bank Holidays.
- No evidence of economic benefit arising from the proposed changes.
- Increased traffic on A1.
- Additional services proposed already offered by Newcastle International Airport.
- Alleged breaches of planning control re existing operations a concern.
- Concerns re enforceability and monitoring of restrictions.
- Adverse effect on local holiday park businesses as a result of increased noise experienced by holidaymakers.
- Contrary to Castle Morpeth Local Plan Policy R6 due to impact on amenity.
- Access road to site is poor quality and not equipped to handle additional traffic from a higher intensity of use on the airfield.
- Harm to visual amenity from external parking of aircraft and other airfield paraphernalia.
- Restriction on number of members should not be removed as this would lead to an increase in traffic, noise and nuisance to residents.
- Increase in number of aircraft will increase noise nuisance.
- Only a limited list of specified operational equipment should be stored outside excluding aircraft to protect visual amenity.
- Supporters have incorrectly stated on their comments that they are neighbours when they live a considerable distance from the site.
- Applicant not legally entitled to apply to remove/amend conditions under Section 73 of the Town & Country Planning Act.
- Fuel should be dispensed from proper tankage and dispensing facilities if the intensity of use intensifies

Those supporting the application who comprise primarily those who use the airfield but do not live within its immediate locality refer to the following matters:

- Benefits to local economy from increased use of the airfield leading to greater use of local services and as a result of the extended hours making business trips for business owners having aircraft based on site more achievable.
- Greater flexibility re hours benefits safety by allowing pilots to take off and land at times which avoid inclement weather.
- Recreational benefits.
- Greater consistency with other local airfields which aren't subject to hours restrictions.
- Noise levels higher from traffic noise on nearby A1 than from aircraft.
- Flying after dark not likely to be commonplace due to the aircraft being based at the airfield not being equipped for night flying.
- Extended areas provide greater flexibility for Civil Air Patrol in emergencies.
- Hours restriction results in more noise pollution as aircraft forced to stay in the air for longer and circle if they arrive at airfield too early in the morning.
- Aircraft refuelling facilities and extended hours of benefit to air ambulance.
- Proposals accord with the Government's All Party Parliamentary Group on General Aviation objective of protecting and enhancing the network of general aviation airfields.
- Aircraft noise exempted from controls within the Environmental Protection Act.

The applicant has submitted a report which responds to objections received. A summary of the matters they raise is as follows:

- Nearly all flights will remain within the 0900-1900 window and flights would not take place after dark as the airfield runway has no lighting and pilots using the airfield need to land/take-off using Visual Flight Rules (VFR) only.
- There is national Government support for general aviation airfields.
- Current aircraft using the airfield are generally quieter than when the original permission was granted in the mid 1990's.
- The current airfield operator does seek to work with pilots to minimise their impact on neighbouring residential occupiers through their advisory standing orders and out of hours procedure but as the airspace above the airfield is Class G unregulated air space, pilot behaviour once airborne is the responsibility of individual pilots and the airfield operator cannot enforce pilot behaviour once they are airborne, although they do report illegal flying which breaks CAA rules to the CAA. Visiting pilots (i.e. those not members of the airfield) may also not be aware of the standing orders/out of hours procedure.
- Certain complaints received relate to aircraft from other airfields transiting the area which are nothing to do with Eshott Airfield.
- The aircraft weight restriction condition is acceptable to them but as the airspace above the airfield is unregulated they cannot stop larger aircraft from landing at the airfield.
- In terms of airfield safety, they have not called upon the emergency services since taking over operation of the airfield.
- Their re-fueling facilities have been audited and deemed safe.
- In terms of security the airfield has electric barrier controlled access for all vehicles.

