

North Yorkshire Council

Community Development Services

Thirsk and Malton Area Planning Committee

19 December 2024

ZB23/02537/MRC – Application for the modification of condition 22 of approved application: 16/02240/FUL

At Bagby Airfield, Bagby, North Yorkshire

For: Mr M Scott

Report of the Head of Development Management – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application submitted under Section 73 of the Town and Country Planning Act to seek to vary condition 22 of planning permission: 16/02240/FUL at The Airfield, Bagby.
- 1.2 The application is considered appropriate to be determined by the Planning Committee due to the proposal raising significant planning issues as considered by the Director of Community Development.

2.0 SUMMARY

RECOMMENDATION: That Planning Permission be **GRANTED** subject to the conditions set out in Section 12 of this report.

- 2.1 On the 30 July 2019 Hambleton District Council approved planning permission for the “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 hanger, 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 hanger. Air movements to be capped at a maximum of 8,440 per annum”.
- 2.2 Several conditions were imposed on the planning permission in order to control the type of aircraft movements in and out of Bagby Airfield. Condition 22 was imposed to control the type of fixed wing aircraft allowed to operate out of Bagby Airfield. Condition 22 states the following:

“No fixed wing aircraft may operate at other than in accordance with the following requirements:

- 1.a) In the case of aircraft with Noise Certificate in the UK under Chapter 6 Noise Register with a maximum overflight limit of 79.6Db(A) or

b) In the case of aircraft with Noise Certificate on the UK register under Chapter 10 Noise with a maximum overflight limit of 82.7Db(A).

Fixed Wing	Movement	Limit dB(A)
Chapter 6	Overflight	79.6
Chapter 10	Overflight	82.7

c) In circumstances where fixed wing aircraft do not have a noise certificate on the UK register no aircraft with a certified Maximum Take Off Weight (MTOW) of greater than 2,730KG may operate.

(The relevant data for UK Registered aircraft is available on the G-INFO website)

2. Aircraft that do not meet the terms of 1.a) or b) may only operate on notified fly-in days where they are proved to have at two of the three characteristics:

- a) The aircraft was first manufactured more than 50 years prior to the current date;
- b) They do not currently have an internationally recognised certification basis;
- c) They can evidence that the aircraft (or their type) were at one time, on a military register.

Any aircraft operating under 2 above shall not arrive more than 48 hours prior to the commencement of a Fly-in day. The aircraft may not depart from an return to the Airfield prior to or during the Fly-in day. The aircraft shall leave either on the date of the Fly-on day or at the earliest reasonable opportunity thereafter consistent with weather related conditions, at Bagby, their intended destination, any diversion and the en-route weather. No return shall be permitted after departure from the Fly-In day.

2.3 The applicant is proposing to vary condition 22 to the following wording, proposed amendments are highlighted in bold below:

No fixed wing aircraft may operate at other than in accordance with the following requirements:

- a) In the case of aircraft with Noise Certificate in the UK under Chapter 6 Noise Register or a published noise certificate or compliance with the EASA noise database with a maximum overflight limit of **79.7 dB(A)** or,
- b) In the case of aircraft with Noise Certification on the UK register or a published noise certificate or compliance with the EASA noise database under Chapter 10 Noise (original implementation) with a maximum overflight limit of **87.6Db(A)**, and for the later Chapter 10 Noise Certification an overflight limit of **84.6 dB(A)**.
- c) In circumstances where fixed wing aircraft do not have a Noise Certificate on the UK register or a published noise certificate or compliance with the EASA noise database no aircraft with a certified Maximum Take off Weight (MTOW) of greater than 2,730kg may operate.

2. Aircraft that do not meet the terms of 1.a) or b) may only operate on notified fly-in days where they are proved to have at two of the three characteristics:

- d) The aircraft was first manufactured more than 50 years prior to the current date;
- e) They do not currently have an internationally recognised certification basis;
- f) They can evidence that the aircraft (or their type) were at one time, on a military register.

Any aircraft operating under 2 above shall not arrive more than 48 hours prior to the commencement of a Fly-in day. The aircraft may not depart from and return to the Airfield prior to or during the Fly-in day. The aircraft shall leave either on the date of the Fly-on day

or at the earliest reasonable opportunity thereafter consistent with weather related conditions, at Bagby, their intended destination, any diversion and the en-route weather. No return shall be permitted after departure from the Fly-In day.

