

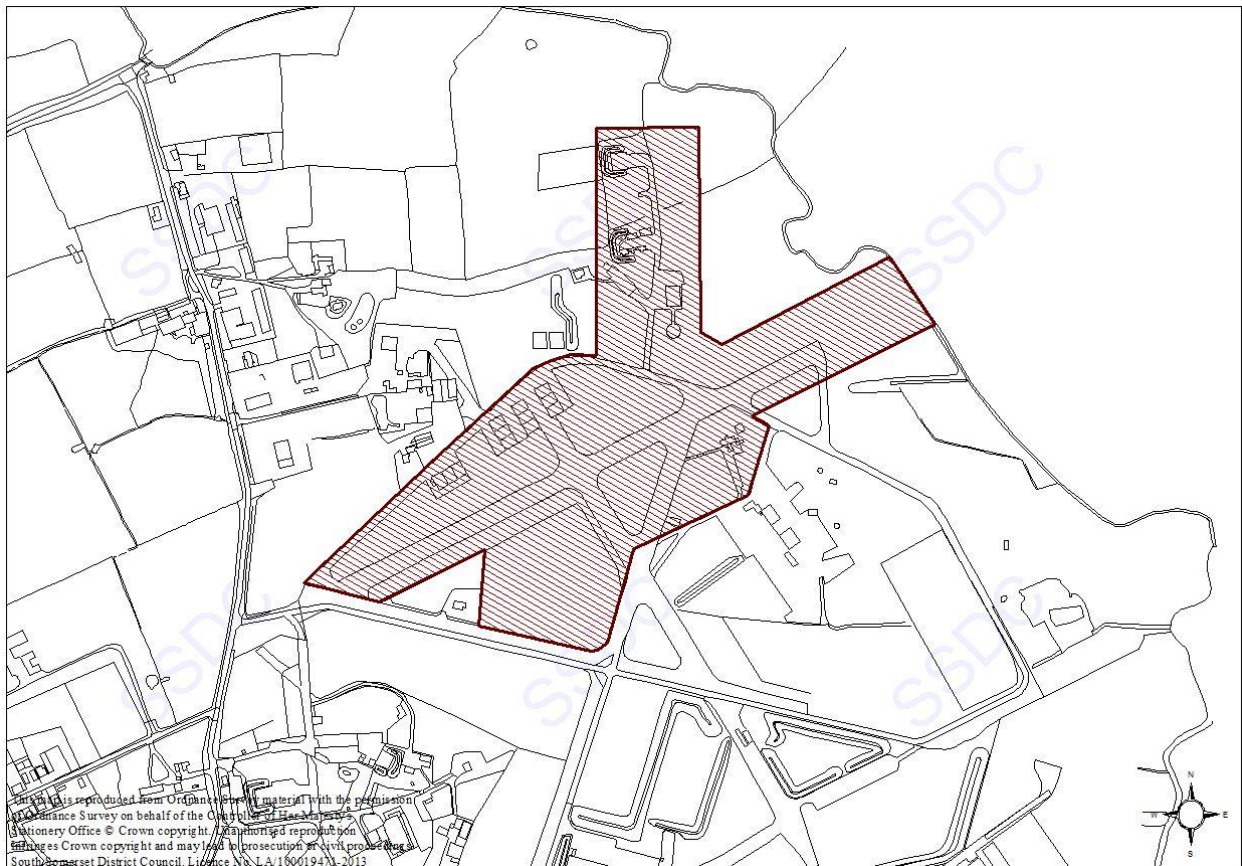
Officer Report On Planning Application: 15/04069/FUL

Proposal :	The continued use of Henstridge Airfield, for both recreational and business use subject to conditions and a 106 Agreement to cover that which cannot be lawfully conditioned against.
Site Address:	Henstridge Airfield The Marsh Camp Road
Parish:	Henstridge
BLACKMOOR VALE Ward (SSDC Member)	Cllr Tim Inglefield Cllr William Wallace
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	6th January 2016
Applicant :	Mr G Jarvis, Losan Ltd
Agent: (no agent if blank)	
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

This application was considered by the Committee at its March meeting when it was resolved to amend the conditions and S106 obligations suggested by the officer report. The decision was then deferred to enable officers to draft the amended conditions to reflect the Members views and for agreement with Ward members in light of any further advice offered by the Council's advisors.

These discussions have now concluded and an updated report is set out below.

SITE DESCRIPTION AND PROPOSAL



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Henstridge Airfield as a whole comprises some 142 hectares in the open countryside, remote from any large centres of population, the nearest settlement being the Village of Henstridge, approximately 2km to the west. Access is derived from the A30 and a network of rural roads and lanes. The southern and eastern boundaries of the site (Landshire Road and the River Cale) form the county boundary with Dorset and the immediately adjoining parishes of Buckhorn Weston & Kington Magna, Fifehead Magdalen, Marnhull, The Stours and Stalbridge are all in North Dorset,

Historically it formed part of a much larger Royal Navy Air Station, HMS Dipper, which straddled the county boundary (immediately to east of the site) and also included land to the west side of Camp Road. In 1958 when the air station was decommissioned, the land was either sold or reverted to previous owners. During this period many of the buildings fronting onto Camp Road and Landshire Lane, which were formally associated with the military use of the airfield, were granted planning permission for agricultural, industrial and commercial purposes.

Currently a number of businesses operate from the site. Typically they employ relatively few people, whilst requiring extensive areas of land. The site includes a centrally positioned runway which is the subject of this application. This 15 hectare part of the site encompasses the runway, perimeter trackway, grass aircraft parking areas and associated installations and buildings. It is the only hard surfaced runway in civil use in Somerset and provides a base for the Somerset and Dorset Air Ambulance.

The site and surrounding land are relatively flat. Nearby uses include aircraft related activities, vehicle and plant storage, grain storage, and a variety of B1/B2 and B8 uses as well as agricultural land. Permission has been granted for a 'bio-ethanol' plant to the south.