- Examples of economic benefits arising from the airfield are outlined. In this regard the Northumberland Wings & Wheels Festival held at the site in 2017 injected over £80,000 into the local economy. They further advise that the airfield's policy is to use local contractors wherever possible and in this regard they spent over £200,000 in the local economy during 2017 alone. They also report that pilots and commercial operators continuously use the local hotels, caravan parks, car hire and taxi firms, restaurants, shops and other facilities when they are based at the airfield.
- The airfield is used by the MoD but MoD pilots are not subject to the same CAA regulations that apply to civilian pilots (e.g. low flying).
- Castle Morpeth District Local Plan Policy R6 is not considered applicable to this current application given the range of flights to/from the airfield which are not just leisure related.
- The airfield does seek to engage with local residents and the Parish Council re their concerns.
- Carbon emissions from the airfield would not be significant if this application were approved.
- Aircraft engineering works taking place on site is ancillary to the permitted airfield operation.
- There is no plant hire business operating on site.
- Those supporting the application who don't live locally are still entitled to express their opinion given that they use of airfield and contribute to the local economy.
- Eshott is the only all weather airfield in Northumberland and therefore other local airfields do not necessarily provide an alternative to pilots whilst Newcastle Airport's focus is moving away from general aviation aircraft to commercial flights.
- Background noise levels are already high in the locality due to the A1, Northumberland Canine Centre and Bywell Shooting Ground.
- Northumberland Zoo was granted it's licence in 2015 well after the 1995 permission for the airfield. Only 1 complaint was received from the zoo during last year's Wings and Wheels festival and this was resolved amicably.
- The Council's Public Protection team support the application and the application was submitted on the basis of advice from Council Officers.

The above is a summary of the comments. The full written text is available on our website at:

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8K9OEQS0K400>

6. Planning Policy

6.1 Development Plan Policy

Castle Morpeth District Local Plan

C1 – Settlement boundaries

C9 – Sites of nature conservation importance

C11 – Protected species

R6 – Countryside activities high impact

WTC1 – West Thirston settlement boundary

6.2 National Planning Policy

NPPF (2018)

NPPG (Amended, 2018)

7. Appraisal

7.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that:

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Therefore the starting point from a planning perspective in considering the acceptability or otherwise of the proposals is the development plan. This principle is also acknowledged in the NPPF.

7.2 The development plan in respect of the application site comprises the saved Policies of the Castle Morpeth District Local Plan.

7.3. However, the NPPF advises at paragraph 213 that local planning authorities (LPAs) are to give due weight to existing development plan Policies according to their degree of conformity with the NPPF.

7.4 Paragraph 11 of the NPPF provides definitive guidance on how applications should be determined by stating:

Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.5 NPPF Paragraph 8 provides the key starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development, an economic objective, a social objective and an environmental objective. Paragraph 8 goes on to advise how the three elements of sustainable development are mutually dependant and should not be considered in isolation. It makes clear that to achieve

sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

7.6 The main issues for consideration in respect of this application comprise:

- Principle of development
- Residential amenity considerations including noise pollution
- Ecology
- Transportation matters
- Landscape and Visual Impact

Principle of Development

- 7.7 In considering the principle of the proposed development on this site the starting point is the CMDLP and in particular Policies C1 and WTC1. Policy WTC1 identifies a settlement boundary for West Thirston. The application site lies outside of this. Policy C1 states that development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as essential to the needs of agriculture or forestry or are permitted under certain specified Policies. None of the specified Policies that have been saved are of relevance to the application proposal. However, Policy C1 further states that certain other Policies 'need to be considered' in assessing application proposals and these include Policy R6 relating to high impact countryside activities.
- 7.8 However, notwithstanding the above, the principle of an airfield use on the site is already established through the extant planning permission granted in 1995. This current application seeks to remove and vary conditions attached to that permission. Were this current application to be approved this would result in a further planning permission being granted for an airfield use on the site, albeit subject to different conditions.
- 7.9 NPPF Paragraph 55 states that planning conditions should only be imposed where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 7.10 It is proposed that 3 of the conditions attached to the current airfield permission are removed for administrative reasons.
- 7.11 Condition 1 concerning compliance with approved plans is proposed for removal because the only approved plan in the Council's records for the extant permission is a site location plan which does not contain any information regarding the existing airfield's use. If this current application were approved then the airfield operation would still be confined to the application site covered by the 1995 permission irrespective of whether or not this approved plans condition were in place as any application for removal/variation of conditions on an earlier permission can only relate to the application site specified at original application stage. As such condition 1 is considered unnecessary.
- 7.12 Condition 2 on the 1995 approval makes that approval personal to Eshott Airfield Ltd. Since that grant of planning permission, the airfield has changed