- 2.4 The applicant has provided technical data supporting the reasoning that the applicant considers a variation to the condition is justified. The Council have also sought professional aviation advice from York Aviation who subsequently appointed a noise consultant, Bickerdike Allen Partners (BAP) (Noise Consultants) to provide advice on the proposed amended condition.
- 2.5 The purpose of condition 22 is to restrict the type of aircraft that are allowed to land and take off from the Airfield based on the noise performance of the aircraft. Therefore, the proposed varying of the condition to increase the noise limitations would allow different aircraft to land and take off from the Airfield.
- 2.6 Furthermore, one of the reasons for the application is that any aircraft that is not registered in the UK database can only land at the Airfield as long as it does not exceed 2,730kg in Maximum Take off Weight. The Airfield had a period of time where an aircraft known as a Kodiak with a Canada registration was flying in and out of Bagby Airfield. It was considered that as the aircraft exceeded the maximum take-off weight it was technically not allowed to fly in and out of Bagby Airfield. However, this aircraft is now becoming a common aircraft produced outside of the UK and therefore the proposed alteration to the condition seeks to enable this type of aircraft to land and take off from the Airfield.

3.0 PRELIMINARY MATTERS

- 3.1 Access to the case file on Public Access can be found here: [Planning documents](#)

Planning history

- 3.2 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.

18/00524/FUL - Retrospective application for the temporary siting of a portable aircraft engineer's office and document storage cabin – Approved 30 July 2019.

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.

21/00081/FUL - Retrospective application for an access road off Bagby lane to provide access to the airfield – Approved 7 June 2021.

21/00668/FUL - Retrospective extension to Hangar A and proposed hard standing adjacent to Hangar A – Refused on 22 October 2021 – Allowed on Appeal.

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 on 22 October 2021 – Allowed on Appeal.

21/01243/FUL - Retrospective and proposed concrete alterations to existing runway, reinforced geotextile matting to runway and earthworks to facilitate drainage – Refused 22 February 2022 – Allowed on Appeal.

21/01709/FUL - Retrospective application for hardstanding, associated drainage, door and walkway to Hangar C1 and proposed lean-to for office to Hangar B – Approved 22 February 2022.

21/02087/FUL - Retrospective siting of fuel pump and fuel bund – Refused 22 February 2022.

22/01387/FUL - Proposed replacement hangar door and relocated windsock – Approved 14 April 2023.

ZB23/00807/FUL - Retrospective planning permission for the erection of a pole mounted CCTV security system – Approved 17 May 2023.

ZB24/00064/FUL - Application for proposed development of Bagby airfield to include:- demolition and rebuild of hangar G; extension and external alteration of Hangar F; demolition of the existing maintenance facility and erection of a new facility to form a ground floor Museum Hangar with first floor accommodation; Retrospective consent for the construction of a new clubhouse following demolition of the existing clubhouse and control tower; construction of a new control tower and new Tractor Shed/Workshop; demolition and replacement of two temporary Hangars with a New Hangar; creation of a new aircraft electric charging point; extension to the runway geotextile tiling; hard and soft landscaping and creation of a new bowser. – Pending consideration.

4.0 SITE AND SURROUNDINGS

- 4.1 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 an 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.
- 4.2 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.
- 4.3 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.
- 4.4 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).
- 4.5 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.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 The description of the proposal is detailed in full within the Summary Section of the report. The purpose of this application is to seek to alter condition 22 of planning permission 16/02240/FUL. Condition 22 was imposed to restrict the type of aircraft that are allowed to land and take off from the Airfield based on the noise performance of the aircraft. The applicant is proposing to vary this condition to allow a different type of aircraft to land and take off from the Airfield.
- 5.2 During the operating times that the Airfield is allowed to operate, any aircraft that is not registered in the UK database can only land at the Airfield as long as it does not exceed 2,730kg in Maximum Take off Weight. The Airfield had a period of time where an aircraft known as a Kodiak with a Canada registration was flying in and out of Bagby Airfield. It was considered that as the aircraft exceeded the maximum take-off weight it was technically not allowed to fly in and out of Bagby Airfield. However, this aircraft is now becoming a common aircraft produced outside of the UK and therefore the proposed alteration to the condition seeks to enable this type of aircraft to land and take off from the Airfield.
- 5.3 As part of the application the applicant has provided technical data supporting the reasoning that the applicant considers a variation to the condition is justified. The Council have also sought professional aviation advice from York Aviation who subsequently appointed a noise consultant, Bickerdike Allen Partners (BAP) (Noise Consultants) to provide advice on the proposed varied condition.

6.0 PLANNING POLICY AND GUIDANCE

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is the Hambleton Local Plan (adopted February 2022).

Emerging Development Plan - Material Consideration.

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.
- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework 2023
 - National Planning Practice Guidance
 - General Aviation Strategy 2015
 - ICAO document Annex 16 Environmental Protection Volume 1 Aircraft Noise

7.0 CONSULTATION RESPONSES

The following consultation responses have been received and have been summarised below.

- 7.1 Historic England – No objections.

