

Parish: Bagby
Ward: Bagby & Thorntons
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Committee Date : 10th February 2022
Officer dealing : Mr Craig Allison
Target Date: 5th July 2021

21/01243/FUL

Retrospective and proposed concrete alterations to existing runway, reinforced geotextile matting to runway and earthworks to facilitate drainage
At: Land to the North of the Airfield, Bagby, North Yorkshire
For: Mr M Scott

The proposal is presented to Planning Committee as the site is of significant public interest

This application was deferred by the Planning Committee on the 21 October 2021 as Members wished to appropriately understand the reasoning and justification that the changes have been undertaken to the runway and understand if the changes that have been undertaken to the runway are necessary to achieve aviation safety. Following the Planning Committee a meeting was arranged between officers and the applicant's the planning agent to request the required clarification. A document was subsequently prepared by the applicant which outlines a number of points, as set out below:

Does the changing of the surface improve safety of aircraft landing and taking off from the Airfield?

The applicant's supporting statement in response to this question sets out the following:

'When aircrafts land or take off from an Airfield they prefer well drained surfaces to avoid aquaplaning. Consistency of grip over the length of the runway aids a pilot's confidence and reduces workload at a critical point. Smaller aircraft do not have anti-lock systems, so therefore skidding and subsequently gripping destroys the tyres. Skidding tends to force the pilot to release the brakes with the risk of insufficient brake application resulting in running off the end of the runway.

Soft areas along the runway are unpredictable in nature, have a very significant and detrimental impact on the aircraft's performance and makes it very difficult for the pilot to make the crucial call of whether to attempt to continue a take-off or landing in real time, often in challenging conditions, be that rain, wind, or at night. Plastic tiles with grass growing through ameliorate that condition. Furthermore, transitions in surface levels caused by tramping, compaction or subsidence are most harmful to smaller aircraft to the point of causing possible airframe damage as they, are by definition, less robust'.

Subsequently, following the receipt of this additional information, officers have consulted with York Aviation regarding their views in respect of the additional information received, who have advised as follows:

'Other than a review of photographs provided in support of the application, we have been unable to verify many of the aspects related to the condition of the previous matting and general ground conditions. If the conditions described are accurate then we believe these may act as an impediment to operators choosing to use Bagby. This may manifest itself as operators not flying into Bagby from their usual bases, or in operators choosing not to take up hangarage and base themselves at the Airfield, particularly where they wish to operate

over a longer period of the year than the summer months when the grass runway conditions could generally be expected to be better than in the shoulder periods and the winter. Both of these could damage the ability of Bagby Airfield to deliver local economic benefits.

Therefore, we believe it is reasonable to assume that the core justification for the work, that of safety, is a valid basis for the renewal of the matting and subsequent drainage work.

The case of extended concrete section of the runway is less clear to us. The point made by Barton Wilmore is that the concrete was extended to overcome differences in ground level and to prevent a step occurring where the concrete and matting meet. However, no clear evidence has been provided to support this further. For a number of years, the concrete pad has been in place across the runway to allow for the high intensity movements of aircraft and vehicles to the hangars to the south of the runway. Given that this is the case, we would have expected some evidence that a step had been developing between the matting and the concrete to justify the extension.

If a step had not been occurring at this point, then it is not immediately clear why this is likely to become the case in future with the latest works. If the substrate works are designed to aid drainage, then logically it could be expected that a step would be less likely to occur in future if the ground was assumed to be firmed by way of being better drained.

We are certain that any such step would be a danger to aircraft if it did occur and would need to be overcome. However, it is simply not clear why this is assumed to occur. In itself, the concrete is unlikely to offer any value in terms of changing the aircraft which can operate at Bagby because, as with the matting, the runway length and restrictions imposed by softer parts of the runway (in this case both the unmatted grass and the matted grass) will dictate the types likely to operate and circumstances in which these occur. However, if there is no evidence that a step has previously occurred, or could in future, then there is no justification for the extended concrete'.

In changing the surfaces of the runway, is this a performance aid, thereby allowing larger, noise aircraft to use the airfield?

The response to this question from the applicant is as follows:

'The airfield is only really accessible by small aircraft can approach the airfield slowly and land in a limited distance. Larger aircraft (over 5.7 tonnes) would need typically 1,000 to 1,500 metres to take off and land. This is twice the available landing distance available at Bagby Airfield.