hands and is now operated by Bockenfield Aerodrome Ltd. This condition was originally imposed to safeguard residential amenity. However, it is considered that matters of residential amenity can be satisfactorily controlled through other conditions on the permission. Furthermore, the Government's NPPG states that a condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company. Given the above, this condition is considered both unnecessary and unreasonable.

- 7.13 Finally, condition 5 currently restricts membership of 'Eshott Airfield Ltd' to no more than 125 persons at any one time and requires that operator to maintain a members register for inspection by the Council. This condition is no longer applicable as the airfield is not now operated by 'Eshott Airfield Ltd'. Furthermore, the Council as Local Highway Authority and Highways England raise no objections to this application and therefore this condition is not considered necessary on highway safety/capacity grounds and it is considered that matters related to noise pollution can be controlled through other conditions. As such this condition is considered unnecessary.
- 7.14 In terms of the remaining conditions, which the applicant seeks to vary, what needs to be considered is the matter of additional impacts arising from the variation of those conditions.
- 7.15 CMDLP Policy R6 states that the Council will not permit high impact countryside sports unless it can be shown that the uses will not be detrimental to the character and nature conservation value of the area and to other rural land uses and the amenity of residents. In this regard such proposals will be assessed against a number of criteria. Each of these criteria are considered below in respect of the application proposal. The applicant has advised that they do not consider Policy R6 to be applicable to airfield operations at Eshott which handles some flights of a commercial rather than leisure nature. However, it is considered that a significant number of aircraft using the airfield are doing so for leisure purposes and therefore it is considered that this application should be assessed against Policy R6.
- 7.16 Returning to the Policy R6 criteria, firstly, proposals affecting a significant area of best and most versatile agricultural land will not be permitted. The application site is an existing airfield and as such the proposals are not considered harmful in respect of this criterion.
- 7.17 Secondly, proposals are to be located so as to minimise the visual impact on the countryside. The scale, design and materials used for buildings and other structures should reflect local vernacular architecture with special attention given to the screening of buildings and car parks. Overall the proposals are considered acceptable in terms of this criterion for the reasons detailed later in this report.
- 7.18 Thirdly, there is a requirement that villages in the vicinity are safeguarded from any increase in levels of activity which may have a detrimental effect on their character and amenity. This matter is considered in detail later in this report where it is concluded that the proposals would be acceptable in this regard subject to the proposed extended hours of operation being trialled over a

temporary 12 month period and other conditions to safeguard against amenity impacts.

- 7.19 Criterion 4 of Policy R6 requires that adequate road access, including access for construction traffic is provided so as to safeguard against any undesirable increase in traffic on minor roads to the detriment of local amenity or highway safety. The Council as Local Highway Authority and Highways England advise that they have no objections to the proposals on highways grounds and therefore the proposals are considered acceptable in this regard.
- 7.20 Criterion 5 encourages the re-use of derelict land and buildings. This is not of relevance to the application proposals as no changes to any buildings on site are proposed as part of this application.
- 7.21 Criterion 6 states that proposals should not have a material adverse impact on designated nature conservation sites, existing wildlife habitats, areas of nature conservation or archaeological importance, areas of high landscape value and the heritage coast. The Council's ecologist and Natural England have confirmed that there would be no material adverse impacts from the proposal on the River Coquet SSSI to the north of the site or on other designated nature conservation sites, whilst impact on wildlife habitat/nature conservation is considered acceptable subject to a condition. The proposals have no implications regarding archaeology as no building works are proposed. The landscape within and immediately adjacent to the application site is not considered to be of high value and there is no impact on the heritage coast from the proposals. Overall, the proposals are considered acceptable in terms of criterion 6.
- 7.22 Criteria 7 and 10 of Policy R6 refer to development in the Green Belt. The application site does not lie within the Green Belt and therefore these criteria are not of relevance.
- 7.23 Criterion 8 concerns floodlighting. However, no lighting is proposed under this application.
- 7.24 The final criterion of Policy R6 concerns the safeguarding of existing rights of way. There are no rights of way within the application site and therefore this criterion is not of relevance.
- 7.25 Overall the proposals are considered to be compliant with CMDLP Policy R6 subject to conditions.
- 7.26 NPPF paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development.
- 7.27 Paragraph 83 further states that planning policies and decisions should enable the development and diversification of land based rural enterprises and sustainable rural tourism and leisure developments which respect the character of the countryside.