There are a loose scattering of residential properties to the west and north of the site as well as more isolated properties to the south and east. Apart from a few dwellings with the industrial area to the north-west of the site the nearest residential properties are approximately 400m to the north east.

The application is for a replacement operational permission to govern flying activities at the airfield. The applicant has agreed to accept restrictions to:-

- Restrict the number of aircraft movements to 100 per day and 10,000 per annum, with no more than 10% of the daily and annual maximums to be by helicopters. An aircraft movement being defined as either a take-off or a landing.
- To keep a log of all movements being kept by the airfield and made available to SSDC's planning manager upon request.
- Movements by the Air Ambulance excluded from any total. The daily number of movements being unrestricted (whilst counting to the annual number of movements,) for fly-ins of which there will be no more than 3 per annum, for open days of which these will be no more than two per annum, and for the Clic Sargent family day of which there will be one per annum.
- Restrict the hours of operation to between 8.00am and 7.00pm Monday to Friday, 9.00am to 7.00pm and 9.00am to 6.00pm Sunday and Bank Holidays, with the exception of emergency use and returning aircraft

- To restrict the number of resident aircraft to 100 with provision for up to 20 visiting aircraft.
- To restrict the maximum take-off weight of aircraft landing on or taking-off from the airfield to 5,000kgs;
- to prevent aircraft holding noise certificates of greater than 79dba from landing at or taking off from the airfield.

A Section 106 agreement is offered to:-

- i. require the applicant to establish a Consultative Committee to the satisfaction of the Development Manager
- ii. Revoke all previous permissions without compensation
- iii. agree a regime of testing to be applied to aircraft without recognised noise certificates to the satisfaction of the Development Manager in consultation with the council's advisors.
- iv. To limit aerobatic flying by aircraft landing or taking off from the airfield to one period of 20 minutes between 11.00am and 12.00 noon and another 20 minute period between 2.00pm and 3.00pm Monday to Saturday and not at all on Sundays and bank holidays. Such flying shall only occur in the airspace over the airfield and shall only be undertaken by aircraft based at the airfield. These 'approved' slots shall be limited to 8 per week and not more than 150 in total per calendar year and. Within each slot multiple aircraft may fly aerobatics, however each aircraft shall count as one towards the annual and weekly maxima. No aerobatic flying with 2 days notification of a noise sensitive event.

With the exception of the afore mentioned aerobatic flying over the airfield there shall be no aerobatic flying within 8km of the centre point of the main runway unless agreed in writing in relation to a specific public event

'Aerobatic' flying shall be defined as that which:-

"involves performing intentional manoeuvres in an aircraft involving an abrupt change in its attitude, an abnormal attitude or abnormal acceleration, not necessary for normal flight, including flying inverted or performing vertical or near vertical climbs or descents, rolls, loops, spins, stalls and sharp turns or a combination of the above in an aircraft certified for aerobatics, normally carried out over a fixed area or aiming point such as the airfield. Aerobatic flying is normally associated with a notable change of aircraft noise when performing different manoeuvres".

All aircraft flying within approved aerobatic slots to carry appropriate GPS to verify compliance.

- v. Prohibition of ab initio circuit training (which shall be defined).
- vi. Ensure a log of aircraft movements is maintained log shall include:-
 - (a) Date and time of arrival/departure;

- (b) Point of departure/destination;
- (c) Aircraft registration;
- (d) Aircraft type;
- (e) Pilot's name;
- (f) Number of Persons On Board.

Such log shall be open to inspection by the Local Planning Authority on request.

- vii. Ensure that the airfield owner shall expressly bring the agreed procedures and restrictions to the notice of every pilot of an aircraft intending to use the airfield, in accordance with details to be agreed by the Local Planning Authority, including for this purpose making the airfield PPR (Prior Permission Required).
- viii. Require the agreement of a pilots contract to cover adherence to the above restrictions.
- ix. Set out the monitoring regime and sanctions which may have been taken against pilots in event of any breach.

The application is supported by a Noise Assessment and a proposed Management Agreement which includes terms of reference and constitution for an Airfield Consultative Committee and suggested pilot's agreement.

RELEVANT HISTORY

In terms of the use of land as an airfield the following applications are relevant:

- 12/04023/FUL Application to "Use of land at Henstridge Airfield as an airfield for both business and recreational use" approved at a committee subject to S106 to:-
- require adherence to the existing Flight Protocol to the satisfaction of the Council's Environmental Protection Officer, in particular compliance with defined flight paths and circuits
 - The continued running of the Henstridge Consultative Committee with agreed terms of reference
 - prohibit aerobatic flying within 5 miles of Henstridge Airfield
 - Require the keeping of records of all aircraft movements on a daily basis to the satisfaction of the Development Manager
 - Require the implementation of a testing regime with regard to aircraft that do not hold a noise certification from either the ICAO, the CAA or the FAA to the satisfaction of the Council's Environmental Health Officer.
 - Revoke the current permission 01/00717/FUL as amended by 09/01845/FUL and associated Section 106 agreement.

Subsequently the applicant could not accept to prohibition of aerobatic flying within 5 mile of the airfield and withdrew the application.

- 11/01554/COL Certificate of lawfulness refused for use of airfield without compliance with conditions of 09/01845/S73A (22/06/11).