Smaller jet aircraft would also require much longer runways, irrespective of size or weight.

Changing from a well groomed grass runway to a concrete runway would only improve performance by 10%. In the scope of typical pilot calculations this is not a significant factor and does not open the airfield to a greater number of larger/noisier aircraft. Also, under the previous planning approval there are a number of restrictions in regard to noise levels, and the maximum take off weight of aircraft, so this issue is largely irrelevant as the Council's restrictions are a very limiting factor on size and type of aircraft that can use the Airfield'.

Subsequently the view of York Aviation in response to the above information is as follows:

‘In our review of the original matting installation, undertaken for HDC in 2011, we determined that the provision of matting was unlikely to expand the types of aircraft using Bagby due to the constraints associated with the overall weight bearing capabilities of the ground under the matting. Even with the substrate works (which we understand are for drainage rather than structural support) we believe this to remain the case, particularly when it is considered that not all the runway is covered with the matting and therefore many aircraft will still be required to travel across the non-matted section of runway as they take-off or land. Furthermore, we agree with Caledonian Aerospace’s assertion that the runway length will remain a constraint on the types which could operate at Bagby Airfield. We believe our findings in 2011 remain valid today and that the matting is unlikely to lead to additional types using Bagby. In so far as an expanded fleet may choose to use the Airfield, these will be subject to the controls already in place related to individual aircraft noise and (where relevant) weight’.

Aviation safety is subsequently considered in the light of the above information and York aviation review in paragraphs 5.30 and 5.31 below. The applicant’s submitted supporting statement has also been subject to re-consultation, of which responses received are set out in paragraphs 4.10-4.13 with consideration of other issues set out in paragraph 5.32.

1.0 Site, context and proposal

- 1.1 Bagby Airfield occupies a piece of land to the south and south west of the village of Bagby. The land lies east of the A19 and is currently accessed via a newly constructed access track that leaves the Main Street of Bagby to the west of the village. The site is about 500m from the southern edge of the village of Bagby.
- 1.2 The Airfield occupies 15.6 hectares. The land is in use for the purposes of operating an airfield. Some of the surrounding land is fallow and other parts of the application site continue to be used for arable agricultural purposes.
- 1.3 Boundaries to the land around the Airfield are formed by hedges of varied species and heights. The north, south and west boundaries have substantial hedges, the eastern end of the airfield is not fully bounded by hedgerows. Local landform allows some views of the central and western end of the airfield from viewpoints to the west but changes in ground levels, hedgerows and trees shield the remainder of the airfield from public view.
- 1.4 In addition to the relationship with Bagby, there are dwellings to the south west, south and south east of the application site and notably in the vicinity of the village of Great Thirkleby and Thirkleby Hall Caravan Park (630 metres to the south east) that are potentially affected by activities at the airfield (in particular noise).
- 1.5 Beyond the boundaries of the application site of the Airfield the land is in agricultural use except for the children’s play area on Bagby Lane, which is located beyond the northern edge of the Airfield land.
- 1.6 Planning permission was granted on the 30 July 2019 under planning reference 16/02240/FUL including works to extend hard surfacing of the central section of the runway. A planning application was submitted under planning reference 20/02531/FUL for the retrospective resurfacing of the runway from geo- textile track

to concrete surface and the creation of a turning circle north east of the runway to concrete, however this was subsequently withdrawn by the applicant. The reason for the withdrawal of the application was noted to be that it wrongly stated the proposal as concrete was not proposed to be used rather the runway was being reinforced with geo textile matting.

- 1.7 The application is seeking retrospective permission and approval for works that are not retrospective.

Retrospective approval is sought for:

- 1) the extension of the concrete section of the runway to the north-east of the central concrete part of the runway that was existing and previously approved.
- 2) the reinforced geo-textile matting located to the north-eastern part of the runway with this measuring a width of 8 metres and a length of 200 metres. The matting continues around the end of runway "24" marker at a length of 29.27 metres and width of 25.92 metres.
- 3) installation of runway drainage. This work entailed the replacement of clay pipes to modern piping to withstand wear and are located along either side of the reinforced matting to a width of 2 metres to the south and 4 metres to the north. Works to facilitate drainage also include the laying of shallow stone channels under the runway matting to help surface water run off and the laying of sand to help reinforce the matting.

