

Development Committee



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TO REGISTER TO SPEAK PLEASE CALL 01263 516150

Wednesday, 12 June 2019

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN** on **Thursday, 20 June 2019** at **9.30 am**.

Coffee will be available for Members at 9.00am and 11.00am when there will be a short break in the meeting. A break of at least 30 minutes will be taken at 1.00pm if the meeting is still in session.

Any site inspections will take place on **11 July 2019**.

PUBLIC SPEAKING – TELEPHONE REGISTRATION REQUIRED

Members of the public who wish to speak on applications are required to register **by 9am on Tuesday 18 June 2019** by telephoning **Customer Services on 01263 516150**. Please read the information on the procedure for public speaking on our website [here](#) or request a copy of "Have Your Say" from Customer Services.

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. You must inform the Chairman if you wish to do so and must not disrupt the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mrs P Grove-Jones, Mr P Heinrich, Mr D Baker, Mr A Brown, Mr P Fisher, Mrs A Fitch-Tillett, Mrs W Fredericks, Mr R Kershaw, Mr N Lloyd, Mr G Mancini-Boyle, Mr N Pearce, Dr C Stockton, Mr A Varley and Mr A Yiasimi

Substitutes: Mr T Adams, Dr P Butikofer, Mrs S Bütikofer, Mr N Housden, Mr J Punchard, Mr J Rest, Mrs E Spagnola, Mr J Toye and Ms K Ward

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



**If you have any special requirements in order
to attend this meeting, please let us know in advance**

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

Heads of Paid Service: Nick Baker and Steve Blatch

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AGENDA

PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS
2. TO RECEIVE APOLOGIES FOR ABSENCE AND DETAILS OF ANY SUBSTITUTE MEMBER(S)
3. ITEMS OF URGENT BUSINESS
 - (a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.
 - (b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.
4. ORDER OF BUSINESS
 - (a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.
 - (b) To determine the order of business for the meeting.
5. DECLARATIONS OF INTEREST

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest.

OFFICERS' REPORTS

ITEMS FOR DECISION

PLANNING APPLICATIONS

6. SCOTTOW - PF/18/0363

(Pages 1 - 42)

**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

7. APPLICATIONS RECOMMENDED FOR A SITE INSPECTION (Pages 43 - 44)
8. APPEALS SECTION (Pages 45 - 48)
- (a) New Appeals
 - (b) Inquiries and Hearings – Progress
 - (c) Written Representations Appeals – In Hand
 - (d) Appeal Decisions – Results and Summaries
 - (e) Court Cases – Progress and Results

9. ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 3 ABOVE

10. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”

PRIVATE BUSINESS

11. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 3 ABOVE
12. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

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MAJOR DEVELOPMENT

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

Case Officer: Mr R Parkinson
Expiry date: 23 November 2018
Extension of Time: 26 July 2019

THE APPLICATION

This is a full planning application for change of use of part of the former military taxiway and runway areas (of the former RAF Coltishall airfield site) for manoeuvring, take-off and landing of light aircraft.

The applicant's proposals affect a part of the airfield which is sited within the boundaries of both North Norfolk and Broadland District Council Local Planning Authority areas.

A duplicate planning application has also been submitted to Broadland District Council as LPA for the change of use of the small part of the taxiway route and runway which is situated in Broadland district (BDC planning application ref 20181484).

Officers from both LPAs have continued to work together with the applicant through the submission and consideration of these proposals. Officers have adopted a common approach to the assessment and proposed conditions that might be required, in order to ensure identical outcomes across both applications.

The whole change of use proposal would affect only the middle 1,250m (1.2km) of the airfield's 2,460m (2.4km) -long runway, and only 860m of the taxiway in the south-western corner.

The area of the development within Broadland district comprises c.540m of the route (340m of taxiway and 200m of runway).

Given the limited extent of the area within their own LPA boundary, Broadland District Council initially considered it preferable to delegate the determination of the BDC application to North Norfolk. However, that decision was taken prior to actually receiving the full content of the application and was at a time when the local Ward councillors, Leader of the Council and Planning Portfolio Holder were familiar with the issues and proposals in the application. Given that the application has been dormant for some periods of time and the relevant political posts have recently changed personnel, Broadland's officers have requested to formally review this position and seek a refreshed position from their Members, having regard to this report.