- 7.28 Also of significance is paragraph 104(f) of the NPPF which states that planning policies should recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time - taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy.
- 7.29 It is considered that the proposals would benefit the rural economy in this part of Northumberland by generating income for the existing airfield business and income for other local businesses through use of local facilities by those visiting the site. 15 jobs already provided by the airfield would be further safeguarded. Examples of economic benefits have been provided by the applicant above in their comments on objections.
- 7.30 Given all of the above, it is considered that the principle of the proposed development on the application site is acceptable subject to conditions.

Residential amenity considerations including noise pollution

- 7.31 The proposed variation of 4 of the existing conditions have potential implications in respect of residential amenity including noise pollution.
- 7.32 Firstly, it is proposed that condition 3, which governs the type of aircraft that can operate from the airfield, be amended to permit the addition of gliders, helicopters, military aircraft and other aircraft in emergency situations in addition to the currently referred to propeller driven light aircraft and microlights. A size limit of 5700kg is also suggested (based on the CAA's definition of light aircraft), covering any individual aircraft using the airfield. It is understood that the airfield will continue to be used predominantly by propeller driven light aircraft and microlights and it is considered that the proposed aircraft weight limit of up to 5700kg would continue to ensure that this remains the case. Use by military aircraft and aircraft in emergency situations would occur on a more occasional basis and it is not considered reasonable that these aircraft should be subject to the 5700kg weight restriction. Given the above, it is considered that the proposed variation of this condition would be acceptable in achieving a balance between the operational needs of the airfield and the amenity of residents.
- 7.33 The proposed changes to condition 4 regarding hours of operation propose that flights be allowed to take off and land up to 2 hours earlier in the morning (i.e. from 7am rather than 9am at present) and up to 4 hours later in the evening (i.e. 11pm rather than 7pm at present). The proposed amended hours would apply only to take off and landing movements and aircraft airfield activity. Circuit training would continue to be limited to 9am to 7pm only. As with the condition as currently worded an exception to all of the above would be permitted in the case of emergencies.
- 7.34 In terms of machinery operated on the airfield and other airfield activity it is proposed that this be restricted by a separate condition (No.9) which would restrict the use of noisy machinery and other noisy airfield activity to the currently specified hours of 9am to 7pm.