- 1.8 The non-retrospective elements are

- 4) reinforced geo-textile matting to the south-western runway with this measuring a width of 10 metres and length of 70.83 metres, to sit on the area of the existing matting.
- 5) earthworks (formation of trenches with gravel backfill and pipework) to facilitate drainage are also proposed to either side of the reinforced geotextile matting and underneath, similar to the retrospective works to the north-eastern runway.
- 6) a concrete turning area to be located at the end of runway 24 and its taxiway comprising of a new turning areas for the use of aircraft measuring 352 square metres.

- 1.9 The development falls below the thresholds of Schedule 1 and 2 of the EIA Regulations (10(f) the area of the works does not exceed 1 hectare) and an Environmental Statement is not required.

2.0 Relevant planning history

- 2.1 16/02240/FUL - Change of use and external alterations of the engineering building to be used as a clubhouse and control tower, erection of a new tractor shed, erection of a new hangar, formation of a new access drive, the introduction of hard and soft landscaping and amended on 14 March 2018 to include the creation of a fixed fuel facility and the use of Hangar B for aircraft maintenance. Works include

the demolition of the existing clubhouse, control tower, hangars and storage buildings and partial demolition of one other hangar. Air Movements to be capped at a maximum of 8,440 per annum. – Approved 30 July 2019.

- 2.2 18/00524/FUL - Retrospective application for the temporary siting of a portable aircraft engineer's office and document storage cabin – Approved 30 July 2019.
- 2.3 20/00766/MRC - Application for variation of condition 1 for approved application 18/00524/FUL - The condition to be varied to extend the date to which the planning permission is valid until for one year from the approval of this application, or upon completion of Hangar B. – Approved 5 June 2020. The temporary planning permission expires on the 5 June 2021.
- 2.4 21/00081/FUL - Retrospective application for an access road off Bagby lane to provide access to the airfield – Approved 7 June 2021
- 2.5 21/01058/FUL - The retention of 2 temporary hangers on site for a use for aircraft storage and ancillary storage of airfield machinery and equipment for a period of 24 months – Refused 22 October 2021 for the following reason:
- “The proposal is contrary to the Local Development Framework Policies CP1 and DP25 as an appropriate business case has not been supplied. Any economic benefit arising from the increased capacity of the aircraft hangar cannot be properly assessed and the potential harm to the amenity of the local population arising from the proposal is not outweighed by any known economic or other benefit and is also contrary to the Local Development Framework Policy DP1.”
- 2.6 21/00668/FUL - Retrospective extension to Hangar A and proposed hard standing adjacent to Hangar A – Refused 22 October 2021 for the following reason:
- “The proposal is contrary to the Local Development Framework Policies CP1 and DP1 as no noise control or mitigation measures have been provided to address the potential harm to the amenity of the local population arising from the use of the building for aeronautical engineering purposes identified in the Addendum to Business Case.
- “The proposal is contrary to the Local Development Framework Policies CP1 and DP25 as an appropriate business case has not been supplied. Any economic benefit arising from the increased capacity of the aircraft hangar cannot be properly assessed and the potential harm to the amenity of the local population arising from the proposal is not outweighed by any known economic or other benefit”
- 2.7 21/01709/FUL - Retrospective application for hardstanding, associated drainage, door and walkway to Hangar C1 and proposed lean-to for office to Hangar B – Pending Consideration
- 2.8 21/02087/FUL - Retrospective siting of fuel pump and fuel bund – Pending Consideration
- 2.9 22/00117/SCR - Application for screening opinion – Pending Consideration

3.0 Relevant planning policies

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

3.2 Relevant policies of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 – Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP15 – Rural Regeneration

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP9 - Development outside Development Limits

Development Policies DP16 – Specific measures to assist the economy and employment

Development Policies DP25 – Rural Employment

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 – General design

3.3 Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>
The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

3.4 National policy and advice is contained in the following documents:

National Planning Policy Framework 2021

Aviation Policy Framework published 22 March 2013

Noise Policy Statement for England March 2010 from the Department for Environment, Food and Rural Affairs

National Planning Practice Guidance

General Aviation Strategy published by the Department for Transport March 2015

Noise Considerations at General Aviation (GA) Aerodromes published by the CAA (Civil Aviation Authority) November 2012

“General Aviation Roadmap: spring 2021” from the Department for Transport Spring 2021

3.5 Other non-Governmental guidance:

General Aviation Awareness Council - General aviation sector-led guidance on planning in relation to aerodromes for local planning authorities, aerodrome owners and aerodrome operators, prepared by the GAAC, April 2015.