10/00637/DPO	Approval granted for amendments to S106 agreement attached to 01/00717/FUL to reflect variations to conditions agreed by 09/01845/S73A and 05/02049/FUL (24/05/10).
09/01845/S73A	Approval granted for variation of 10 of 01/00717/FUL to impose a restriction on the use of the airfield by jets, vertical take-off aircraft (other than helicopters) and aircraft certificated at greater than 79DbA (03/07/09).
08/00402/COL	Certificate of lawfulness issued for the continued use of airfield by gyrocopters (10/04/08). This reflects the provisions of 01/00717/FUL which allow gyrocopters to use the airfield and the fact that the approval of 03/03310/FUL was unnecessary.
08/00378/COU	Planning permission approved for change of use of land to former use as part of an operational airfield (27/03/08).
04/00368/FUL	Approval granted for variation of condition 11 of 01/00717/FUL to allow total number of aircraft based at airfield to be increased from 30 to 45.
05/02049/FUL	Approval granted for variation of condition 13 of 01/00717/FUL to allow increase of helicopter movements from 500 to 1,000 of the total movements
03/03310/FUL	Planning permission granted for the continued use of Henstridge airfield by gyrocopters up to 28/02/09 (02/02/04)
01/00717/FUL	<p>Planning permission granted for the continuation of the use of land as an airfield (23/09/02). An associated S106 agreement places the following obligations on the applicant:-</p> <ul style="list-style-type: none"> a) Not to apply to the CAA for an airfield licence; b) To establish a consultative committee; c) To maintain accurate records of aircraft movements d) Not to enlarge the runway or erect buildings without planning permission; e) Not to install runway or airfield lighting; f) To enforce the hours of operation set out in the Second Schedule; g) Not to allow the airfield to be used as a base for a flying or gliding club; h) Not to allow the air field to be used by any prohibited aircraft as set out in the First Schedule (as varied by 10/00637/DPO); i) To adhere to the maximum aircraft movements j) Not to allow more than 500 helicopter movements per year (subsequently varied to 1,000 by 05/02049/FUL and 10/00637/DPO)) k) Not to allow more than 2 open days and 3 fly-ins per year.

840356 Planning permission granted for the use of land at Lower Syles Farm as an airfield.

Prior to 2001 there is a long and complex planning history however the approval of 01/00717/FUL is viewed as starting a fresh chapter in the planning history of the site. The current situation is that the operational permission is 09/01845/S73 and the original s106 attached to 01/00717/FUL, as updated by the supplemental agreement approved by 10/00637/DPO.

Within the airfield the following developments are pertinent:-

08/01618/FUL Planning permission granted for the erection of an extension to aircraft hangar permitted by 07/03239/FUL (27/05/08).

07/03239/FUL Planning permission granted for the erection of an aircraft hangar with airfield maintenance equipment storage bay (26/11/07).

07/01491/FUL Planning permission granted for formation of car park adjacent to permitted Airfield Control Building (03/07/07). Not implemented.

06/04576/FUL Planning permission granted for erection of airfield control building (09/01/08). Not built

06/01131/FUL Planning permission granted for installation of taxi way and 2 refuelling hardstandings (07/08/06). Only the taxi way has been installed.

06/01034/FUL Planning permission granted for temporary siting of aircraft shelter (07/08/06). This should have been removed by 31/08/11.

05/03073/FUL Planning permission granted for erection of hangar (15/02/06)

04/02359/FUL Planning permission granted for the erection of aircraft hangar (04/10/04).

02/01623/FUL Planning permission granted for the erection of a airfield control building and a hangar for aircraft storage (17/10/02). The hangar has been built but not the control building.

Adjacent to the Airfield the following aircraft related approvals have relevance:-

08/04350/COL Certificate of lawfulness issued for use of aircraft production facility (04/02229/FUL) for aircraft maintenance or manufacturing (06/11/08).

08/00203/FUL Planning permission granted for the erection of a facility for the air ambulance on land to the north east of the airfield (21/02/08).

04/02229/FUL Planning permission granted for the erection of an aircraft production facility (27/07/06).

Other development

07/05297/COL Certificate of lawfulness issues on appeal for the use of land to east of airfield for the recreational riding of motorbikes and quad bikes for 28 days a year with no more than 14 of these days constituting a motorsport event (02/12/08)

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

South Somerset Local Plan 2006 - 2028

EQ2 – General Development

EQ7 – Pollution Control

TA5 – Transport Impact of New Development

EP6 – Henstridge Airfield.

National Planning Policy Framework

Chapter 1 – Building a strong, competitive economy

Chapter 3 – Supporting a prosperous economy

Chapter 11 – Conserving and enhancing the historic environment

National Planning Practice Guidance

Section on Noise

Noise Policy Statement for England (March 2010)

Aviation Policy Framework (March 2013)

Circular 11/95 – The Use of Planning Conditions

This sets out 6 tests for planning conditions and states that conditions should be:-

- i. Necessary to make the development acceptable;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects.

Other Material Considerations

The extant permission (01/00717/FUL and associated s.106 agreement, as amended by 09/01845S/73A and 10/00637/DPO) provide the applicant with a lawful fall-back position.

CONSULTATIONS

Henstridge Parish Council – deferred consideration until such time as more information on noise impacts is distributed by SSDC

Neighbouring Councils

North Dorset District Council – no objection raised to the continued use of the land as an airfield, however a number of concerns are raised regarding the use of the runway and adjoining land for motorcycling events which have resulted in noise related complaints. It is suggested that restrictions be imposed to clearly specify the maximum number and type of such motorcycle/motorsport activities.

NDDC agree that there must be robust and enforceable measures in place to limit the overall activity that is permitted on the site. This is essential to ensure that the levels of amenity afforded to the residents of Buckhorn Weston, Kington Magna, Fifehead Magdalen and the surrounding villages, is maintained at an acceptable level

Buckhorn Weston & Kington Magna Parish Council – raise a number of concerns:-

- the current 79dBA noise limit is unregulated by SSDC; the increase in aircraft weight would encourage noisier aircraft;
- submitted noise assessment is inadequate. An independent assessment should be carried out;
- Henstridge should not be used by the military out of hours;
- Existing prohibition on training should be maintained; the suggested southerly circuits would adversely affect the North Dorset villages;
- Ban on aerobatics should be maintained in the interests of safeguarding amenity and public safety
- There is a general concern that the operator disregards the current restrictions at the airfield and a lack of confidence that any future restrictions will be complied with.

