

20 JUNE 2019

Minutes of a meeting of the **DEVELOPMENT COMMITTEE** held in the Council Chamber, Council Offices, Holt Road, Cromer at 9.30 am when there were present:

Councillors

Mrs P Grove-Jones (Chairman)
Mr P Heinrich (Vice-Chairman)

Mr D Baker
Mr A Brown
Mr P Fisher
Mrs W Fredericks
Mr R Kershaw (arr.9.45 am)
Mr N Lloyd

Mr G Mancini-Boyle
Mr N Pearce
Dr C Stockton
Mr A Varley
Mr A Yiasimi

Mr N Housden -substitute for Mrs A Fitch-Tillett

Officers

Mr P Rowson – Head of Planning
Mr G Lyon – Major Projects Manager
Mr R Parkinson – Major Projects Team Leader
Ms F Croxen – Locum Solicitor
Mrs C Bye – Senior Environmental Protection Officer
Miss L Yarham – Democratic Services and Governance Officer

12 APOLOGIES FOR ABSENCE AND DETAILS OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Mrs A Fitch-Tillett. There was one substitute Member in attendance.

13 ITEMS OF URGENT BUSINESS

None.

14 DECLARATIONS OF INTEREST

None.

PLANNING APPLICATIONS

Where appropriate the Planning Officers expanded on the planning applications; updated the meeting on outstanding consultations, letters/petitions received objecting to, or supporting the proposals; referred to any views of local Members and answered Members' questions.

Background papers, including correspondence, petitions, consultation documents, letters of objection and those in support of planning applications were available for inspection at the meeting.

Having regard to the above information and the Officers' reports, the Committee reached the decisions as set out below.

Applications approved include a standard time limit condition as condition number 1 unless otherwise stated.

**15 North Norfolk Application ref: PF/18/0363
Parish: Scottow**

**Associated Broadland Application ref: 20181484
Parishes: Buxton with Lamas; Coltishall**

**Site address: Scottow Enterprise Park, Lamas Road, Badersfield, Scottow,
NR10 5FB**

**Proposal: Change of use of parts of the former military taxiway and runway
areas for manoeuvring, take-off and landing of light aircraft**

Public Speakers

Debra Simpson (objecting)
Michael Graham (supporting)

The Major Projects Team Leader circulated an amended recommendation, which had resulted from updates that had been received since the publication of the report in respect of flight altitudes, testing of aircraft, matters relating to noise assessment and ecological reports and an amended response from the Environmental Protection Team. Changes to the published conditions were principally in relation to an expectation for a planning obligation to be agreed between the applicants, landowner and local authorities with regard to additional retained grassland within the Enterprise Park to address the ecological impacts, and to recommend to Broadland District Council (BDC) that it approves application 20181484 with the same conditions as applied by NNDC.

The Major Projects Team Leader presented the report and displayed plans of the site and maps showing the context of the site in the surrounding areas. He explained that there had been a misunderstanding as to the routing of aircraft and clarified details in respect of the aircraft movements and noise assessment. He explained the amended noise protection measures in the proposed conditions. It was likely that the amendments would result in less impact to the local population than originally envisaged.

The Major Projects Team Leader displayed maps of showing ecological protected areas and flight exclusion zones. He stated that there were changes in the ecological impacts due to the misunderstanding regarding the submitted information. It was considered that unacceptable impacts could still be avoided but it was likely that Civil Aviation Authority requirements and Air Traffic Control would direct some aircraft into the protected areas for safety reasons. He outlined the amended ecological conditions for off-site operations in the revised recommendation. He stated that the Scottow Enterprise Park itself was an excellent habitat for breeding skylarks but their population could decline in proximity to aircraft. However, he was confident that discussions could take place between NNDC, BDC, the applicants and landowner with regard to the extension of the existing retained grassland at the Enterprise Park.

He recommended approval of this application as set out in the revised recommendation which had been tabled at the meeting.

Councillor N Lloyd asked who would be responsible for measuring, reviewing and reporting back on noise monitoring.

The Senior Environmental Protection Officer explained that noise monitoring would be undertaken by a noise consultant. She suggested that technical reviewing would be undertaken by Environmental Protection Officers, who would liaise with the noise consultant to ensure that the most appropriate and informative assessment was carried out.

Councillor P Heinrich asked how the noise data compared with rig supply helicopters.