3.6 The Local Development Framework is the Development Plan for Hambleton and contains policy that is pertinent to the determination of the application. The NPPF and the Aviation Policy Framework, the Noise Policy Statements, the Planning Practice Guidance, CAA guidance and General Aviation Strategy and GAAC guidance are material considerations.

4.0 Consultations

4.1 Bagby & Balk Parish Council – Object, the full details of the objection is set out at Annexe A.

4.2 Thirkleby Parish Council – No comments received

4.3 North Yorkshire County Council (Highways) – Have raised no objections to the application

4.4 Environmental Health – Have raised no objections to the development they have considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact.

4.5 Environment Agency – No comments received

4.6 National Air Traffic Service – No safeguarding objections.

4.7 Civil Aviation Authority – No comments received

4.8 Public comments – A site notice has been displayed and neighbours consulted. Letters of objection has been received as summarised below:

- Concerned that the use of the airfield will increase over and above the suggested higher end user set out in the business plan.
- That the routes taken by aircraft overfly areas of land resulting in disturbance to livestock causing a horse being lead out of a stable to be spooked, and when reporting this at the airfield found no one in charge, and that this has happened several times.

4.9 One letter has been received neither objecting nor supporting the application, and summarised below:

- Following the approval of major changes to the airfield in 2019, many hobbyist flyers left the Airfield, and subsequently heavier aircraft landed at the airfield and has subsequently damaged the runway in 1.5 years compared to the 20 years that hobbyist's were using the Airfield.
- It is considered that the heavier loads imposed by the aircraft caused the damage to the runway, therefore where are the civil engineering analysis which demonstrates that the runway reinforcement will not fail.

- The application is not small in scale and carries with it the likelihood more repair work is to be carried out to the geo textile tiles and will result in the future of the runway being a concrete runway.

- 4.10 Representation has been received from Action for Refusal noting that the application is invalid, that an Environmental Statement should have been prepared and the submitted business case is inadequate and the application should be refused. A full copy of the representation is appended to this report.
- 4.11 Following the Planning Committee on the 21 October 2021, the applicant has provided a further supporting statement regarding the changes undertaken to the runway. Following receipt of this documentation a further re-consultation took place.
- 4.12 Bagby and Balk Parish Council have commented to demonstrate that certain aircraft such as registration N133KQ which has a capacity of nine passengers cannot use Bagby Airfield as the runway is too short and have to take unacceptable risks irrespective of the quality of the surface of the runway. The Parish Council feel that the airfield is not fit for purpose as a commercial enterprise and it should not be used for the larger airplanes as the runway is not long enough and they cause damage to the existing runway.
- 4.13 No further comments were received from the following:
- Civil Aviation Authority
 - National Air Traffic Services
 - Environmental Health
 - Environment Agency
 - North Yorkshire County Council (Highways)
- 4.14 Representation has been received from Action for Refusal following the submission of the supporting statement noting that the aircraft DA42 referred to within the report is not the only aircraft that uses the Airfield but larger Pilatus 12 Aircraft which are not capable of using the runway; concreting the runway will not overcome fundamental problems for safe operation of heavy planes; no business plan has been provided and the application should be refused. A full copy of the representation is appended to this report.

5.0 Analysis

- 5.1 The main issues to consider are: (i) the principle of changing the surface of the runway and the creation of a turning circle; (ii) the impact of the development on the character and appearance of the area; (iii) the impact of the development on the amenity of the area; (iv) the impact of the development on drainage; (v) The Environmental Impact Assessment and (vi) aviation safety.

The principle of development

- 5.2 Policy CP1 of the Core Strategy states development that would significantly harm the natural or built environment or that would generate an adverse traffic impact will not be permitted. Proposals would be supported if they promote and encourage sustainable development.

5.3 As the site is located outside of the settlement boundary of Bagby, within open countryside, Policies CP4 and DP9 are of relevance. Policies CP4 and DP9 state that development will only be permitted beyond the development limits in exceptional cases, and where the development is within the scope of 6 criteria. In all cases, development should not conflict with the environmental protection and nature conservation policies of the LDF and should provide any necessary mitigating or compensatory measures to address harmful implications.

