

NORTHUMBERLAND COUNTY COUNCIL
CASTLE MORPETH LOCAL AREA COUNCIL

At the meeting of the **Castle Morpeth Local Area Council** held at Meeting Space - Block 1, Floor 2 - County Hall on Monday, 11 October 2021 at 4.00 pm.

PRESENT

J Beynon (Chair) (in the Chair)

MEMBERS

D Bawn
S Dickinson
L Dunn
G Sanderson

L Darwin
R Dodd
M Murphy
R Wearmouth

OFFICERS

J Blenkinsopp
L Dixon
G Horsman
W Laing
L Little
G Park
E Sinnamon

Solicitor
Democratic Services Assistant
Principal Planning Officer
Planning Officer
Senior Democratic Services Officer
Environmental Health Officer
Development Service Manager

Around 6 members of the press and public were present.

46 PROCEDURE AT PLANNING MEETINGS

The Chair outlined the procedure which would be followed at the meeting.

47 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Foster, Jackson, Jones and Towns.

48 DISCLOSURE OF MEMBERS' INTERESTS

Councillor Wearmouth advised that the applicant had stood for political office at the last local elections and as the Chair of the Northumberland Conservative branch he was required to sign the paper for their National Office in order that the candidate could use the Conservative emblem. He did this for every candidate selected and had no choice. He did not know everyone he signed for considered that this was not prejudicial and he was happy to consider the application with an open mind. Councillor Bawn advised of a similar non prejudicial situation in that

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the applicant had stood for election and whilst he knew him he was not a close personal friend and he had not had any discussion regarding the application.

49 **DETERMINATION OF PLANNING APPLICATIONS**

The report requested the Committee to decide the planning applications attached to the report using the powers delegated to it. Members were reminded of the principles which should govern their consideration of the applications, the procedure for handling representations, the requirement of conditions and the need for justifiable reasons for the granting of permission or refusal of planning applications.

RESOLVED that the information be noted.

50 **19/03659/VARYCO**

**Variation of condition 2 of planning permission reference 18/01707/VARYCO to allow for continuation on a permanent basis of the hours of 8am to 8pm on any day when aircraft can take off, land or move around within the airfield (circuit training - which shall continue to operate between 9am and 7pm only - and emergencies excepted)
Bockenfield Aerodrome Ltd, Eshott Airfield, Felton, Morpeth,
Northumberland NE65 9QJ**

G Horsman, Principal Planning Officer provided an introduction to the application with the aid of a Power Point presentation. Councillor S Dickinson arrived at 4.06 pm and in order to allow his participation in the debate on the application, Mr Horsman started his presentation from the beginning. Updates were provided as follows:-

- 10 further letters of objection and 1 further letter of support had been received since committee report had been published.
- New issues raised included a request that an independent aviation expert reviewed the management plan; NCC should enforce current alleged breaches; and a Noise Abatement Procedure condition should be added if permission was granted.
- One of the letters contained further Counsel advice received by a local resident and in summary requested the following:
 - If the Committee approved the 8am – 8pm hours this must be for trial period of 12 months and must have the correct monitoring in place to assess the impact on residents.
 - The wider impacts of this application needed to be assessed for the neighbouring settlements not just the immediate properties due to the significant change in aircraft noise since the original application, ie older noisier aircraft and helicopter activity. NCC was underestimating the level of harm to neighbouring settlements.
 - The Management Plan must be robust, clear and concise to enable NCC to take enforcement action should it not be adhered to.
 - A comprehensive circuit pattern must be put in place which avoided surrounding settlements from low overflying aircraft which NCC did have the authority to request and act upon should it not be adhered to.

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- An independent acoustic noise consultant should be appointed to assess the impact on neighbours and the surrounding settlements.

That Counsel advice on behalf of a local resident questioned the validity of the noise assessment methodology adopted by NCC Public Protection to assess the application.

Reference was also made to the committee report not fully assessing non-emergency training activities at the airfield and visits to the airfield by aircraft over the 5700kg weight limit.

Re-wording was suggested regarding proposed conditions 2 and 3 however Officers had assessed these and did not consider them to be necessary.