- 7.35 These suggested changes to condition 4 have been carefully considered by the Council's Public Protection team. In this regard an officer of the Public Protection team has visited the airfield and observed aircraft taking off and landing and aircraft undertaking circuits. Officers also have an awareness of existing background noise levels from other nearby noise sources, most notably traffic noise from the adjacent A1, derived from noise assessment work undertaken earlier this year in connection with planning application reference 17/04453/FUL. Such observation and assessment has shown that noise levels from aircraft movements are not significantly harmful bearing in mind existing background noise levels from the A1.
- 7.36 Consideration has also been given to the fact that not all aircraft noise in the vicinity is attributable to Eshott Airfield as there are also regular occurrences of aircraft enroute to/from other airports travelling over the local area. In addition, it is apparent from certain of the representations received in support of the application that the current hours restrictions have resulted in the unintended consequence of aircraft arriving early in the locality in the morning before 9am having to spend time circling in the locality and creating additional noise disturbance, before landing at 9am within the currently permitted hours. Furthermore, it is apparent that aircraft using the site do not generally fly after dark and this application does not propose that any external lighting be provided to the runways.
- 7.37 Officers have also had regard to the 2007 appeal decision which dismissed an appeal against refusal of a planning application to extend flying activity from the airfield after 7pm. In his decision letter the Inspector stated that away from the A1 and areas in the locality where shooting could be heard, he considered the locality to be quiet and tranquil and that the occupiers of the isolated properties, farms and occasional settlements scattered across the nearby countryside enjoyed the benefits of a peaceful existence. In dismissing the appeal he concluded that the amenities of such residents would be harmed by flight activity from the airfield after 7pm, that such a proposal would be contrary to the Development Plan and that it was not possible through planning conditions to control pilot movements once in the air.
- 7.38 However, this decision dates from over 10 years ago and in that time there have been improvements made in reducing noise from aircraft engines and proposals today in respect of flying activity from the airfield need to be assessed against current background noise data. In addition, there have been significant changes to how noise is assessed through the planning process since 2007. Minor changes are proposed to the wording of condition 4 from that suggested by the applicant to clarify that this condition relates to aircraft taking off and landing and other aircraft movements on the ground. The comments of the previous appeal Inspector regarding the control of pilot movements once in the air are acknowledged. It is considered that some control in this regard in respect of pilots who are undertaking training can be exercised through the airfield's standing orders and out of hours procedure documents as covered by the suggested changes to condition 8 but a number of factors such as the level of airspace activity at a particular time, aircraft type, weather conditions and other safety considerations may result in pilots including airfield members not always being able to comply with such rules. Furthermore, neither the airfield operator or the Council have legal jurisdiction

over the behaviour of airborne pilots as such jurisdiction rests with the Civil Aviation Authority, although the airfield's standing orders do advise that illegal flying will be reported by the airfield operator to the CAA and the operator will co-operate with the CAA re any prosecution proceedings arising. Visiting pilots may also be unfamiliar with the standing orders and out of hours procedure. Notwithstanding the above, the airfield operator will continue to promote compliance by all pilots with their standing orders and out of hours procedure but these can only ever be advisory as neither the airfield operator, the Council or the CAA can enforce such documents in their entirety due to the airspace above the airfield being uncontrolled category G airspace.

- 7.39 Given the above, it is not considered that a condition requiring compliance with the airfield's standing orders and out of hour procedure would be compliant with the NPPF tests for imposing planning conditions, with particular concerns regarding enforceability and reasonableness. However, it is recommended that an informative covering this matter should be attached to a planning permission if members were supportive of the application.
- 7.40 A further condition is suggested restricting the use of noisy machinery outside of the 9am to 7pm core hours. In addition to machinery noise, it is also considered that this condition should also apply to other airfield activities such as vehicle movements and activities in the clubhouse.
- 7.41 In light of all the above, it is considered that it would be appropriate for the hours of operation as suggested by the applicant to be trialled for a temporary period of 12 months. The proposed amended wording of condition 4 allows for this and requires that the hours of operation, in respect of flight activities, revert back to those presently permitted after that 12 month period unless planning permission has been granted otherwise by the County Council as Local Planning Authority.
- 7.42 Reference has been made by objectors to a planning permission granted in 2016 for a wood storage/processing use at Wintrick at the eastern end of the airfield. The hours of operation in respect of this use were restricted by condition to 9am to 5pm Monday to Saturday. However, each application is to be considered on its individual merits and there are differences between that proposal and this current application in terms of the type of development for which permission is sought and the relationship of the respective developments to nearby properties. As such, it does not follow that the same hours restrictions should apply in respect of the airfield, and indeed the currently permitted hours of use for the airfield are considerably wider than those permitted on the Wintrick site.
- 7.43 Concerns have been raised by objectors regarding dust pollution from helicopter take offs and landings. In response to such concerns, the helicopter take-off & landing area on the airfield has been re-sited by the applicant to a location as far away as possible from neighbouring dwellings. As such it is not considered that significant dust pollution would arise.
- 7.44 Overall, the proposals are considered acceptable in terms of residential amenity considerations subject to conditions. The concerns of neighbours regarding amenity are noted and in this regard were planning permission to be