- 7.2 Health and Safety Executive – No objections.
- 7.3 National Grid Gas Transmission – No objections.
- 7.4 North Yorkshire (Archaeology) - No objections.
- 7.5 Ministry of Defence – No objections.
- 7.6 Thirkleby High & Low Osgoodby Parish Council object to the application. They state that the change will allow larger aircraft to visit this airfield which will result in more disturbance to local residents.
- 7.7 Bagby Parish Council object to the application. They state that the modification to the condition will allow larger commercial operation to take place at the Airfield. This is demonstrated over the years by the gradual increase in length of the runway, change in material of the runway from matting to concrete all to accommodate larger aircraft.
- 7.8 Civil Aviation Authority – No objections.
- 7.9 Environmental Health have commented on the application stating the following:

From an Environmental Health perspective, our objective as a non-statutory consultee is to evaluate the potential impact on local amenity from proposed planning applications. In this instance we need to be satisfied the proposed increases in over-flight noise will not have any significant impact on local amenity in the vicinity of Bagby Airfield.

In terms of the proposal for Chapter 6 aircraft, the proposed increase of 0.1 dB is not deemed significant and our assessment is there will be minimal amenity impact. As a result, we have no grounds not to support this component of the application.

In respect to the proposed increases to Chapter 10 aircraft certified after the 4th of November 1999, the proposed increase of 1.9 dB is deemed not to be significant and being less than 3 dB (a doubling of sound pressure) is likely to be imperceptible from the normal operational noise footprint from operations at the airfield. As a result, we have no grounds not to support this component of the application.

In terms of the proposed increases to Chapter 10 certified aircraft, there is concern that the proposed increase for aircraft types certificated between 17th November 1988 and 4th November 1999 does have potential for significant impact on local amenity. An increase of 4.9 dB which is a doubling of sound pressure will be perceptible and will have an impact on amenity. As a result, this department would not support the proposed increase for Chapter 10 aircraft certificated between 17th November 1988 and 4th November 1999.

- 7.10 No comments have been received from:

- National Air Traffic Control
- Campaign to Protect Rural England.

Local Representations

- 7.11 33 local representations have been received of which 23 are in support and 10 are objecting. A summary of the comments is provided below, however, please see website for full comments.

Support

- The proposal represents an important step forward for air transport, stimulating business activity, and creating new jobs and training opportunities
- A slight amendment to the rules will assist the Airfield with no additional flights beyond what is already allowed
- This a simple correction which inadvertently excluded certain aircraft registered differently from other aircraft that have the same characteristics
- These non-G-Registered aircraft have the same landing area requirements the same noise levels the same taxi-ing ability and the same fuel as the ones already approved
- It will be attractive to visitors
- This alteration will make it easier from the Council and the Airfield to monitor and determine all aircraft movements

Objections:

- This will allow larger aircraft to land on a hobbyist airfield and is very close to a Children's Playground.
- Increased noise pollution from larger aircraft and subsequent traffic to an in infrastructure that isn't adequate.
- Larger aircraft will be allowed to use the Airfield which already has a poor safety record.
- The current radar monitoring system has been shown to be inaccurate when checked against pilot logs.
- The proposal to allow larger aircraft to visit the site will have an impact on the local environment and wildlife.
- Object to the chapter 10 overflight noise limit going from 82.7 to 87.6 decibels, as this sizeable increase would have an increase in noise levels in the community
- No business case can exist for an unsafe and potentially illegal operation.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 MAIN ISSUES

9.1 The key considerations in the assessment of this application are:

- Principle of Development
- Impact on neighbouring residential amenity

10.0 ASSESSMENT

Principle of Development

10.1 In determining application's, the decisions should be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan for Hambleton is the Hambleton Local Plan (Adopted February 2022), of which Policy S1 of the Local Plan states the Council will seek to ensure that development makes a positive contribution towards sustainability of communities, enhances the environment and adapts to am mitigates the impact of climate change.

10.2 The principle of development has already been established in the granting of planning permission reference: 16/02240/FUL and is considered acceptable. The matter to consider

as part of this application is the impact the proposed varied condition would have on the local population in terms of noise and disturbance.