- Further comments had been received from NCC Public Protection following re-consultation regarding the change to extended hours. Having had regard to flight data provided by the applicant and commentary in the committee report regarding this data and correspondence received from residents regarding out of hours activity, they maintained their stance of no objection. In this regard they advised that the applicant had now amended the proposed extended hours from 0700-2300 to 0800-2000. This represented an additional one hour in the morning and one in the evening over the original hours permitted.
- Suggested amendments to the conditions as set out in the report were advised as follows:
 - Condition 2 - the extended hours of 8am to 8pm shall only apply once a management plan re airfield activities has been agreed by the LPA and even then such extended hours should be for a temporary period of 12 months to allow for monitoring of the acceptability of those extended hours.
 - Condition 3 – point (v) of the management plan parameters regarding the liaison group and its membership to reference the County Councillor for Shilbottle Ward (which encompasses Felton) as well as the County Councillor for Longhorsley.
 - Condition 3 – additional bullet point (vi) Arrangements regarding resources to be deployed and the allocation of administrative responsibilities to facilitate implementation of the management plan.

Mrs F Krzyzosiak addressed the Committee speaking in objection to the application on behalf of Mr Krzyzosiak and herself. Her comments included the following:-

- The original application which many had objected to had now been amended to 8 am to 8 pm; it was recognised a weight limit should apply to all aircraft and additional monitoring put in place to ensure the failing of the previous trial was not repeated.
- They contested much of the officer report but in the spirit of cooperation would support the recommendation for a trial period of 12 months with the additional monitoring and consultation conditions.
- Caveats needed to be applied to condition 3. The monitoring and consultation conditions needed to be agreed by all parties with a formal

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Terms of Reference/ and the Vague wording of the attendees addressed. Attendees should include Public Protection Officials who were responsible for NCC Health and Safety matters at Unlicensed airfields. It needed to be in place and tested with some recent complaints to ensure they would work during the trial and only then should the twelve-month trial clock begin. As it was approaching winter and dark shorter days, this short delay would have no material impact so should be acceptable to all parties.

- The regulation oversight and enforcement powers for unlicensed aerodromes was devolved to Local Authorities by way of planning consents and conditions as well as public protection responsibility under health and safety laws, which was now understood by the Council.
- Since 2016, Air Accident Investigation Branch published at least 7 Investigation reports in connection with Eshott Aerodrome and in 2019 a French BEA report of two crashes involving Eshott aircraft which resulted in the death of a Pilot and an 18 year old passenger had stated none of the pilots had mountain experience.
- In 2019 a neighbour was falsely accused of endangering lives and aircraft, by putting up a fence and straw bales the CAA later confirmed this was nonsense. This statement had also been repeated on an all-party political group on general aviation and remained on its website.
- In 2020/21, Bockenfield Aerodrome Limited sought damages and an injunction to cut down all the trees of an adjacent neighbour. The claim for damages was lost and their costs were reduced by 20% for causation and were reduced by a further 10% due to dishonesty, during the trial. Only a very limited number of trees were trimmed or removed on the runway approaches only, under the terms of a property easement.
- There was a crash landing only 2 weeks ago in Felton, only 230m from Dene close houses and it was under investigation by the AAIB.
- As recently as last Friday, Felton Parish councillors witnessed an Eshott training aircraft, low flying over the settlement. Despite this being reported to Richard Pike and receiving a sympathetic response, the same aircraft was recorded later that day, doing exactly the same.

Nicola Allen, Trinity Chambers, addressed the Committee speaking on behalf of Thirston Parish Council. Her comments included the following:-

- Thirston Parish Council recognised that the airfield was well established and was now a commercial operation however there needed to be a balance between the airfield and the amenity of those in the parish.
- Since the 2018 permission the operation of the airfield had changed to the detriment of the area. It had been glossed over today, however there had been breaches of conditions and she asked that Members imagine the case of a chinook helicopter being refuelled within 200 metres of a house and whether this was be a breach that should be investigated.
- The appeal decision in 2007 was very important as it was for 4 microlights to land after 7 pm, the Inspector had found that the area was quiet and tranquil despite the proximity of the A1 and this small

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change would be an unacceptable annoyance to people in the area and nothing had changed since that time.

- In relation to breaches of conditions, questions had been asked of applicant who always just replied that there was a reason and that was it.
- The EHO advised that he had visited the site to witness take off and landings, however it was the wider area that was affected not just the airfield and a large proportion of the area was not affected by the A1. His findings that the noise was not significantly harmful when taking account of the A1 was totally inconsistent with the previous appeal decision.
- Noise was key material consideration as the Council was the responsible body. The applicant was a commercial operator who was willing to breach conditions and had eroded trust locally.
- The report stated the applicant was benefitting economically from the non emergency military use and also advised that more disturbance had been caused during the extended hours since 2018. The extended hours and more intensive use would disturb more people, more businesses more often.
- The conclusion in Section 8 of the report was simply not made out in the evidence and she would ask you to look at the evidence.
- The MoD letter was referenced as advising that Eshott was the only airfield in reasonable range with military grade fuel, this was not true Newcastle International Airport provided the same fuel and was open 24 hours. The MoD stated that the airfield was significant in terms of training, this was not an emergency and this should stop.
- The Parish Council did engage with the idea of a management plan and would support this, but it needed to work for all parties and this should be agreed before any extended hours were agreed. The management plan to work must be properly drafted, be seen by Members and it must be signed off by them. The Parish Council would be very willing to engage in this process.