The parish have raised concerns over the nature of the application and the perceived lack of clarity. It is accepted that an exchange of emails has clarified the situation although some doubts remain.

Marnhull Parish Council – the continued operation of the air ambulance should not be compromised; the [initially] suggested 0700 start is too early, any increase in number of resident aircraft would lead to increase landings and take-offs, noise, air activity and safety risk.

Fifehead Magdalen Parish Meeting – objects on the grounds that:-

- Pilots already ignore prescribed flight paths and circuit heights
- Increase weight limits would bring in louder and heavier aircraft – a precursor to an airport
- Impact of circuits on residents and animals;
- 0700 is too early to start
- Increased resident aircraft to 100 would bring about increased levels of noise and disturbance
- Noise from aerobatics
- Lack of environmental assessment

Stalbridge Town Council – no objection to the application provided that conditions are put in place which ensure that there will be no increase in the detrimental effect on the environment and residential amenity of the neighbourhood.

SCC Highways Authority – notes that the airfield is existing and its use, although this application appears to include some increase over the permitted levels of activity, is

proposed to be strictly controlled by condition and legal agreement. The airfield is surrounded by commercial uses and the traffic associated with the additional use of the airfield is not considered to be so significant over and above that already permitted so as to warrant a refusal of permission for its continued use.

Therefore in the event of permission being granted, recommends that the conditions and legal agreement requirements limiting the level of use of the airfield similar to those suggested in the submitted documents or more restrictive ones proposed by others are imposed. However once the details of those proposed conditions/limitations are known I would like to have the opportunity to reconsider the position of the Highway Authority.

Highways England – No objection

Environmental Protection Unit – initially (prior to March committee) observed:-

“The following comments are informed by our site visit to the airfield on the 4th December 2015, where Vicki Dawson, Sally- Anne Webster and I assessed the noise being emitted by two aircraft performing aerobatic movements and circuits. This assessment took place both at the airfield it’s and the village of Kington Magna.

*Our overall subjective impression was that the impact of the noise from the aircraft was minimal and that there is no fundamental reason to allow a*limited* number of aircraft movements comprising an aerobatic element. We would not be in favour of no restriction at all on aircraft movements.*

By limits we consider that an total annual limit be agreed, together with a weekly limit. For example 200 movements a year but no more than 5 a week, with no movements allowed on a Saturday, Sunday or Bank Holiday.

A time limit on the duration of the movement would also be appropriate. We suggest two 15 minute, pre-arranged windows a day.

All of these recommendations are subject to the applicant and the Local Planning authority being able to agree a meaningful, robust and enforceable method of implementing this recommendation.”

In light of the amended conditions and updated Heads of Terms agreed post-March committee a testing regime for aircraft that do not hold a recognised noise certificate has been agreed with the applicant. On the basis that a meaningful, robust and enforceable mechanism has been agreed, no objection is raised.

Landscape Architect – understands that the majority of aircraft currently based at Henstridge benefit from existing hangarage, but there would also be a requirement for open parking, contained to the north of the airfield. That is accepted from a landscape perspective. However, any increase in aircraft numbers will clearly bring with it the need for either additional hangar structures, or further areas dedicated to open parking. The presence of additional structures, along with the heightened presence and activity of additional aircraft will clearly impact upon the airfield’s limited open space, and further erode the open-ness of the strategic open space at the heart of the airfield, which is identified by the Henstridge masterplan, as informed by our original landscape assessment. Consequently if the assumption is that there will be a greater need for hangarage/open field parking, then there would be clear landscape grounds to oppose any increase in the numbers of aircraft based at Henstridge above 45.

REPRESENTATIONS

32 letters of have been received raising issues in relation to the impact of the airfield on residential amenity. Principally objectors are concerned about the impact of existing airfield activities and are concerned that any relaxation of current restrictions would have an unacceptable impact through:-

- increased aircraft activity from more resident aircraft;
- increased noise
- increased activity early in the morning
- additional heavier aircraft
- circuit flying and touch-and-goes
- the introduction of uncontrolled aerobatic flying;
- the introduction of business activities

Concern is also raised over the history of the site and the need to seek expert advice on the drafting of any new restrictions. Clarification of the exact terms of the management agreement and consultative committee are needed. Existing conditions covering hours of operation, number of movements etc. should be maintained. There are concerns that no reasonable justification for the revision to the permission have been provided

Additionally 69 letters of support have been received on the grounds that:-

- the airfield has no or negligible impact;
- could provide economic boost and jobs;
- is an existing use which is an asset to the area should be supported;
- the proposed changes plus ongoing restrictions are reasonable;
- there is much aircraft activity in the Henstridge area that is not down to Henstridge Airfield (i.e. Yeovilton, passing air traffic etc.).
- the airfield provides lots of opportunities for recreational flying, charitable events, etc.
- aircraft from Henstridge are not disruptive; most are quiet and modern.
- No adverse impact in terms of traffic, biodiversity and light pollution

3 letters have been received making general observations and seeking clarification of certain aspects of the proposal.

Immediately prior to the March committee a further letter was received supporting the officer recommendation, particularly the suggested prohibition on aerobatic flying and urging the Council to heed the advice received.

All letters are available on the Council's web-site for detailed inspection.

CONSIDERATIONS

Background

This is a fresh application for a new permission to govern the operation of the air field. It would relate simply to the use of the land. No structures would be erected as a result of an approval and all existing structures would continue to be bound by their original permission.

It is not an application under section 73A of the Act for variation of existing conditions. It is an invitation to grant a fresh permission in light of prevailing policies and circumstances and could be subject to a new S106 agreement. There are a number of advantages to this approach. Firstly the original permission (01/00717/FUL) and associated S106 agreement have been modified several times by S73A applications and land has been added to the

airfield (08/00378/COU). The situation is therefore in danger of becoming confusing should further S73A amendments be made to the original conditions.