Impact on Residential Amenity

- 10.3 Policy E2 of the Hambleton Local Plan states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers including both future occupants and users of the proposed development as well as existing occupants and user of neighbouring land and buildings. A proposal must ensure that there are no significant adverse impacts in terms of noise, odour and obtrusive light pollution.
- 10.4 The existing Condition 22 refers to 'Chapter 6 Noise' and 'Chapter 10 Noise'. These are set out in the ICAO (International Civil Aviation Organisation) document Annex 16 Environmental Protection Volume 1 Aircraft Noise. This document is split into a series of chapters which relate to different types of aircraft and/or to different periods of time. The noise chapters set maximum noise limits for aircraft types being certificated. This document details all aircraft noise limits which is useful to understand in terms of the type of aircraft that is allowed to land and take off from Bagby Airfield.
- 10.5 Chapter 6 was introduced in 1975 and applies to light propeller aircraft, those with a maximum take-off weight (MTOW) not exceeding 8,618 kg, which were certificated before 17th November 1988. Chapter 10 applies to the newer light propeller aircraft types certificated after 17th November 1988. Chapter 10 was revised to make it more stringent for aircraft types certificated after 4th November 1999.
- 10.6 Compliance with the relevant chapters is tested by the relevant aviation authority, in the case of the UK this is the Civil Aviation Authority (CAA), when a new aircraft type seeks certification. Therefore, an aircraft can be built today for which Chapter 6 applies if the type was first certificated before 17th November 1988.
- 10.7 Chapter 6 and Chapter 10 measure aircraft noise in different ways and at different locations. Because of this Chapter 6 and Chapter 10 noise levels are not directly comparable. Chapter 6 measures the noise from an aircraft overflight at a location on the ground 300 m below the flight path. Overflight is an aircraft flying and measurement taken of the noise it generates as it is in the air. Chapter 10 measures the noise from an aircraft climbing after take-off at a location on the ground 2,500 m from the start of roll (SOR) position. Aircraft are generally louder when climbing, as they require more thrust, therefore the noise limits set out in Chapter 10 are numerically higher than those set out in Chapter 6 to reflect this different procedure. However, BAP (the noise consultants engaged by the Council to provide advice on this application) understand that the original Chapter 10 limits that applied between 1988 and 1999 were intended to be broadly equivalent to those for Chapter 6, although the actual difference in noise level would be expected to vary by aircraft type. Aircraft types are not normally certificated against both chapters, therefore direct comparisons are not generally possible.
- 10.8 The 1999 revision of Chapter 10 did not change the measurement procedure, but the noise limits for new aircraft types were reduced by 6 dB for aircraft up to 570 kg and by 3 dB for aircraft over 1,500kg, with the limit adjusting logarithmically with weight for aircraft with an MTOW of between 570 kg and 1,500 kg. The revised Chapter 10 will be referred to as post-1999, and the original Chapter 10 as pre-1999. For the reasons discussed above the Chapter 6 and Chapter 10 limits are not directly comparable, however in general the post-1999 Chapter 10 limits can be treated as more stringent than the Chapter 6 limits.
- 10.9 The submitted Papa Bravo technical report supporting the proposal, dated 14th November 2023 states that at the limit of 85 dB a post-1999 Chapter 10 aircraft type would be 6 dB quieter than a Chapter 6 aircraft at 80 dB. While the 1999 Chapter 10 limits did reduce by 6

dB for the lightest aircraft covered by the chapters, for the heavier types that the limit of 85 dB applies to the reduction was only 3 dB. However, the noisiest post-1999 Chapter 10 aircraft type should still be quieter than the noisiest Chapter 6 aircraft.

PROPOSED VARIATION

- 10.10 This application made under section 73 of the Town and Country Planning Act includes several proposals. The proposed changes to the noise limits set out in Condition 22 which are:
- 1) An increase in the Chapter 6 limit to 79.7 dB(A) compared to the current limit of 79.6 dB(A).
 - 2) a) An increase in the Chapter 10 limit to 87.6 dB(A) for Chapter 10 aircraft types certificated between 17th November 1988 and 4th November 1999 compared to the current limit of 82.7 dB(A).
 - b) An increase in the Chapter 10 limit to 84.6 dB(A) for Chapter 10 aircraft types certificated after 4th November 1999 compared to the current limit of 82.7 dB(A).
- 10.11 The first change relates to a 0.1 dB increase in the limit for Chapter 6 aircraft. BAP have advised the Council that this limit was originally set based on the noise levels of a Piper 32-260 (type of light aircraft), but that the database used at the time gave a slightly different value for the noise level of this aircraft. The proposed change is not material in noise terms, a change of 0.1 dB is not perceptible.
- 10.12 The limit currently applied at Bagby to Chapter 6 aircraft (79.6 dB) is 0.4 dB lower than the upper limit set out in the ICAO Noise Chapter 6 (80.0 dB). It is proposed that the limit that applies at Bagby to Chapter 10 aircraft should use the same differential of 0.4 dB compared to the upper limits set in ICAO Noise Chapter 10, which are 88.0 dB pre-1999, 85.0 dB post-1999. This results in the proposed limits of 87.6 dB for pre-1999 aircraft types and 84.6 dB for post-1999 aircraft types.
- 10.13 Due to the differences in the Chapter 6 and Chapter 10 procedures the noise levels are not directly comparable, however BAP (the council's appointed noise consultants) understand the pre-1999 Chapter 10 limits are intended to be broadly equivalent to the Chapter 6 limits. The proposed changes would therefore allow pre-1999 Chapter 10 aircraft types to be approximately as noisy as the permitted Chapter 6 aircraft types and would require post-1999 Chapter 10 aircraft types to be at least 3 dB quieter than the permitted Chapter 6 aircraft types.
- 10.14 The proposed changes would not allow aircraft to be noisier than the noisiest Chapter 6 aircraft types currently allowed to operate. However, compared to the current situation the proposed changes allow Chapter 10 aircraft types to be up to 4.9 dB louder if certificated before 4th November 1999 and up to 1.9 dB louder if certificated after 4 th November 1999.
- 10.15 A change of 4.9 dB would be expected to be perceptible to residents in local communities. Due to the magnitude of the change in the limit, there is potential for an impact on the amenity of the population, although this would depend on the proportion of pre-1999 Chapter 10 aircraft in the future fleet and whether the change leads to an increased number of flights.
- 10.16 The proposed change to the Chapter 10 limit for post-1999 aircraft types appears less significant, as it is only a change of 1.9 dB compared to the current situation. The CAA defines changes of less than 3 dB as being imperceptible in normal conditions. In addition