Mr R Pike, applicant addressed the Committee speaking in support of the application. His comments included the following:

- He asked that the Committee base their decision on what they have seen rather than what they have heard from the speakers. They should consider what the airfield already does i.e. the charity events, keeping the history of the site going, educational programmes and teaching students things they can't access anywhere else, visits by scouting and cadet groups and the good it does for the community.
- In relation to the history of objections, it was the same people who were objecting now and for the same reasons they had objected 20 years ago and this could be evidenced by looking at minutes from 20/30 years ago.
- 85% of the local population love the airfield or don't care, 10% were on the fence sometimes they might have a genuine grievance, which he admitted that on occasions mistakes or pilot error was made. However there were 5% who hated the airfield and were obsessive.
- During the trial period he estimated that there had been 48 movements over the year, over a handful of days and some of those movements

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would have been one minute past seven and were not all very late causing large disturbances.

- It had been stated that the MoD could fuel at Newcastle Airport however this was not always the case. The airfield had been used to assist the RAF in supplying ventilators to Sunderland Hospital that was one of the reasons for the re-fuelling of helicopters and re-fuelling of pumas when they went to assist the Air Ambulance Service in Scotland when they were overwhelmed.
- His staff had slept on site for 4 months in isolation to help fuel the helicopters despite the bullying and on-line comments being made on social media by some people.
- The Military had said that the airfield was vital and it was not just training. The airfield had also helped the Coastguard services to refuel in order to extend their searches in the area as the nearest bases for these were in Humberside or Prestwick both of which were some distance away. However, if this application was agreed today, then this assistance to the Coastguard would no longer be permitted as their aircraft were over the 5.7 tonnes limit, but as there was nowhere else they could access the fuel locally then the airfield would continue to do so when it was necessary and a new application would be submitted to deal with that issue.
- In terms of employment, in relation to his own business they had employed 5 new staff this year who were employed in aircraft restoration. An aircraft would fly in and be on site for a number of weeks. There were also other businesses on the airfield who had a number of employees and he also stated that not all activity on the site had noise implications.

Councillor Sanderson advised that he would like some amendments/ clarification in relation to the management plan as follows:-

- He would request that a dedicated officer or impartial person be nominated in order to be a conduit for concerns and act if necessary or broker resolutions if concerns were unfounded and if necessary this could be a new resource with new funding provided.
- There needed to be a period of discussion of one or two months on how the management plan would be serviced and the key points discussed and process agreed if the application was approved, and it should also be referred back to this Committee after the work had been undertaken to allow the Committee's views to be provided.

In response the Development Services Manager advised that the application was not at that stage yet and work would be undertaken over the next 12 months with the applicant and all other parties pulling together and this would allow the understanding of any resources that would be required should the applicant come forward with an application for this to be permanent. This could not be conditioned and any additional resource would need to be the subject of a separate S106 agreement. If that was something which Members wished to implement today, then the application would need to be deferred for further detailed discussions on the details of the management plan. The additional bullet point (vi) in Condition 3 required details of the arrangements regarding resources to be deployed and the allocation of administrative responsibilities to

facilitate implementation of the management plan.

In response to further questions from Members of the Committee the following information was provided:-

- The 12 months would run from the time that the condition requiring the management plan had been discharged following agreement by the Planning Authority.
- Bullet Point (vi) of Condition 3 would ensure that agreement would need to be reached between the applicant and the Local Planning Authority in respect of the resources required for the implementation of the management plan. Any recompense for costs for additional resources would need to be the subject of a separate S106 legal agreement following the 12 month trial.
- Some work had already taken place on the management plan with a first draft already published on the Council's website with comments received on this. Changes to the conditions had come out of discussions which had already taken place however further detailed discussions were required. This was best dealt with through a condition and if the Committee wished to have control then it could be that the detailed content of the management plan could be reported back to this Committee for agreement.
- Officers advised that there had been issues with the previous monitoring of the trial period however the management plan would only start once it had been agreed and there would be no change of times until this occurred.
- There had been three types of breaches of conditions at the site i.e. incidents outside the take off /landing times; exceeding the weight limits and also in connection with noise from non-aircraft sources. All incidents had been investigated by the Enforcement Team with a judgement made that it was not expedient to take formal action.
- The applicant wished the change of times to be permanent but the LPA felt that a trial was required of 12 months to monitor the impacts of the extended hours.
- Training flights had a distinct pattern with more touch and go landings/take-offs undertaken as opposed to flights arriving which land straight away and flights taking off and moving out of the area. The management plan could require it to be made clear on the log if it was a training flight.
- The CAA was the regulatory body for aircraft in flight with the Secretary of State able to take enforcement action if breaches occurred.
- The airfield had advisory routes for circuits and pilots were encouraged to follow these routes allow it was recognised that it was not always possible for these to be strictly followed.
- If problems were experienced during the trial period in relation to the extended hours then a permanent extension did not need to be granted.
- The parameters of what happens to complaints and any further redress would be included within the management plan.