Secondly the local planning authority should not introduce new or more onerous controls (e.g. new restrictive conditions or additional s106 obligations) in responding to a S73A application. It is therefore considered to be in the interests of all parties to draw a line under the previous planning history and issue a fresh permission that clarifies the use of the airfield.

The benefits to all parties are considered to be:-

- The existing conditions are not considered to be particularly well drafted in light of current legislation. Whilst their intent is clear greater clarity could be given to the operator and local residents from a 'refresh'.
- With any permission there is a balance to be achieved between those issues that should be controlled by condition and those which should be dealt with as a 'planning obligation' through a s106 agreement. A fresh approval could redress the current situation in light of the advice of Circular 11/95 and the latest guidance on the use of S106 agreements.
- It would give the operator of the airfield the right of appeal against any condition considered unreasonable. As it stands the conditions of the extant permission (09/01845/S73A) have not been appealed and their enforceability has been challenged. As there is no way of resolving this short of a deliberate breach of condition and subsequent enforcement action through the courts it is considered that this application is a reasonable way forward that would allow the applicant to challenge the council's position through the normal planning appeal process without resorting to confrontational enforcement action
- It does not require either party to 'concede' anything which might prejudice any subsequent position they might choose to take.
- If agreement is reached the previous permission could be rescinded by mutual agreement with no cost.

Relevant Issues

As this application seeks a fresh permission for the continued lawful use of the land as an airfield it is clearly acceptable in principle. Apart from a refusal to enter into a new S106 agreement to cover restrictions not possible to be covered by condition, it is difficult to envisage any reasonable grounds to withhold permission. The key issue therefore is what restrictions should reasonably be imposed. In this respect it is considered that the Council has a number of options:-

- To simply re-impose all previous restrictions, albeit in redrafted form to reflect current advice and best practice subject to a new s106 agreement to cover other issues, not appropriate for conditions. The risk of doing so would be that the operator might refuse to sign the agreement and simply continue to operate under the extant permission as there would be no incentive to relinquish it.
- To re-impose conditions as necessary in light of advice received and seek to cover other issues in a S106 agreement. Whilst there would be an incentive to accept the new permission, albeit subject to an appeal against any conditions deemed unreasonable, there would be a risk that the applicant might refuse to sign the agreement and again continue to operate to the previous permission. This is what happened previously (12/04023/FUL) – the Council was prepared to allow training and limited aerobatics, along with a modest increase in resident aircraft (to 60),

however the limitations in aerobatic flying (i.e. at least 5 miles from the airfield) proved to be unacceptable and the agreement was not signed.

- To impose all conditions that the Council's sees fit and impose the permission on the airfield. This would require a Discontinuance Order (DO) to be served to remove any fall-back permission. The disadvantage of such confrontation approach would be that the applicant would be unlikely to sign a s106 agreement to matters beyond the scope of planning conditions.

As an existing use of a historic airfield, it would be unreasonable to conclude that the use of Henstridge is 'unsustainable', unless the changes now sought were of a magnitude and impact that fundamentally alters the impact of the airfield. It therefore falls to the Council to consider what restrictions are reasonable to enable the use to continue sustainably. In addition to the 6 tests for planning conditions Circular 11/95 advises local planning authorities not to seek to exercise control over matters covered by other legislation. In the case of Henstridge Airfield there is clearly a boundary between the use of land as an airfield, over which the District Council has jurisdiction and the control that others (Civil Aviation Authority, air traffic control etc.) have over airborne aircraft.

Should the Council wish to control airborne aircraft this would have to be achieved by S106 agreement. However this presents two problems. Firstly, given that other legislation exists it might prove difficult to justify the need for the applicant to enter into a planning obligation to exercise such control. Secondly the applicant would have to be willing to enter into the obligation.

The key issue is for the District Council to strike a defensible balance between the appropriate degree of control to be exerted, through planning legislation, over a use of land (i.e. as an airfield) that enables aircraft to become airborne and an acknowledgement that the control of airborne aircraft is in the hands of others.

In this respect members are reminded that all uses are assessed on the basis of their impacts on neighbouring properties and that any harm generally diminishes with distance, becoming merged with the effects of other activities. Thus for example a road junction close to a new factory may require improvement; however it would not be reasonable to insist that a junction many miles away that is used by many others be improved, especially if there are several routes traffic associated with the factory could take.

Using this analogy it is considered that it is the impact of landings and take-offs and flying in the immediate area of the airfield on the neighbouring properties should be of prime consideration. The Council should accept that once airborne, and at distance from the airfield, it is not reasonable to seek control the activities of aircraft through planning legislation. Accordingly the local planning authority should focus on the impacts of activities on the ground (i.e. landings and take-offs and the storage of aircraft) and the effects flights in the immediate area of the airfield, in particular repetitive or noisy activities whose impacts would be readily attributable to the use of the airfield.

In this respect, circuit flying in the vicinity of the airfield and aerobatic flying directly over the airfield as requested are clearly material considerations.

Given that the use already exists and no additional building are proposed or increased flight numbers are proposed, it is not considered that any adverse highways, flooding or ecological impacts are likely, the key issues are considered to be residential amenity in terms of increased/changed aircraft activity and visual impact in terms of any increased aircraft stored in the open.

Residential Amenity

No changes to the overall number aircraft movements or the current operating hours are proposed and the original restrictions in this respect would be re-imposed, however the proposal includes a number of changes that might affect resident's amenity:-

Maximum Take Off Weight (MTOW) increased to 5,000kg

Previously it was recommended that the current weight limit is 3,500kg be maintained as no justification or case was provided in support of the proposed increase. Members indicated their support for the applicant's request to raise this to 5,000kg, subject to consideration of the impacts. The applicant has not provided background information to his request, pointing out that all aircraft would be bound by the 79dBA certificate limit, the hours of operation and number of movements. In any event the length of the run-way (750m) would prevent many heavier aircraft from using Henstridge.