all of these aircraft would still be at least 3 dB quieter than the noisiest currently permitted Chapter 6 aircraft.

- 10.17 BAP (the council's engaged noise consultants) understand that the proposed changes to the limits are partially driven by the Airfield's desire to allow operations by the Daher Kodiak aircraft type (also known as the Quest Kodiak). There are a number of variants of this aircraft type, most of which comply with the existing noise limits. However, certain variants have a Chapter 10 certification noise levels of 83.3 dB, which is 0.6 dB higher than the current limit. As discussed above, a difference of 0.6 dB is unlikely to be perceptible and therefore allowing operations by these variants should not significantly impact local communities. In addition, these variants would still be quieter than the noisiest Chapter 6 aircraft currently permitted. However, the proposed limits would allow even noisier types, particularly the proposed limit for pre-1999 Chapter 10 aircraft which is much higher and is not required for the Kodiak to operate.
- 10.18 BAP advised the Council that it may also be relevant that the MTOW of the Kodiak aircraft variants that exceed the current noise limit is 3,291 kg. Prior to the granting of planning permission of the previous 2016 dated planning application in 2019, the Council had proposed a maximum weight limit of 2,730 kg for all aircraft. York Aviation Limited (YAL) prepared a report titled Bagby Airfield Application and Conditions Review, dated December 2018. In this report, in paragraphs 4.86 to 4.88 it was argued that a weight limit was not necessary, as the loudest aircraft at the time were well below the proposed weight limit and the aircraft operating at that time that were heavier than the proposed weight limit were quieter than the loudest smaller aircraft. This is not the case for these variants of the Daher Kodiak which are heavier than 2,730 kg and are louder than the current noise limits and therefore louder than any Chapter 10 aircraft operating at the time of the previous application. The weight limit that is specified in Condition 22 only currently applies where certification noise levels are not available.
- 10.19 Furthermore BAP have advised the Council that if the Chapter 10 limit for pre-1999 aircraft types is set as proposed, it would be approximately equivalent to the limit for Chapter 6 aircraft. Therefore, no improvement in noise level would be being required for aircraft types certificated between 1988 and 1999 compared to aircraft types certificated between 1975 and 1988. In the covering letter submitted in support of this application prepared by AMS Planning dated 7th December 2023, in the section titled "Protecting Amenity", the application is described as "encouraging modern, intrinsically quieter aircraft and reducing the number of movements of older, noisier aircraft". The proposed pre-1999 Chapter 10 limits arguably fail to do this, by requiring no improvement in the noise level of Chapter 10 aircraft certificated before 4th November 1999 compared to older Chapter 6 aircraft.
- 10.20 Therefore, based on the assessment set out above, the Council advised the applicant that pre-1999 Chapter 10 limits alterations could not be supported as this would fail to protect neighbouring residential amenity. The applicant therefore agreed to alter the proposed amendments to the condition as follows:
1. An increase in the Chapter 6 limit to 79.7Db(A) compared to the current limit of 79.6 Db(A)
 2. (A) An increase in the Chapter 10 limit to 85.7 db(A) for Chapter 10 aircraft types certified between 17th November 1988 and 4th November 1999 compared to the current limit of 82.7 db(A).
 3. An increase in the Chapter 10 limit to 84.6 db(A) for Chapter 10 aircraft types certified after 4 November 1999 compared to the current limit of 82.7 db(A)
- 10.21 In essence this would mean a small variation to point 2 so that the increase would only be 3Db. As appraised above the increase in 3Db(A) is not a significant increase and would

have no impact on the local community in terms of noise following the slight increase in the noise limits. Following this proposed change a further re-consultation took place and no further comments were received. It is therefore considered that the proposed variation to condition 22, as amended, is in accordance with Policy E2 of the Council's Local Plan.