Councillor Sanderson proposed acceptance of the recommendation to grant permission subject to the conditions as outlined in the report and amended by the

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officer with a further amendment to the first paragraph of Condition 3 as follows:

Within 2 months of the date of this permission a management plan concerning airfield activities shall be submitted in writing to the Local Planning Authority and thereafter the acceptability or otherwise of the management plan and associated discharge of condition application in respect of this management plan shall be determined by the Castle Morpeth Local Area Council. The management plan shall include details in respect of the following matters

This was seconded by Councillor Bawn.

It was reiterated following concerns by Members that the extended hours could only be implemented following the agreement of the Management Plan and this must be provided within a period of 2 months. It was explained that using a management plan was typical in the case of the more unusual applications such as open casting and was a very good, effective management tool.

Following discussions between Officers and Councillors in relation to the suggested amended wording and the need to ensure that the management plan was reported back to this Committee for agreement, Councillor Sanderson agreed to withdraw the reference to resources at the current time and this was seconded by Councillor Bawn.

A vote was taken on the proposal to accept the recommendation to approve the application subject to the conditions as outlined in the report and as amended above as follows:- FOR 8; AGAINST 0; ABSTENSIONS 1.

RESOLVED that the application be **GRANTED** for the reasons and with the conditions as outlined in the report and amended conditions 2 and 3 as below:

02. For a temporary period of 12 months from the date of discharge by the Local Planning Authority of condition 3 below, aircraft using the airfield may take off, land and/or move around within the airfield between the hours of 8am and 8pm only on any day (except in an emergency). All training school flight activities including circuit training shall only take place between the hours of 9am and 7pm and are not permitted outside of these hours on any day. From the date of this permission until the date of discharge by the Local Planning Authority of condition 3 below and 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 be 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.

03. Within 2 months of the date of this permission a management plan concerning airfield activities shall be submitted in writing to the Local Planning Authority and thereafter the acceptability or otherwise of the management plan and associated discharge of condition application in respect of this management plan shall be determined by the Castle Morpeth Local Area Council. The management plan shall include details in respect of the following matters:

i) Effective use, promotion and monitoring of advisory routes for aircraft

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approaching and leaving the airfield including promotion of routes through airfield website, email to airfield members and navigation software apps;

ii) Procedures and operational controls in respect of the refuelling of aircraft including fuel storage, handling, dispensing and testing to be undertaken in accordance with relevant CAA guidance and identification of those locations on the airfield where refuelling activities shall take place (emergencies excepted);

iii) Arrangements for the logging of all flights to/from the airfield and details regarding arrangements for the provision of this information to the Local Planning Authority (LPA) and wider public including:

a) Agreement with LPA on what detail is recorded in the flight log maintained by the airfield. This shall include landing/take off time (during core hours of 0900-1900, extended hours of 0800-0900 or 1900-2000 or outside these hours); helicopter or other aircraft type; military or civilian aircraft.

b) Provision of statistics from flight log provided to LPA on a quarterly basis or access to log granted to LPA on a quarterly basis to allow LPA to compile statistics.

c) Arrangements for flight log to be inspected on request by LPA at any other reasonable time.

iv) Arrangements for a public complaint recording and management system to allow the LPA and airfield to consider all complaints from third parties including:

a) Complaints logging system has been set up on airfield website. Mechanism to be agreed for residents to also log their complaints direct with LPA if they wish.

b) Publicity to make third parties aware of agreed complaints logging system.

c) Agreed timescales for responses to complaints.

d) Mechanism for joint working between LPA and airfield in assessing complaints prior to responses being issued (e.g. publication by each party of regular summary of complaints received with opportunity afforded to the other party to comment before complaint response issued)

e) Agreement between airfield and LPA as to approach to be taken regarding repeat complaints raising matters that have already been responded to but where complainant remains unhappy with response received.

v) Liaison group to be set up which meets on a regular basis to review the effectiveness of the above-mentioned measures and agree any changes to the management plan. Those invited to be a part of the liaison group shall comprise at least representatives from the following parties - applicant, County Council officers, County Councillors for Longhorsley and Shilbottle Wards, Thirston Parish Council and Felton Parish Council.

vi) Arrangements regarding resources to be deployed and the allocation of administrative responsibilities to facilitate implementation of the management plan.