The applicant has provided details to demonstrate that noisier aircraft under 5,000kg would be prevented from using the airfield. Consequently a condition has been drafted to limit MTOW to 5,000kg and prevents use by aircraft carrying more than 6 persons to ensure that the level of activity at the airfield would not be unacceptably compromised. This would be enforced by the requirement to maintain a log that includes the aircraft type and registration and number of persons on board.

On this basis it is agreed the impact of the increased MTOW would not have an undue negative impact on residential amenity and that the proposal complies with policies EQ2 and EQ7.

Circuit flying and touch-and-goes

Previously it was recommended that the restriction on such repetitive flying activities be maintained as no justification or case was provided in support of the introduction of these activities. Members nevertheless indicated their support for the changes, subject to consideration of the impacts.

The applicant has suggested that touch-and-goes be limited to 4 in any hour and that each touch and go should count as 2 movements for the purpose of the overall number of movements and that ab initio circuit training be prohibited. On this basis it is noted that the number of aircraft movements would not increase and the touch-and-go movements would be controlled. Furthermore the potentially disruptive and repetitive flying by novice pilots would be banned.

On this basis it is considered that the impacts of these changes would be within acceptable limits and compliant with the requirements of policies EQ2 and EQ7.

Aerobatic flying

It is considered that the aerobatic flying, when aircraft are flying at, or close to, full power, poses a threat to residential amenity. Nevertheless members agreed with the environmental protection unit's view that a small number of events might not be harmful, provided that agreed levels of aerobatic flying is adequately controlled. The applicant has agreed to restrict aerobatic flying over the airfield to two twenty minute periods per day Monday to Saturday, one between 11.00am and 12 noon and one between 2.00pm and 3.00pm. There would be no more than 8 slots per week and no more than 150 in total per year. Such slots would

only be available to resident aircraft and the pilot's contract with the airfield would control this. Such contract is offered as a planning obligation through a s.106 agreement.

The airfield also undertakes not to allow aerobatic flying over-head when a noise sensitive event is being held locally. The definition of such events and the mechanism for notification could be defined in the s.106 agreement.

Whilst formation flying would be allowed within these slots, each aircraft would count as one towards the weekly and annual totals. Furthermore only based aircraft would be able to use these slots. No other aerobatics would be allowed within 8km, with the exception of a specific public event – e.g. a village fete etc.

Previously there was insufficient clarity as to how the suggested restrictions would be enforced. A definition of aerobatic flying has now been agreed and the applicant undertakes that all aircraft flying within the 'approved' slots would be equipped with GPS to record the event. Any transgression would be met with a written warning followed by a ban from the airfield for a second offence. A pilot accused of aerobatic flying outside the approved slots and or with 8km of the airfield would be guilty by default unless they had GPS records to disprove the accusation. Such control mechanism would be set out in the pilots contract the terms of which would have to be agreed as part of the planning obligations in the s.106 agreement.

Given the control mechanisms now proposed it is considered reasonable to allow limited aerobatic flying which subject to the suggested controls would be enforced and would safeguard residential amenity as required by policies EQ2 and EQ7.

Other Residential Amenity Issues

The applicant does not wish to introduce jet aircraft and their prohibition would remain in place and no increase to the number open days (2) or fly-in events (3) is proposed. The current prohibition of the launching of gliders by aero-tug would remain.

Members have indicated their support for the ground testing of engines between 0900 and 1700 Monday to Friday, movements in connection with parachuting and the launching of balloons, airships. The Council's Environmental Protect Unit has considered these changes and subject their adequate control raises no objections and the drafting of the conditions has been agreed with the Council's advisors

It is requested that training flights be allowed. Given that training could take place in any airborne aircraft it is not considered possible or reasonable to ban such activity. Members have indicated that they consider such activities to be reasonable at an airfield and the introduction of such additional economic activity, that would have to take place in compliance with all other restrictions, is welcome.

The current condition to ban aircraft with noise certificates in excess of 79dB(A) is considered to be acceptable in principle. Whilst the figure of 79 dB(A) has been queried it is pointed out that the original 2001 permission imposed a condition to prohibit specified aircraft:-

Jet aircraft, vertical take-off aircraft (other than helicopters) and aircraft used for aerobatic manoeuvres including Yaks and Pitts Specials will not be permitted to use the airfield with the exception of the following aircraft only during the remaining term of their current annual landing fee pre-payment contract :-

Yaks : RA 81584, RA 44480, RA 44463

LY-AFX, LY-ALM
Pitts Special : G-YOYO

The intent of this was to prevent acrobatically capable aircraft. The 2009 S.73 application varied this to:--

Jet Aircraft, Vertical Take Off Aircraft (other than Helicopters) and Fixed Wing Aircraft that hold ICAO, FAA or CAA Noise Certificates higher than 79.0dba will not be permitted to use the Airfield. Should any aircraft operate from the airfield without such a certificate they shall also be bound by the 79.0dba noise restriction.

Given that acrobatically capable were allowed in with by 2009 permission and that there is no longer an objection to aerobatics, the need for an aircraft specific noise certificate limitation is arguably questionable. Nevertheless the applicant is happy to maintain this restriction and testing regime to be applied to uncertified aircraft has now been agreed. Accordingly, and in light of the increase MTOW and aerobatic flying now proposed, it is considered prudent to maintain this agreed and enforceable restriction to ensure residential amenity is maintained.

Visual Amenity

Whilst the landscape architect's comments are noted it is considered that the increase in resident aircraft would be visually contained within the operational airfield where their presence is to be expected, and would to a large extent be mitigated by the flat topography and existing building. On this basis it is considered that the proposal would not be contrary to policy EQ2.