- It is necessary to meet the needs of agriculture, recreation, tourism and other enterprises with an essential requirement to be located in the countryside and will help support a sustainable rural economy;
- It is necessary to secure a significant improvement to the environment or the conservation of a feature acknowledged importance;
- It would provide affordable housing or community facilities which meet a local need; where that need cannot be met in a settlement within the hierarchy;
- It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing;
- It would make provision for renewable energy generation, of a scale and design appropriate to its location;
- It would support the social and economic regeneration of rural areas.

Policy CP4 also requires that “In all cases, development should not conflict with the environmental protection and nature conservation policies of the LDF and should provide any necessary mitigating or compensatory measures to address harmful implications”.

5.4 The operation of an airfield will normally require a countryside location due to the amount of land required and for separation distance from dwellings to attenuate noise. Bagby Airfield is in a countryside location and the business of operating at the airfield, together with enterprises which depend upon a physically close relationship to the Airfield and that will help support a sustainable rural economy, can take support from policy CP4. The development proposed has not been shown to be necessary to meet the needs of any business at the Airfield and cannot take support from CP4.

5.5 The proposed reinforced matting, runway alterations and earthworks for drainage are of a small scale. The site benefits from a runway already, with geo-textile matting that will be replaced with a new geo-textile reinforced surface. Furthermore, as the proposed development will be located within the developed area of the Airfield the proposed alterations would reflect the existing development at the Airfield and as such, would not result in any harm to the surrounding natural or built environment.

5.6 The reinforced matting and concrete additions to the apron and 24 marker turning circle would also support the activities of the Airfield, albeit not increasing movement beyond the limits set by the planning conditions of approval 16/02240/FUL but allowing aircraft to utilise the Airfield more efficiently and when the ground is wet. Policy CP4 indicates support for development which meets the needs of recreation and tourism where it is essential that these enterprises locate in the countryside. The runway extensions will support the development to better meet the needs of tourism and recreation. This type of development is not feasible in any

other setting and it is considered that the works to the runway are in principle acceptable under Policy CP4 and to the guidance of Government that supports the General Aviation sector.

The Business Case

- 5.7 The Development Plan supports business development in the countryside where it complies with a series of criteria. The leading policy of the LDF is Policy CP15 which details how the social and economic needs of rural communities will be supported. The policy sets examples of proposals that will be supported. Pertinent to this proposal is the support for:
- i) Retention or expansion of appropriate businesses outside of the Service Centre and Service Villages;
 - ii) Appropriate tourism related initiatives, including schemes which improve the accessibility of tourist assets both within and outside the District; and
 - iii) Recreation uses appropriate to a countryside location.
- 5.8 In all cases development should be designed to be sustainable, consistent with the requirements of CP1 and CP17, should not conflict with environmental protection and nature conservation policies of the LDF but should seek to enhance the environment and should provide any necessary mitigating or compensatory measure to address harmful implication.
- 5.9 LDF Policy DP25 sets out support for rural employment proposals. All five criteria of Policy DP25 need to be met to enable the development to be supported by this Policy. This require proposals to be
- i) small in scale,
 - ii) comprise conversion or re-use or appropriate replacement or extensions;
 - iii) be incapable of location within a settlement in the hierarchy at CP4;
 - iv) be supported by a business case; and
 - v) not harm the economy of the service centre.
- 5.10 The reinforced matting has been laid and is proposed to replace existing parts of the runway which already has matting in place and the proposed concrete areas of the runway apron and turning are small in scale. The earthworks consist of all underground work to facilitate drainage to the runway and are also considered small in scale. The proposal meets the first test of DP25.
- 5.11 The alterations in the existing runway have been done to enable the Airfield to operate on an all year round basis. It has been found over the winter months that it has been difficult for aircraft to land and take-off from the Airfield due to the poor ground conditions, as stated by the agent within the covering letter. Therefore, alterations on the existing runway are considered to be an appropriate replacement and meet the second test of DP25.
- 5.12 The development as built and proposed, cannot be accommodated within development limits given that the airfield is located outside the built confines of any settlement. The principle of altering materials of the runway therefore meets the third test of DP25.