At all times following the approval of the management plan in writing by the Local Planning Authority that management plan shall be implemented in full.

51 **20/03851/COU**

Change of use from field to construct a riding arena 22 metres x 40 metres for private use

Land North West Of Hulwane, U6003 Ulgham To Ulgham Park Junction, Ulgham, Northumberland

W Laing, Planning Officer provided an introduction to the report with the aid of a

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power point presentation. He advised that there was a slight amendment to condition 3 in that the access shall be retained and maintained **in perpetuity** and condition 6 Clear and public access to the public right of way **No 1 Footpath Ulgham**

D Moore addressed the Committee speaking in objection to the application. Her comments included the following:-

- She owned the wood directly north of the application site and had right of access through the proposed site of the arena. She was a horse owner and competitor and had never come across an arena so disassociated with its buildings and involved crossing a public right of way.
- She questioned why the online report did not state which policies the application had been judged against stating that other arena applications seemed to be judged against the emerging Northumberland Local Plan and all fell within the curtilage of associated steadings, unlike this application.
- She could not understand why the Officer stated that the application site was not within the Green Belt when a previous application 21010204 was and also application 1903885/FUL for the stabling stated it was within Green Belt and also map 3.2 key diagram in the Northumberland Local Plan.
- She highlighted and quoted from Policies ENV2 3(a); ENV3 1 (3) (iii) (v) and (vi) in the Northumberland Local Plan which had been used in other applications. The application did not contribute positively and in fact detracted.
- It created a stand-alone feature in a separate field abounded by an ancient hedgerow and woodland and altered the topography of the landscape in a rural environment with its rubber surface as viewed from the public footpath.
- It would create additional pressure on the edge of Ulgham where a landowner is trying to create a caravan park.
- In relation to QOP1, the application did not make a positive contribution as it would alter the landform and topography and was a considerable distance from existing buildings.
- In relation to Policy QOP2 it would result in an adverse impact on neighbours as the arena would be clearly visible from the surrounding area and from the public footpath where it dissects the site.
- The site of the arena would be hazardous to the right of way users, footpath users and the applicant.
- Currently there were 8 horses kept as a herd by one person and to take one away created anxiety amongst the rest. The arena would be 100m from the stables, passing through four gates, across the vehicular right of access for her and the public footpath, both of which were entered as separate entities on her deeds.
- An agitated 400kg horse could cause a lot of damage, and some users of the footpath have been trapped by these horses when their curiosity is attracted by walkers and dog walkers and this was when accidents happened.
- The officer put great store by the fact that this was for personal use, as was also stated in the stable application, however additional horses

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have been kept their as liveries.

- The land had covenants stipulating the location of any new fencing which had been ignored, displacing the original footpath route without consultation to NCC or herself.
- If it was to be for private use, why, after the land purchase in 2019 was a hardstanding with additional fencing and gates across the footpath added and why was the arena so far away from the buildings.
- Why should the residents of Ulgham have to negotiate those additional hazards when using the public footpath.
- This was a stand alone development in a Green Belt which created hazards for other users.

In response to questions from Members of the Committee in relation to the possibility of the application site being in the Green Belt, advice was provided that all constraints on the site would have been brought up when the application had been validated. However Officers would give an undertaking to look again at the application as if it was in the Green Belt. Some uses were acceptable within the Green Belt including an exception for appropriate uses for outdoor sport or recreation, however this application had not been considered against Green Belt tests.

Councillor Sanderson left the meeting at 6.09 pm.

As clarification on the question of the application site being within the Green Belt was an important consideration, Councillor Bawn proposed deferment of the application for a definite answer and this was seconded by Councillor Wearmouth. A vote was taken as follows: FOR 7; AGAINST 0; ABSTENTION 1.

RESOLVED that the application be **DEFERRED** for clarification as to whether the application site was within the Green Belt.

52 **APPEALS UPDATE**

RESOLVED that the information be noted.

53 **DATE OF NEXT MEETING**

The next meeting which was a Planning only meeting would be held on Monday 11 October 2021 at 4.00 pm.

54 **URGENT BUSINESS**

CHAIR.....

DATE.....

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