The Senior Environmental Protection Officer stated that her subjective impression was that helicopter noise would be greater than that of smaller aircraft. The noisiest aspects of the proposed flights were the shortest in duration and she considered that this issue had been covered by the restrictions on take-offs and landings.

Councillor Mrs W Fredericks requested clarification of the number of flights which would be allowed on Saturday mornings.

The Senior Environmental Protection Officer stated that the condition as currently written allowed four per day which implied that there could be four on a Saturday morning rather than across the day. She would support a lower number if required by the Committee.

Councillors A Yiasimi and D Baker requested clarification with regard to the protected species mitigation within the airfield.

The Head of Planning explained that it was not unusual to impose Grampian conditions or Section 106 obligations which required third party land to offset, mitigate or enhance development. The conditions would require the applicant to use reasonable endeavours to ensure the mitigation or enhancement of skylark habitat and if he was unwilling or unable to do so, the application would need to be reconsidered and the habitat impacts balanced against the wider benefits of the proposal. NNDC would assist in discussions between the parties.

Councillor N Housden asked why the aerobatic capability of the aircraft was not being considered at this stage.

The Major Projects Team Leader explained that the applicant had not measured the impact of the aerobatics and no description had been provided as to what aerobatic testing would entail. It was difficult to allow something which had not been proposed or tested, or could result in noise complaints. The applicant had acknowledged the absence of information and accepted that further evidence would need to be put forward if aerobatic testing was a fundamental part of the operation. However, the applicant was keen to secure a planning permission for non-aerobatic activities in order to commence operations.

Councillor Housden asked if it would be possible to file a flight plan which took the aircraft over the sea to carry out aerobatics.

The Major Projects Team Leader confirmed that it would be possible to amend proposed condition 22 to require any aerobatics to take place over the sea at a suitable distance from the coast.

The Chairman invited David Stanbridge, the aircraft's designer, to explain the aerobatics which would need to take place over the airfield.

Mr Stanbridge confirmed that all aerobatics would take place over the sea.

Councillor N Pearce asked if there had been a change in routing of the rig supply helicopters to fly over the airfield following the departure of the RAF.

The Head of Planning stated that this was a CAA issue and he was unable to brief Members on this matter.

Councillor A Brown asked why four aircraft movements were considered to be acceptable on a Saturday morning as it appeared at odds with the rest of the week. He also asked if there was a bespoke plan in place to monitor flight movements to ensure that the applicant adhered to the conditions. He was concerned at the effectiveness of enforcement in future years.

The Senior Environmental Protection Officer suggested that the possibility of two flights on a Saturday morning be put to the applicant and acoustic consultant for comment. She considered that the company would be required keep a flight log but it was strongly recommended as it would allow detailed conversations to take place with the operator in the event of complaints.

The Head of Planning stated that he had dealt with a similar application at a previous authority. He considered that the condition would be enforceable. He added that the conditions were headline conditions and had not yet been agreed by BDC.

Councillor G Mancini-Boyle asked if CCTV would be available for the runway to give logged proof of times and dates in the event of a breach of conditions.

The Chairman invited Mr Graham to respond. Mr Graham explained that the existing CCTV system for the Enterprise Park had been installed because of concerns regarding the use of the outer apron and test track. He could not confirm that it covered the runway, although he believed that it did. However, he could confirm that the CCTV covered the taxiway and no aircraft could be moved from the taxiway to the runway without being captured on CCTV. The Chairman asked Mr Graham to check if there could be CCTV coverage of the runway for safety purposes.

The Head of Planning stated that CCTV was on third party land and it would be reasonable to impose a Grampian condition if there were specific reasons for doing so. Following confirmation by Councillor Mancini-Boyle, he clarified that the reason for the condition was for avoidance of doubt in the event of a complaint.

The Chairman advised Councillor R Kershaw that as he could not vote on this matter as he had not been present for the whole of the Officer's presentation.

The Major Projects Manager recommended an amendment to proposed condition 12 to allow no more than 8 aircraft movements per day from Monday to Friday and no more than 4 aircraft movements on a Saturday. He clarified that an aircraft movement was one take-off or landing.

Councillor N Pearce proposed the Officer's recommendation as amended. This was seconded by Councillor Dr C Stockton. A separate vote was taken on each part of the recommendation and

RESOLVED unanimously

Part 1:

That delegated authority be given to the Head of Planning to liaise with the applicant, Broadland District Council (as LPA for part of the wider SEP site) and Norfolk County Council (as landowner of the wider SEP site) to investigate the feasibility of providing additional 'retained grassland' within the wider SEP site, in order to address the adverse impacts of the development on resident skylark populations. This would be managed for the benefit of skylark habitat enhancement as a means to provide compensatory habitat in lieu of the areas rendered unsuitable for breeding territory by the proximity of any approved flight activities.