Other Issues

- 10.22 Objections have raised concern that the variation of this condition will allow for larger commercial aircraft to utilise Bagby Airfield. The proposed noise increase in the condition is only for an increase in 3Db. It has been concluded by noise consultants that this is not a significant increase and would have no impact on the local community in terms of noise. Furthermore, the variation of this condition would not allow for larger commercial aircraft to land and take off from the Airfield. This is due to the fact that the condition still has tight controls on larger aircraft which would be unable to land and take off from the Airfield due to the tight noise controls imposed by the Council on the Airfield.
- 10.23 Adjacent the access into the site is a children's playground. As part of planning permission 21/00081/FUL, suitable fencing was erected to prevent any children being able to access the airfield from the playground. Furthermore, aircraft do not fly directly over the playground due to the orientation of the runway and helicopters are not permitted to fly over the village as detailed within an agreed Section 106 agreement as part of planning application 16/02240/FUL. Therefore, it is considered that the users of the playground will not be adversely impacted on by this variation of condition proposal.
- 10.24 As part of the planning permission 16/02240/FUL the airfield was required to have a publicly accessible website which demonstrates aircraft movements. It is noted that when this was first operational there was some anomalies and this was not recording data correctly. However, the system is now running and collecting all the data it should be and is subsequently complying with the relevant condition imposed in regard to data monitoring.
- 10.25 One of the comments provided states that there is no business case for an unsafe and illegal operation. As part of this application, a business case is not required as the principal of development has already been established. The purpose of the application is to establish if the proposed increase in noise would have a harmful impact on the local community. It is considered that the proposed changes are minor and would not impact the local community in terms of any additional noise impact.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 This application seeks to vary the wording of condition 22 pursuant to planning permission 16/02240/FUL. As a result of Brexit and the UK CAA's withdrawal from EASA (European Union Aviation Safety Agency) and the subsequent transfer of registration by a number of UK aircraft operators, the current wording of condition 22 prohibits the transformation and development of Bagby Airfield which centres on encouraging modern, quieter aircraft supplanting older, noisier aircraft in the view of the applicant.
- 11.2 It is considered that the proposed variation to the condition would allow the Airfield to operate within its current parameters and the slight increase in range has been fully appraised by an independently commissioned noise consultant engaged by the Council and the Council's Environmental Health team who advised that the increase would cause no significant noise and disturbance to the local community. The proposal is subsequently considered to be in accordance with Policy E2 of the Council's Local Plan Policies.

12.0 RECOMMENDATION

That planning permission be GRANTED subject to the conditions below

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing detailed below received by Hambleton District Council on the dates shown. Site location plan received 28 September 2018; Proposed Site layout received 14 March 2018; Proposed Block plan received 6 October 2016; Proposed Elevation drawings for Hangar A received on 6 October 2016; Proposed Maintenance Facility and Elevations received 14 March 2018; Proposed Hangar C1 received 6 October 2016; Proposed Hangar F received 14 March 2018; Tractor shed received 6 October 2016; Club house received 6 October 2016; Replacement aircraft hangars received 6 October 2016 Fuel facility received on 20 February 2019; Camera and surveillance details received 14 March 2018

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the adopted Local Plan Policies S1, E1, E2 and E7.

2. The Aircraft Surveillance Cameras and Virtual Radar approved under discharge of condition application reference no.: 16/02240/DCN shall be maintained in accordance with the approved details and shall provide the data on a freely and publicly accessible website(s).

Reason: In order to ensure that surveillance of aircraft is undertaken to enable records to be kept to ensure that in turn controls over the numbers and tracking of aircraft movements detailed in other conditions and the associated planning obligation can be enforced and so that the amenity of the local population is safeguarded in accordance with the adopted Local Plan Policies S1 and E2.

3. The above ground fuel storage tanks must be sited on impervious bases and surrounded by impervious bund walls in general accordance with details shown on drawing 1452-25 received by Hambleton District Council 20 February 2019. (The bund must have a capacity to contain the largest predictable spillage. A bund capacity of 110% of the capacity of the largest storage vessel located within the bund or 25% of the total capacity of tanks in the bund, whichever is the greater will normally be regarded as the minimum. When estimating the bund capacity the space occupied by other tanks should be taken in account, and there must be a suitable sealed drainage system. Reference should also be made to health and Safety Executive guidance document "HSG 176 Storage of Flammable Liquids in Tanks", which provides additional guidance on the design, construction and drainage of bunds.) The bund shall be retained and maintained in accordance with the industry best practice guidance at all times that fuel is stored within the bund.

Reason: To prevent pollution to the water environment in accordance with the Local Plan Policies S1, and RM5.

4. No oils shall be stored outdoors unless impervious bund walls have been formed in accordance of details previously submitted to and approved in writing by the Local Planning Authority. The bund shall be retained and maintained in accordance with the industry best practice guidance at all times that fuel is stored within the bund.

Reason: To prevent pollution to the water environment in accordance with the Local Plan Policies S1 and RM5.

5. The access hereby constructed shall have splays giving clear visibility of 120 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the

object height shall be 0.6 metres. These visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with adopted Local Plan Policies S1 and IC2 and in the interests of highway safety.