- 5.13 At the time of the planning application (16/02240/FUL) an assessment was undertaken of the number of aircraft movements necessary for the business to be viable. The business viability was assessed on the basis of mainly: the general arrangement of the airfield, the runway length, surfacing, gradient, the facilities on the ground and the ability to generate revenue (landing fees, fuel sales, food and drink, overnight accommodation, hangar fees). The viability of the business was balanced against the assessed historic levels of aircraft movements and the impact of the aircraft movements upon the amenity of the local community. Conditions were imposed and planning obligation agreed to limit the impact upon the local community, whilst achieving a viable business. The approval of an expansion of the ground facilities through extension to the concrete sections of the runway without an appropriate business case in contrary to the fourth test of Policy DP25.
- 5.14 The business case for the proposal has been reviewed by York Aviation, consultants to the Council. This notes the requirement in the NPPF (para 106 f) to: 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. York Aviation find that “none of the applications provide the clear and concise justifications which would be expected for development at an airfield.” The conclusion reached by York Aviation is that:

Overall, we believe that the applications do not quite provide enough information to allow a planning decision. The extra information should be easy to provide and would need to focus on justifying why these developments are now needed to support the business or economic case for the Facility (outlining both financial and potential economic impacts). Importantly however, we believe that the overall planning conditions imposed as a result of the 2019 decision would remain valid and would prevent additional activity, meaning that any amended nature of operations from each of the developments under consideration would have to be contained within the same overall controls.

- 5.15 There are controls within the planning conditions on the 16/02240/FUL application that restrict movements. However, there is non-compliance with the conditions, most notably for this proposal, the required data on movement numbers has not been supplied. The owner has not supplied any of the aircraft movement data required by the planning conditions of the permission (16/02240/FUL). The consented scheme has not been fully implemented, notably a start has not been made on the consented scheme for the new clubhouse. It is therefore not possible to assess whether the consented scheme will result in the numbers of movements identified to achieve viability, as assessed at the time of the 2016 application, with or without the additional development now proposed. It is therefore reasonable to resist this proposal as there is a significant risk of increasing movement numbers. Without monitoring those movements the purpose of the condition by controlling the noise impact on the local community would be frustrated.
- 5.16 The owner has not supplied evidence of the viability of the airfield. In the absence of an appropriate business case for the development the impact the proposed development may have on the viability of the airfield is unknown. It is a risk to allow the facilities to be extended that may result in an incremental change to the scale of operations at the airfield and result in a case, on business viability grounds, to vary

the conditions that have been imposed (and agreed planning obligation) because they are necessary to safeguard amenity of the local community.

- 5.17 During the course of the application, an updated Business Case was requested to assess how the alteration in materials of the runway would affect the viability of the business. An addendum has been provided, however no explanation of why the development is necessary to achieve the objectives of the previously accepted proposals has been assessed. The details provided as part of the application stated that the alteration in the runway was required in order for the Airfield to operate in the winter months. However, no further explanation or detail has been provided to indicate how the alteration in the materials on the runway would affect the viability of the business.
- 5.18 The proposal has not been shown to meet the fourth test of DP25.
- 5.19 The proposed is to support the use of the Airfield. The development of an airfield due to its size and character cannot be accommodated in a service centre and therefore, the development would not impact the economy of any service centres. The proposal meets the fifth test of DP25.
- 5.20 The alteration of materials on the runway would not result in any significant harm to the natural or built environment. The proposal fails to meet the aims and objectives of Policy DP25 and is therefore contrary to the Council's Local Plan Policies CP4 and DP25.

The impact on the character of the surrounding area

- 5.21 Policy CP16 of the Core Strategy states that development will be supported where they preserve and enhance the District's natural and man-made assets. Development will not be supported which have a detrimental impact upon the interests of natural or man-made assets. Any necessary mitigation or compensatory measures must be provided to address potential harmful implications of development.
- 5.22 Policy CP17 of the Core Strategy states that support will be given for proposals that are consistent with the LDF's detailed design policies and meet all the following requirements: provide an attractive, functional, accessible, safe and low maintenance development; respect and enhance the local context and its special qualities, including urban design, landscape, social activities and historic environment, incorporate public art where appropriate; optimise the potential of the site; adopt sustainable construction principles.
- 5.23 Policy DP30 states that the openness, intrinsic character and quality of the District's Landscape will be respected and where possible enhanced.
- 5.24 The proposed runway alterations located closest to the existing hangars is built from concrete and be similar in appearance to the existing runway it could not be considered to result in significant harm due to the close visual relationship to the hangars and concrete section of runway. The proposed turning area at the 24 marker (to enable aircraft to turn when the ground is soft) will also be built with concrete to match the existing runway but is remote from other sections of concrete and a light-coloured concrete would be out of character with the rural location, however the absence of nearby public vantage points results in little visual impact

and consequently little harm from the provision of the concrete turning point. The reinforced geo-textile matting that is to be laid on top of the existing matting, will enable the runway to become functional and accessible for aircraft again. Grass will start to grow through the matting as it has done previously, therefore it will not have an adverse visual impact of the character of the area. As such the proposed development will be not be in conflict with the LDF Policies CP16, CP17 or DP30.