If the exercise of reasonable endeavours to secure improvements under a planning obligation proves unfeasible or lacks suitable progress then the application shall be referred back to Development Committee within 3 months of the resolution, in order to ask Development Committee to consider if the benefits of the proposal would outweigh the dis-benefits which cannot be mitigated / compensated for, leaving the scheme contrary to policy and the duties potentially unfulfilled.

Part 2:

That delegated authority be given to the Head of Planning to the Head of Planning to **APPROVE** application PF/18/0363 submitted to North Norfolk District Council insofar as it concerns land within North Norfolk District, subject to:

- (i) The undertaking of reasonable endeavours to secure planning obligations as described under Part 1 above; and,
- (ii) verification of Service of Certificate of Ownership under TCPA (DMPO) 1995; Article 14; and,
- (iii) the following conditions and any other conditions considered appropriate by the Head of Planning:

Proposed Conditions

1. Standard time limit – commence within 3 years.
2. In accordance with plans and details to be approved.

Pre-commencement conditions:

3. A flight exclusion zone / flying routing plan shall be agreed – which shall avoid flying within 3.5km of SPA/Ramsar/SAC and SSSI sites, and if unavoidable due to post-construction delivery routing and/or NAATC requirements, ensure any overflying takes place only at a minimum 1000m altitude. This will be required for use by all aerodrome operators and pilots.
4. With the exception of testing climbing and descending to overflight heights, there shall be no testing activities undertaken below 1,000m altitude.
5. A site emergency procedures protocol shall be proposed, with regard to the aerodrome safety protocols recommended in the Evers Consulting Ltd report, and implement after.
6. A scheme shall be agreed to ensure that any intention to install any ancillary equipment or features shall fit within a set of parameters or design guidance, in order to protect heritage, ecology and amenity. This will apply both within

the site, or in the adjoining blue-line land, and would cover features such as (but not being limited to) using wind socks, marking the edge of the taxiway and runway with marker posts and / or lighting, installing signage, fencing, gates and barriers.

7. The applicant shall submit details of a nominated Swift Air Operations Liaison Officer and their proposed remit, to act as the conduit between the LPAs, Environmental Health officers and neighbouring communities, to act as a first point of contact for community relations / complaints.
8. (a) In order to understand the impacts of the noise on a prolonged basis, the applicant shall submit proposals for undertaking a programme of regular noise monitoring of testing events. to measure the impact of flight activities within and around the site, with reports to be submitted to the LPAs at least every quarter.

(b) In the event of noise exceeding 81dB in a specific singular event, or an average of 50dB over an hour, or the results show a noise profile exceeding those of the noise assessment, the applicant shall liaise with the EHO team to establish the risk of the events being exceeded, and discussion is held to understand effects and propose a solution possibly mitigation.

Ongoing operational requirements:

9. Restrict development to the areas outlined in red on location plan ref 01-001 rev A.
10. This permission shall be restricted to use by the applicant 'Swift Air' and Swift group, and on the basis that the said operator continues to satisfy the necessary licensing requirements as set out in Class 8 of the TCP GPDO.
11. Flights shall be in strict accordance with the routing plan / flight exclusion zone plan to be agreed, and test flight circuits shall follow the defined routes to be agreed.
12. There shall be no more than 8 aircraft movements in any day on Monday – Friday inclusive (being 0800-1800), and no more than 4 aircraft movements on a Saturday (0800-1300).
13. No more than 4 aircraft movements per hour, and 30 minutes between flights.
14. No more than 1 aircraft from / to this site to be flown within 2km of the SEP site at any time.
15. Regardless of altitude, all testing flights, and inbound and outbound aircraft shall be required to spend no more than 6 minutes within the 2km radius of SEP.
16. The aircraft the subject of this permission shall be restricted to the following specification:
 - a) Only single propeller aircraft
 - b) Engine size of no greater than 200 bhp (brake horse power)
 - c) Aircraft to have a Maximum Take-Off Mass (MTOM) of 2,000kg.
 - d) No aircraft to be used in testing shall have a noise profile or emissions of more than 81dB as measured in the noise assessment report.