Other Restrictions

The comments of North Dorset District Council with regard to the use of the runway for motorcycling/motorsport activities are noted. There are already considerable motorcycling activities at Henstridge at the 'RocketWorld' motorcross track. The applicant currently allows occasional use of the runway for motorcycling events (5 events in 2015 and 5 scheduled for 2016) which are attended by significant numbers (100s) of motorcyclists who are allowed to 'drag' race in pairs along the runway. Whilst all participating machines are required to be 'road legal' such hard acceleration of performance machines has resulted in complaints.

These events take place under Class B of Part 4 of the GPDO which allows for the temporary use of land for up to 28 days per year for uses other than the lawful planning use. This would include 14 days for 'motorsport' and further 14 days where motoring activities are for neither sport nor practice – i.e. for 'fun'. This is the provision under which Rocket World operates.

It is considered that the proliferation of sites exercising permitted rights to hold motorsport activities in this area is harmful to residential amenity through increased noise and disturbance. As such it would be justified to remove the permitted right to allow temporary motorsport uses' within the application site. Such approach would be reasonable to comply with policy EQ2 and EQ7.

Section 106 Agreement

The existing S106 agreement to a large extent duplicates the requirements of the conditions. The National Planning policy Framework provides 3 tests for planning obligations delivered

by S106 agreements. It is stated that obligations should only be sought where they meet all of the following tests:-

- Necessary to make the development (or use) acceptable in planning terms;
- Directly related to the development (or use); and
- Fairly and reasonably related in scale and kind to the development (or use).

On this basis planning obligations which seek to duplicate matters reasonably addressed by condition fail the first test and should not be sought as they are unnecessary. Other matters covered by the existing S106 agreement are considered not to be necessary to make the development acceptable in planning terms namely:-

- a) An application to the CAA for an airfield licence is covered by other legislation and has no bearing on the planning merits of the proposal to continue the airfield use. Such application would be considered by the relevant authority and in any event, licenced or unlicensed, the operator and users would continue to be bound by the terms and restrictions of the permission. Any changes to the planning conditions necessary to meet licence requirements would be subject to a planning application.
- b) It is not considered necessary to prohibit the use of the airfield by a flying or gliding club to make the application acceptable in planning terms. Such users would be bound by the planning conditions.

On this basis it is only considered justifiable to cover the following issues by planning obligation (i.e. s106 agreement):-

- i. the running of a Consultative Committee with agreed terms of reference and constitution;
- ii. The revocation of the current operational permissions (and associated s.106 agreements) with no costs.
- iii. the agreement of a regime of testing for aircraft without recognised noise certificates
- iv. limitations on aerobatic flying
- v. prohibition of ab initio circuit training
- vi. keeping of a log of aircraft movements
- vii. notification of procedures and restrictions to pilots
- viii. agreement of pilots contracts to cover procedures and restrictions
- ix. monitoring and enforcement

Conclusion

Whilst it is accepted that an airfield is a potentially un-neighbourly activity, it must be acknowledged that, in this instance, this is a historic use that cannot easily be taken away. Accordingly the determination of the application requires an appropriate balance to be struck between the legitimate expectations of the operator of the airfield and the concerns of local residents.

In this respect an overhaul of the current conditions is considered prudent. It is considered that subject to the recommended conditions the continued operation of the airfield as an asset to the local economy would be possible without undue impact on residential amenity.

The benefits of Henstridge airfield in terms of a facility for general aviation and the air ambulance, along with the contribution it makes to the local economy though aviation related service activities are noted. It is considered that the activities at the airfield can be reasonably mitigated by robust conditions. On this basis, the harms that might arise from the

continued use of the airfield are outweighed by the benefits. In the absence of a clear conflict with local plan policy or national guidance the proposal is considered acceptable.

RECOMMENDATION

That planning permission be granted subject to:-

a) the prior completion of a s106 agreement, in a form acceptable to the Council's solicitor(s) and to the satisfaction of the Development Manager in consultation with the Council's advisors and ward members and chair to:-

- x. require the applicant to establish a Consultative Committee;
- xi. Revoke all previous permissions without compensation
- xii. agree a regime of testing to be applied to aircraft without recognised noise certificates;
- xiii. To limit aerobatic flying by aircraft landing or taking off from the airfield to one period of 20 minutes between 11.00am and 12.00 noon and another 20 minute period between 2.00pm and 3.00pm Monday to Saturday and not at all on Sundays and bank holidays. Such flying shall only occur in the airspace over the airfield and shall only be undertaken by aircraft based at the airfield. These 'approved' slots shall be limited to 8 per week and not more than 150 in total per calendar year and. Within each slot multiple aircraft may fly aerobatics, however each aircraft shall count as one towards the annual and weekly maxima. No aerobatic flying with 2 days notification of a noise sensitive event.

With the exception of the afore mentioned aerobatic flying over the airfield there shall be no aerobatic flying within 8km of the centre point of the main runway unless agreed in writing in relation to a specific public event

'Aerobatic' flying shall be defined as that which:-

"involves performing intentional manoeuvres in an aircraft involving an abrupt change in its attitude, an abnormal attitude or abnormal acceleration, not necessary for normal flight, including flying inverted or performing vertical or near vertical climbs or descents, rolls, loops, spins, stalls and sharp turns or a combination of the above in an aircraft certified for aerobatics, normally carried out over a fixed area or aiming point such as the airfield. Aerobatic flying is normally associated with a notable change of aircraft noise when performing different manoeuvres".

All aircraft flying within approved aerobatic slots to carry appropriate GPS to verify compliance.

- xiv. Prohibition of abinitio circuit training (which shall be defined).
- xv. Ensure a log of aircraft movements is maintained log shall include:-
 - (g) Date and time of arrival/departure;
 - (h) Point of departure/destination;
 - (i) Aircraft registration;

- (j) Aircraft type;
- (k) Pilot's name;
- (l) Number of Persons On Board.

Such log shall be open to inspection by the Local Planning Authority on request.