Impact on the amenity of the area

- 5.25 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.26 The proposed runway and taxiway alterations are located well within the confines of the Airfield and would not alter the runway to an extent that would directly impact upon the amenity of residents in the village of Bagby. The existing permission for the site sets noise restrictions for the aircraft using the airfield. The aircraft using the site are required to meet these conditions to not result in any increased noise or disturbance or to the residents in Bagby village. As noted above there are instances of non-compliance with the conditions, whilst the details of the proposal would not give rise to a direct increase in noise there remains a risk due to non-compliance of a loss of amenity to the local community.

Impact on drainage

- 5.27 Local Development Framework Policies CP21 and DP43 require that development does not have an adverse effect on watercourse or increase the risk of flooding elsewhere. The NPPF seeks to manage drainage as a component of responding to climate change and reducing the risk of flooding.
- 5.28 A large proportion of the Airfield still remains as grassland. Retrospective earthworks have been undertaken which have facilitated drainage. This work entailed the replacement of clay pipes with plastic pipe in a gravel backfill in a trench to withstand wear and are located along either side of the reinforced matting at a stand-off distance of 2 metres to the south and 4 metres to the north. Works to facilitate drainage also include the laying of shallow stone channels under the runway matting to help surface water run-off and the laying of sand to help reinforce the matting. It is considered with these alterations to the drainage of the site this will enable the runway to be used throughout a greater range of weather conditions. The use of an existing watercourse for drainage also continues the existing arrangement. The proposal would not increase the risk of flooding and therefore complies with the Council's Local Plan Policies and the overarching principles of the NPPF.

Environmental Impact Assessment (EIA)

- 5.29 The development for the change in materials for an existing runway and the creation of a turning circle is not EIA development. This is due to the fact that the development falls below the thresholds for EIA development and is not an extension to the runway.

Aviation Safety

- 5.30 At the Planning Committee on the 21 October 2021 Members sought advice from officers regarding whether the proposed changes and retrospective changes were necessary for the purposes of aviation safety and to ensure safe operations of the Airfield. The applicant has subsequently provided a supporting statement which sets out that the alterations undertaken on the runway have been carried out for safety reasons. This submitted supported document has subsequently been reviewed by the Council's consultants, York Aviation.
- 5.31 Based on the commentary received and the professional advice provided by York Aviation, it is conceived that the alterations to the geo-textile matting to accommodate adequate drainage on the runway can be considered to be a suitable replacement and appropriate to achieve safety. However, in respect of the additional 25 metres of concrete that has been laid on the runway, York Aviation could not be satisfied that this alteration is for safety reasons. This is due to the fact that no evidence has been provided to the Council to demonstrate that the concrete was required to ensure it levels up with the existing matting. Therefore, without this evidence there is no justified need for the additional concrete and the concrete makes no contribution to safety measures on the Airfield.

Other Issues

- 5.32 The Parish Council comments set out that aircraft N133KQ is not capable of being able to land at the Airfield due to its size. Condition 22 imposed on planning permission 16/02240/FUL states that where fixed wing aircraft do not have a noise certificate on the UK Register no aircraft with a certified maximum take off weight of greater than 2,730kg may operate. This particular aircraft is not on the UK Register and is registered in Canada and has a maximum take off weight of 3,290kg. Therefore, this aircraft is not permitted to land at the Airfield and is a breach of condition 22. This matter has been raised with the Planning Enforcement Team who will investigate this further.

Conclusion

- 5.33 The retrospective change in materials of the runway from a geo-textile surface to concrete and the creation of a turning circle at the north eastern runway may enable the airfield to operate throughout the year. The same applies to the non-retrospective elements. The changes to the runway are also proposed to ensure the safe landing and take-off, of aircraft from the Airfield. It is considered that the development would not result in a significant harmful impact on the character of the countryside and would have no effect on neighbouring residential amenity.
- 5.34 However, it is considered that there is a lack of significant detail in regard to the viability of the Airfield or any detail of the reasoning why the alterations to increase extent of concrete on the runway were required and why the continued use of matting is insufficient. Without an appropriate business case to show how by altering the materials of the runway the development will support of the viability of the airfield the proposal fails the policy text of DP25.