17. There shall be no engine testing.
18. No helicopters, microlights, 'volocoptors', rotorcraft or 'drones' shall be flown from the site.
19. The use shall only be permitted between the hours of 0800 and 1800 Monday - Friday and 0800 - 1300 Saturdays, and shall not be used or operated on a Sunday or any bank or public holiday.
20. No servicing, maintenance and/or repairs of aircraft that were not produced by Swift Air / created/assembled at SEP in the first place, nor on aircraft produced at the site by Swift Air once the tested aircraft has been delivered to their customers.
21. No 'incoming aircraft' shall be allowed to be flown into the site from outside the site that are not being used for test flights originating at SEP.
22. No aerobatics shall take place overland or within 2km buffer from the coastline.
23. No pilot training / flying school.
24. A flight log shall be retained and made available for inspection by the LPA and Environmental Protection services, including a register of:
 - dates and times of all flights undertaken,
 - all pilots,
 - type of plane model and tail number of planes made,
 - planes tested, and planes flying in and out of the site,
 - engine sizes,
 - aircraft Maximum Take Off Mass.
 - duration of flights,
 - general location of flights,
 - details of CCTV coverage corroboration where available.
25. No external lighting unless first agreed.
26. The aerodrome site shall be managed in accordance with the safety protocols recommended in the Evers Consulting Ltd report, e.g. fire safety, having a complaints log.
27. Airfield-use related traffic shall be managed in accordance with the Site Traffic Management Plan submitted.
28. No use of the site for conveying paying passengers nor undertaking 'air traffic services'.

Part 3:

To respond in writing to Broadland District Council (BDC) to advise that North Norfolk District Council supports the proposals within BDC application 20181484, and recommend that it should be approved subject to the same conditions as are determined to be necessary to be applied to application PF/18/0363.

(The above planning conditions are noted to be a summarised version, requiring fuller detail.)

16 APPLICATIONS RECOMMENDED FOR A SITE INSPECTION

None.

17 APPEALS SECTION

(a) NEW APPEALS

The Committee noted item 8(a) of the agenda.

(b) INQUIRIES AND HEARINGS - PROGRESS

The Committee noted item 8(b) of the agenda.

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

The Committee noted item 8(c) of the agenda.

(d) APPEAL DECISIONS – RESULTS AND SUMMARIES

The Committee noted item 8(d) of the agenda.

The Head of Planning gave a brief overview of the appeal decisions, which would be reported in more detail at the next meeting.

(e) COURT CASES – PROGRESS AND RESULTS

The Committee noted item 8(e) of the agenda.

The Major Projects Manager reported that the Court of Appeal had now refused the Council's application to appeal against Mr Justice Ouseley's decision to allow the Planning Inspectorate to determine the appeals in respect of wind turbine applications at Bodham and Selbrigg under the written representations procedure. The Council had no further right of appeal against this decision.

The Planning Inspectorate had now commenced the written representations process and the Council was required to make submissions within six weeks. The Major Projects Manager was confident that the Committee's decision to refuse the planning applications could be defended.

Councillor D Baker stated that a long time had elapsed since this case commenced and referred to the Council's decision to object to onshore wind turbine applications. He asked if the Council's position had changed with regard to onshore wind turbines given the new administration and issues such as the declaration of a climate emergency.

The Major Projects Manager explained that Officers were not instructed to object to wind turbine application. There was a permissive policy on renewable energy schemes but consideration had to be given to the impact of such schemes on the landscape. He explained that both schemes would have a considerable impact

on the landscape and heritage assets. The Council now had a new Landscape Character Assessment and Landscape Sensitivity Statement and there was a Government requirement to identify where wind turbines would or would not be acceptable. The updated evidence would be submitted to the Inspector and Officers considered that the schemes remained unacceptable. The climate emergency declaration could make a difference to the way in which schemes were considered in future but the Council had to consider how it took the declaration forward.

The Chairman stated that applications had been approved for small turbines on farms but the Bodham and Selbrigg schemes were harmful. The Development Committee had toured the surrounding heritage sites and the proposed turbines would be very large and too visible.

The Major Projects Manager stated that North Norfolk had some of the largest solar energy schemes in the area and was one of the best authorities for allowing onshore renewable schemes. However, wind turbines were not a preferable option given their impact on heritage and landscape.

The meeting closed at 10.50 am.

CHAIRMAN
18 July 2019