- xvi. Ensure that the airfield owner shall expressly bring the agreed procedures and restrictions to the notice of every pilot of an aircraft intending to use the airfield, in accordance with details to be agreed by the Local Planning Authority, including for this purpose making the airfield PPR (Prior Permission Required).
- xvii. Require the agreement of a pilots contract to cover adherence to the above restrictions.
- xviii. Set out the monitoring regime and sanctions which may have been taken against pilots in event of any breach.

and;

- b) the imposition of the following conditions.

Justification:

The continued use of this site as an airfield, subject to the following conditions and the S106 agreement would not result in an unacceptable intensification of the use of the site or in any undue impact on residential or visual amenity. As such the proposal complies with policies EQ2, EQ7, TA5 and EP6 of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.

Conditions

- 1) The maximum total number of movements Aircraft Movements shall not exceed any of the following:
 - i) 10,000 Aircraft Movements in any calendar year, including on Open Days and "Fly-In" Events and helicopter movements;
 - ii) 1,000 Helicopter Movements in any calendar year, including on Open Days and "Fly-In" Events;
 - iii) 100 Aircraft Movements in any period of 24 hours, including Helicopter Movements, excluding on Open Days and "Fly-In" Events for which no limit on daily movements shall apply.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 2) Other than in the case of emergency involving immediate danger to one or more persons on board an aircraft and with the exceptions of
 - (a) any helicopter being used by an Air Ambulance organisation or for medivac use in emergency
 - (b) any helicopter being used by the emergency services
 - (c) any returning based aircraft,

no aircraft may start up or run its engine(s) or taxi or land on or take off from the Land except during the following times and at no time at Night if later or earlier respectively:

- ii) Weekdays (Monday to Friday) excepting Bank Holidays: between the hours of 0800hrs and 1900hrs (local time) and at no time at Night;
- iii) Saturdays: between the hours of 0900hrs and 1900hrs (local time) and at no Time at Night;
- iv) Sundays and Bank Holidays: between the hours of 0900hrs and 1800hrs (local time) and at no time at Night.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 3) Except on Open Days and Fly-Ins, the total number of aircraft parked on the Land at any one time shall not exceed 120, of which a maximum of 100 shall be Based Aircraft.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 4) The runway on the Land shall not be used for more than 4 'Touch and Go' landings in any hour. Each 'touch and go' landing shall be counted as 2 movements for the purpose of condition 1.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 5) No fixed wing jet or fixed wing jet turbine aircraft shall start-up, taxi, land on or take off from the Land.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 6) Except prior to take-off to perform pre-flight tests, no ground testing of aircraft engines may take place on the Land outside of the hours of 0900-1700 Monday to Friday.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 7) Except on Open Days or in a case of emergency involving immediate danger to one or more persons on board an aircraft no aircraft shall land on or take off from the Land which is being used for the transport or dropping of parachutists over the airfield or for the towing of gliders or banners;

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 8) Except on Open Days, or in either a case of emergency involving immediate danger to one or more persons on board an aircraft or use by the emergency services, no aircraft (whether fixed wing or rotary/helicopter) shall land on or take off from the Land with a certified maximum take-off weight in excess of 5,000kg or carrying more than 6 persons including the pilot.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 9) The total number of Open Days and “Fly-In” Events shall not exceed the following in any calendar year:
- a) Two Open Days; and
 - b) Three “Fly-In” events

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 10) No aircraft without a current Certificate of Airworthiness or Permit to Fly, or aircraft parts or any types of machinery shall be stored externally for in excess of three months.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 11) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting such Order with or without modification, no buildings shall be erected or other forms of development be carried out on the Land without the express prior written consent of the Council.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 12) The joining and departure procedures, instructions and routes for aircraft (including areas designated as areas not to be overflown) shall publicised by the aerodrome operator together with a copy of this planning permission shall be displayed prominently at the clubhouse on the Land and measures shall be taken to draw such matters to the attention of visiting pilots.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 13) No fixed wing aircraft that hold ICAO, FAA or CAA Noise Certificates higher than 79.0dba shall land on or take off from the Land.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting such Order with or without modification, no part of the airfield site as shown on the drawing No 1000 received 02/09/15 hereby approved, including the runway, shall be used for any form of motor vehicle trials, racing, competition or practicing, vehicle engine or other forms of vehicle testing, including by motor cars or motorcycles, whether such vehicles are driven or ridden recreationally or otherwise.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 15) This permission shall relate to the land edged in red on the submitted overall; site plan, drawing number 1000 received on 02/09/15.

Reason: To clarify the scope of this permission

Informative

1. The terms appearing in the Conditions above have the following meanings:
 - a) **Aircraft:** shall include aircraft of all types and descriptions including fixed wing aircraft, helicopters, gyrocopters and autogyros.
 - b) **Aircraft Movement:** a take-off or a landing on the Land by an Aircraft.
 - c) **Based Aircraft:** an aircraft with a contract in place between the aerodrome owner or operator and the aircraft owner or operator for which at least a monthly fee is paid for the aircraft to be parked on or use the Land.
 - d) **Fly-In:** an event held on the Land which has been pre-publicised as being open to pilots, crew and passengers arriving by aircraft or to owners or operators of Based Aircraft or to persons who are subscribing members of the aeroclub on the Land.
 - e) **Helicopter Movement:** a take-off or a landing on the Land by a helicopter.
 - f) **The Land:** as defined in the First Schedule.
 - g) **Night:** from half an hour after sunset until half an hour before sunrise (both times inclusive) or as defined in the Air Navigation Order for the time being.
 - h) **Noise Rating:** the noise rating for the aircraft as shown in a Certificate or Permit issued by ICAO, FAA, EASA, CAA or LAA or its equivalent.
 - i) **Open Days:** an event held on the Land which has been pre-publicised as being open to members of the public and others arriving by land or by aircraft.
 - j) **Touch-and-Go Landing:** a landing followed immediately by a take-off of an aircraft without it coming to a halt on the Land.