granted subject to the various conditions supported by Public Protection, then monitoring will be undertaken by the Council's enforcement team with regard to compliance of the applicant with those conditions. **Discussions are ongoing with the Council's Public Protection team regarding the detailed wording of amended conditions and an update will be provided at committee.**

Ecology

- 7.45 In addition to CMDLP Policy R6 referred to above, Policies C9, C11 and WTC3 also seek to safeguard designated nature conservation sites and protected species. The Council's ecologist and Natural England have confirmed that the proposals are acceptable in terms of Policies C9 and WTC3 as they would not result in any significant adverse impacts upon designated sites in the locality. In terms of Policy C11 regarding protected species, the Council's ecologist raises no objection subject to a condition regarding lighting. No lighting is proposed but a condition in this regard is proposed as a safeguard.
- 7.46 Overall the proposals are considered acceptable on ecology grounds subject to condition.

Transportation matters

- 7.47 In respect of transportation matters, no changes are proposed to site access arrangements. All vehicles using the application site would enter from the A1 and a hard surfaced car parking area is available close to the airfield entrance.
- 7.48 The Council's highways team raise no objections to these arrangements and Highways England also raise no objection in terms of impact on the A1.
- 7.49 Overall the proposals are therefore considered to be acceptable in respect of transportation matters.

Landscape and Visual Impact

- 7.50 As stated above, the application site and its immediate surroundings are not considered to be a high value landscape and in this regard are not covered by any landscape designations regarding landscape of high value.
- 7.51 In terms of more general landscape classification, the site lies within the Natural England Mid Northumberland National Character Area which is specified as a transitional plateau area between the Penine uplands and low lying coastal plain which is characterized by largely agricultural use. Moving onto the Northumberland Landscape Character Assessment, the site lies within Landscape Character Type 38 – Lowland Rolling Farmland and within Landscape Character Area 38b – Longhorsley. Key components of this landscape are specified as being a strong enclosure pattern and an intricate network of small settlements/farmsteads/hedgerow trees/woodland with the A1 and A697 exerting a strong influence on the landscape through severance and visual/aural intrusion. In the Council's Key Land Use Impact Study the quality score for LCA 38b is 24 which places this landscape within the 2nd

lowest of 5 landscape quality classifications. This further confirms that the locality surrounding the site is not of high quality in landscape terms.

- 7.52 The variation of conditions 6 and 7 would result in potentially 30 more aircraft on site than the maximum of 70 currently permitted and also allow for external storage of plant/equipment associated with airfield operations. However, the airfield is screened from view from the north, west and south by tree and hedge planting and the nearest public right of way which lies around 300 metres to the east of the application site is some distance away.
- 7.53 Overall, bearing in mind the above, it is not considered that landscape quality or visual amenity would be significantly harmed by the proposed changes to conditions.