5.35 There is no evidence available to support the proposal that outweighs the concerns regarding the unjustified reinforcement and resurfacing of the runways. The concerns that incremental increase in airfield infrastructure will increase aircraft movements and result in more noise in the environment and a loss of amenity and subsequently the application is recommended for refusal.

6.0 Recommendation

That subject to any outstanding consultations the application be **REFUSED** for the following reason(s):

1. The proposal is contrary to the Local Development Framework Policies CP1 and DP25 as an appropriate business case has not been supplied. It is not possible to assess whether there is any economic or other benefit arising from the reinforcement and resurfacing of the runway and drainage works to offset the risks of an incremental increase in facilities contributing to increased use of the airfield and a loss of amenity to the local community.

Response of Bagby and Balk Parish Council

Dear Mr Allison,

Please find below the response of Bagby and Balk Parish Council (BBPC) to an invitation to comment on the two retrospective planning applications detailed below which are to be considered by officers at Hambleton District Council (HDC)

- **21/01243/FUL Retrospective and proposed concrete alterations to existing runway, reinforced geotextile matting to runway and earthworks to facilitate drainage**
- **21/01709/FUL Retrospective application for hardstanding, associated drainage, door and walkway to Hangar C1 and proposed lean-to for office to Hangar B**

Firstly, as there are multiple retrospective applications currently in the pipeline, why can they not all be considered at the same time to give a complete picture?

BBPC is now of the opinion that their views are not welcome, or actually considered important in the planning process at HDC. Councillors feel this regrettable as BBPC has been proved repeatedly right about the long-term intentions of the airfield.

BBPC was right when it explained it would be a mistake to imagine that granting permission would make any difference to the airfield's behaviour. The catalogue of breaches and further unauthorised developments shows what happens if you give the owner of the airfield an inch.

The failure to build the fence to protect children, which was insisted on by the Planning Committee but which was surprisingly not supported by officers of HDC is the latest non compliance which was predicted by the BBPC and duly came to pass.

Even those officers who have supported the airfield in the past have come to realise that the conditions are not being policed with any sort of authority or professionalism.

As you will recall BBPC was in opposition to the fuel facility, two planning inspectors agreed with BBPC but officers from the planning department at HDC granted permission.

As a result of this decision the airfield can now run 24/7 with jet planes landing at all hours to pick up fuel.

HDC has failed to offer any evidence in support of its objections to the original installation of geotextile matting. The airfield has ruthlessly exploited this error by weighing down the matting with heavy planes which has ultimately destroyed it. How can this be called a repair when it is replaced with concrete reinforcement?

When you consider how much concrete has replaced grass over the last 14 years, the direction of travel is clear. It is not 'repair' as described but it is actually creeping development at an alarming increasing pace.

Whatever the 'new business plan' might say, the facts speak louder. The number of planes really resident at the airfield has dropped substantially and there is no way that the owner can make any money out of maintenance and therefore benefit the airfield – let alone the local community

The Business Plan should really state that the airfield intends to attract much larger, nosier planes all the year round to an airfield that is truly 'open all hours' just as the website claims. Grass has to be replaced by concrete for this to happen.

It is clear that HDC has no intention in issuing a stop notice, even with all the conditions not being fulfilled. Gradually the airfield will have more and more concreted runways and more concrete standing areas, it is only a matter of time till planners are faced with yet another retrospective application.

Once the larger runway is complete, larger, nosier planes will come in round the clock, BBPC feels HDC has no intention of stopping the owner by prosecuting over the continual breaches of out of hours conditions. The latest excuse for inaction is that a gate has not been installed correctly is very poor. The existence of a gate won't stop planes arriving out of hours if pilots and passengers just walk round it to enter or exit the airfield.

BBPC has bitter experience of conflict with the airfield, HDC has spent an extraordinary amount of money on external fees over the last 14 years. There has been no jobs bonanza or other development benefits to the local community as promised.

These applications should not even be before planners, A4R explains why. They should be refused and a serious attempt to regain planning control along HDC's reputation should be made.

Yours sincerely

Sandra Langthorne

Clerk and Responsible Officer for Bagby and Balk Parish Council