6. The technical details relating to the bridging/culverting of the watercourse adjacent to the site access with Bagby Lane and any other watercourses and the surface water ditch adjacent to the site access with Bagby Lane and any other watercourses should be piped in accordance with the approved details submitted and approved under plan 19-410-DE-100-002 Rev C and shall be retained in accordance with the approved details in perpetuity.

Reason: In accordance with Local Plan Policies S1, IC2 and RM2 in the interests of highway safety and avoiding an increased risk of flooding.

7. The sound insulation of Hangar B shall be maintained in perpetuity in accordance with the approved details submitted under discharge of condition application reference no.: 16/02240/DCN01.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

8. The number of all movements at the Airfield shall not exceed 8,440 per calendar year of which:
 - a) A maximum of 676 may be by helicopters;
 - b) A maximum of 1,700 may be Touch & Go movements; and
 - c) There will be a maximum of 1,518 movements of all types in any calendar month.

(For the avoidance of doubt a landing is one movement. A take-off is one movement. A touch and go is two movements. A take-off, followed by a touch and go, and then a landing is four movements.)

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

9. The airfield operating hours shall not exceed:
 - a) 0700-2200 local time Monday to Friday for resident aircraft, with no movements permitted outside of these hours except in the case of emergencies;
 - b) 0800-2100 on Saturdays, Sunday and Public Holidays for resident aircraft, with no movements permitted outside of these hours except in case of emergencies;
 - c) 0900-1900 each day for non-resident aircraft, with no movements permitted by non-resident aircraft outside of these hours except in case of emergencies.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

10. No more than 5 aircraft movements may occur between 0700 and 0900 hours local time, Monday to Friday, of which a maximum of 2 may operate between 0700 and 0730 hours.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

11. No more than 4 aircraft movements may occur between 0800 and 0900 hours local time on Saturdays.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

12. No more than 2 aircraft movements may occur between 0800 and 0900 hours local time on Sundays and Bank Holidays.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

13. No more than 6 aircraft movements may occur between 2000 and 2200 hours local time, Monday to Friday, of which a maximum of 2 may operate between 2100 and 2200 hours.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

14. No more than 4 aircraft movements may occur between 2000 and 2100 hours local time, on Saturdays, Sundays and Public Holidays.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

15. No more than 10 helicopter movements may occur on any day.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

16. No more than 4 non-resident helicopter movements may occur on Saturdays, Sundays and Public Holidays.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

17. No fixed wing aircraft may operate at other than in accordance with the following requirements:

- 1.a) In the case of aircraft with Noise Certification in the UK under Chapter 6 Noise Register with a maximum overflight limit of 79.7 dB(A) or
- b) In the case of aircraft with Noise Certification on the UK Register under Chapter 10 Noise with a maximum overflight limit of 85.7 dB(A) for aircraft types certified between the 17 November 1988 and 4 November 1999.
- c) In the case of aircraft with Noise Certification on the UK Register under Chapter 10 Noise with a maximum overflight limit of 84.6 dB(A) for aircraft types certified after 4 November 1999.

Fixed wing	Movement	Limit dB(A)
Chapter 6	Overflight	79.7
Chapter 10	Overflight	85.7 (Aircraft between 17 November 1988 and 4 November 1999)
Chapter 10	Overflight	84.6 (Aircraft certified after 4 November 1999)

- d) In circumstances where fixed-wing aircraft do not have a Noise Certificate on the UK Register no aircraft with a certified Maximum Take-Off Weight (MTOW) of greater than 2,730kg may operate.

(The relevant data for UK registered aircraft is available on the G-INFO website)

2. Aircraft that do not meet the terms of 1. a) or b) may only operate on notified Fly-In days when they are proven to have at least two of the three characteristics:

- a) The aircraft was first manufactured more than 50 years prior to the current date;
- b) They do not currently have an internationally recognised certification basis;
- c) They can evidence that the aircraft (or their type) were at one time, on a military register.

Any aircraft operating under 2 above shall not arrive more than 48 hours prior to the commencement of a Fly-In day. The aircraft may not depart from and return to the airfield prior to or during the Fly-In day. The aircraft shall leave either on the day of the Fly-In day or at the earliest reasonable opportunity thereafter consistent with weather related conditions, at Bagby, their intended destination, any diversion and the en-route weather. No return shall be permitted after departure from the Fly-In day.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

18. No helicopters may operate other than in accordance with the following requirements:

- a) In the case of aircraft with Noise Certification on the UK Register under Chapter 8, a maximum Take-Off limit of 92 EPNdB and a maximum Approach limit of 94 dB(A); or
- b) In the case of aircraft with Noise Certification on the UK Register under Chapter 11, a maximum overflight limit of 84 dB(A) SEL (single event limit).