Other matters

- 7.54 Concern has been raised about security if aircraft are arriving at the site in the evening and no member of staff is in attendance at the airfield. However, this is essentially a management issue for the airfield and is addressed in the airfield standing orders which do require pilots in such a scenario to ensure that the airfield gates are locked when they leave the site.
- 7.55 Northumberland Zoo have expressed concerns regarding the impact of noise from the airfield and aircraft movements themselves on the welfare of their animals and the operation of their business. The zoo lies around 600 metres south east of the southernmost point of the airfield. Local residents also raise objections in terms of disturbance to horses. Whilst the proposed amendments to conditions would result in aircraft being able to use the airfield for some additional hours in the morning and evening and allow 30 further aircraft to be based at the site, it is not considered that such an intensification of use would cause significantly increased harm compared to the existing situation.
- 7.56 Supporters have raised concerns that the current restrictions on hours compromise safety as pilots rush to get to/from the airfield within the currently permitted hours. However, this is essentially a management issue for individual pilots. Reference is made to other airfields locally not having their hours restricted. However, details have not been provided regarding the circumstances of those other airfields or their planning history. As stated previously, each planning application needs to be considered on its merits having regard to the particular circumstances of the application site.
- 7.57 Objectors refer to other airfields being available locally if pilots wish to land outside of the currently permitted hours. However, it is accepted that other airfields may not always be suitable for landings due to capacity issues (particularly Newcastle International Airport) or weather conditions (e.g. other local airfields having only grass landing strips which may not be safe to land on in certain weather conditions).

Equality Duty

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

Overall the proposals are considered to be acceptable in principle and in terms of residential amenity, ecology, transportation matters and landscape/visual impact subject to the conditions as amended below and the further condition suggested by the Council's ecologist. The proposals are considered to be in accordance with relevant Policies within the Castle Morpeth District Local Plan and the NPPF.

9. Recommendation

That this application be GRANTED subject to the following conditions:

Conditions/Reason

01. With the exception of landings/take-offs only by military aircraft and/or aircraft in emergency situations, the airfield shall not be used other than by gliders, microlights, helicopters and propeller driven aircraft. No such individual aircraft (landings/take-offs by military or emergency situations aircraft excepted) shall exceed 5700 kilograms in weight.

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with the National Planning Policy Framework (NPPF)

02. For a temporary period of 12 months from the date of this permission, aircraft using the airfield may take off, land and/or move around within the airfield between the hours of 7am and 11pm only on any day (except in an emergency). Circuit training shall only take place between the hours of 9am and 7pm and is not permitted outside of these hours on any day. Following the expiry of the above-mentioned 12 month temporary period the hours when aircraft using the airfield may take off, land and/or move around the airfield shall revert to 9am to 7pm only on any day (except in an emergency) unless a further planning permission has been granted by the Local Planning Authority for alternative hours of operation.

REASON: To allow for the trialing of extended hours of operation on a temporary basis in order that the impact of such extended hours on the amenity of the occupants of nearby residential properties may be satisfactorily assessed in accordance with the National Planning Policy Framework (NPPF).

03. The maximum number of microlights, helicopters and aircraft to be stationed on the application site at any one time shall not exceed 100.

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with the National Planning Policy Framework (NPPF)

04. There shall be no outside storage within the application site without the prior written approval of the Local Planning Authority except for the outside storage of plant/equipment associated with airfield operations

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with the National Planning Policy Framework (NPPF)

05. No machinery or other airfield activities (excluding aircraft movements) which generate a noise level in excess of 44dBA at the boundary between the application site and the nearest residential receptor to that machinery or airfield activity shall be operated or take place on site outside of the hours of 9am to 7pm on any day.

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with the National Planning Policy Framework (NPPF)

06. No external lighting shall be utilised at the site unless prior to its use a detailed lighting scheme or a planning application (to be determined by the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. Any lighting proposals should be designed so that lighting levels are minimised in accordance with the document, ' Bats and Lighting in the UK', Institute of Lighting Engineers and BCT, 2009. Following approval any external lighting at the site shall be implemented in strict accordance with the approved scheme.

REASON: To prevent the risk of harm to protected species in accordance with Policy C11 of the Castle Morpeth District Local Plan and the National Planning Policy Framework (NPPF).

Informative

01. The airfield operator shall endeavour to manage use of the airfield, and for those undertaking flight training from the airfield the use of adjacent airspace also, at all times in full accordance with the Airfield's Standing Orders and Out of Hours Procedure documents.

Background Papers: Planning application file(s) 18/01707/VARYCO