Rotary wing	Movement	Limit
Chapter 8	Take-Off	92 EPNdB
Chapter 8	Approach	94 EPNdB
Chapter 11	Overflight	84 dB(A) SEL

- c) In circumstances where a helicopter does not have a Noise Certificate on the UK Register no aircraft with a certified Maximum Take-Off Weight (MTOW) of greater than 2,730kg may operate.

(The relevant data for UK registered aircraft is available on the G-INFO website.)

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

19. Jet Turbine and/or twin-engined helicopters shall not be refuelled within 40 metres of the fuel storage facility.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

20. No more than 3 Fly-In days shall be permitted in any one calendar year, each of which shall have been previously notified to the Local Planning Authority at least 30 days in advance. There shall be a maximum of 150 aircraft movements on any Fly-In day

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

21. No helicopter shall be refuelled unless all engines have been shut down, except for emergency helicopters engaged in emergencies and essential utility aircraft engaged in powerline works at times of power outages. A detailed log of each 'rotors-running' refuelling, when all engines have not been shut down, shall be maintained covering the date, time, helicopter operator and reason justifying a rotors-running refuelling. This log shall be available to the Local Planning Authority upon request.

Reason: In order that the instances of 'rotors-running' refuelling are controlled and records are kept of the exceptions to the controls to safeguard the amenity of the local population in accordance with Local Plan Policies S1 and E2.

22. The scheme for the provision and enforcement of transponders on aircraft has been submitted under discharge of condition application reference no.:16/02240/DCN03. The scheme includes provision for:

- (i) a list of all resident aircraft; and
- ii) all resident aircraft ('resident aircraft' are those kept at the Airfield for 14 days or more) must be fitted with transponders compatible with the virtual radar required in conditions 2 and 23.

The approved scheme retained in accordance with the approved details as approved under discharge of condition application reference no.:16/02240/DCN03.

Reason: In order to ensure that radar surveillance of aircraft can be undertaken to enable records to be kept and ensure that controls over the numbers and tracking of aircraft movements detailed in other conditions and the associated planning obligation can be enforced and so that the amenity of the local population is safeguarded in accordance with the Local Plan Policies S1 and E2.

23. The scheme for aircraft movement recording, shall be implemented in accordance with the details submitted and approved under discharge of condition application reference no.: 16/02240/DCN03. The scheme includes provision for:

- (i) the surveillance of each and every air movement on the application site;
- (ii) details of time and date of each air movement;
- (iii) reporting requirements; and
- (iv) public access by website.

The agreed schemes shall be implemented as agreed and retained thereafter.

Reason: In order that the records of aircraft movements are kept and ensure that controls over the numbers and tracking of aircraft movements detailed in other conditions and the associated planning obligation can be enforced and so that the amenity of the local population is safeguarded in accordance with the Local Plan Policies S1 and E2.

24. Hangars A, C1, E, F, G and H as shown on drawing 1452-10A, shall not be used other than for the purpose of aircraft storage and ancillary maintenance of aircraft for the purposes of keeping aircraft airworthy. No commercial maintenance activities are to be permitted within hangars A, C1, E, F, G and H.

Hangar B as shown on drawing 1452-10A, shall not be used other than for the purpose of aircraft maintenance by a commercial engineering firm(s). No aircraft shall be stored in Hangar B other than those awaiting maintenance in relation to the primary use of the building.

Reason: In order to ensure that the aircraft hangars are not used other than for their authorised purposes to both safeguard the amenity of the local population and to enable the economic benefits of the commercial use to be achieved in accordance with Local Plan Policies S1 and EG7.

25. With the exception of Low Rev engine running, all ground running and High Rev testing of engines may only take place at the threshold of Runway 06. Low Rev testing of engines associated with the use of Hangar B, as shown on drawing 1452-10, must take place only to the immediate west of the entrance to this building.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

26. The aircraft access doors on Hangar B, as shown in drawing 1452-10, shall remain closed at all times except to allow access to and from the building for aircraft

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

27. No aircraft of any type shall enter the area on the northern side of the runway shown hatched on the attached plan.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

28. Other than the existing runway lighting and /or its replacement, no additional external lighting shall be installed other than in complete accordance with details submitted and approved under discharge of condition application reference no.: 16/02240/DCN04.

Reason: In accordance with Local Plan Policies S1, E1 and E2 to safeguard the amenity of the local population and the environment from the adverse of light pollution.

29. Bagby Airfield shall not be used by any fixed-wing turbo-jet or turbo-fan aircraft, excluding fixed wing turbo-prop aircraft

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

30. No external lighting for the access or access road or parking areas shall be provided other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with Local Plan Policies S1, E1 and E2 to safeguard the amenity of the local population and the environment from the adverse of light pollution.

Target Determination Date: 19 September 2024

Case Officer: Craig Allison, craig.allison@northyorks.gov.uk