The position of Broadland DC LPA will be updated to North Norfolk at the NNDC Development Committee meeting. It is possible that the NNDC Development Committee may be asked to determine both North Norfolk application PF/18/0363 and Broadland application 20181484; if permitted, both proposals would need to be subject to identical conditions.

This application affects only part of the wider airfield taxiway, apron and runway areas. Planning case law has established that the cessation of military uses (in this case in 2006) results in buildings and land falling into 'nil use' in planning use-class terms. Essentially this means that the remainder of the runway will not be permitted to be used for aircraft, and can only be used on a permanent or ongoing basis for any activities other than those required for driver training and access to storage areas as defined in planning application PF/17/1057, and any other limited permitted development activities.

Development proposal:

A full description of the application is included in sections 5.0 to 5.5 of the applicant's Supporting Statement Rev A dated 23.02.2018. The light aircraft proposed for use by the applicant will be manufactured and assembled from parts which are pre-delivered to the Scottow Enterprise Park site (SEP). The aircraft being assembled, tested and delivered is an all-composite low wing, single-piston engine, side-by-side seated monoplane for two persons and luggage, being uniquely suited to desert-flying and with aerobatic capabilities based on a unique elliptical profile.

The assembly, fitting and livery side of the business is situated within one of the hangars at the Scottow Enterprise Park, which lie adjacent to the west side of the apron and taxiway of the former RAF Coltishall airfield and which in turn link to the runway.

The B2 general industry use class of the hangar buildings has been established through separate planning application PF/17/1057 and is not a part of this planning application; *this current proposal concerns only use of the runway and approach routes via the taxiway.*

The key elements of this proposed 'change of use' planning application are summarised as:

- Use of taxiway leading from Hangar 2 to the south of the runway for taxiing of light aircraft to and from the runway.
- Use of the runway for the take-off and landing of light aircraft, for the purposes of testing and delivery of the Swift Air light aircraft only.

The activities are proposed to comprise:

- Test flights with aircraft flown in circuits, comprising a take-off heading north or south, a short flight to the west or east of the airfield and a landing.
- Each test flight circuit would take approximately 4 to 5 minutes to complete.
- No more than 4 circuits flown per day (at an altitude which the applicant still needs to confirm).
- No more than 8 'flight movements' per day (comprising up to 4 take offs and 4 landings).
- Flights might be undertaken close to, but not over, designated nature sites.
- The applicant has confirmed that no engine testing is required on site.
- Test flights and final-product delivery flights would be undertaken year-round as production demands, but the days and hours of operation of flights are proposed as:
 - Monday to Friday (0800 to 1800)
 - Saturday to Friday (0800 to 1300).

- No flights on Sundays, bank- or public holidays.

Supporting information:

The submitted documents include:

- Location and Site Plan 1-001 Revision A, defining areas of taxiway and runway.
- Noise Assessment technical report (25.05.18).
- Supporting Statement (revision A ref i.16.2392.001, dated 29.09.17, received 23.02.18).
- Appendixes A & B: Maps of administrative features and environmentally designated areas.
- Site Traffic Management Plan.
- 'Consultation Report' by Evers Consulting.
- 'Answers to LPA Questions' document by icon, ref i.18.2350.CONR.001 (26.11.18).
- 'Letter of Agreement' between Norwich ATS & Swift Aircraft operating from RAF Coltishall.
- Air Space Map: Control Zone and Control Area Chart from Norwich Airport & CAA.
- Noise Data Sheets for the GROB G120TP-A, and Slingsby T67A, light aircraft models.
- Supporting Statement from the applicant - re: airspace access (21 May 2019).
- Supporting Statement from the applicant – re: Swift Air operations, maintenance, visitor flights, aircraft types / sizes and categories (21 May 2019).

The applicant's Noise Assessment (dated 25.05.18) states that the light aircraft intended to be used within these proposed operations are yet to be built. However, for comparative purposes the noise survey was undertaken using an equivalent aircraft; this was a Slingsby T67 Firefly model with a 200hp engine which is the largest engine size considered likely to be installed in the proposed Swift aircraft.

In response to early queries and concerns of officers and residents, the applicant provided additional information in November 2018. This was provided to parishes and all consultees and the public were notified of an additional period of public consultation between December '18 – January '19. The comments in this report reflect all consultation responses received by both Broadland DC and North Norfolk DC.

THE SITE AND SURROUNDINGS

The application site comprises a former military runway and taxiway that leads to, but does not include, Hanger 2 of the wider Scottow Enterprise Park (SEP). On the basis of this planning application submission, the extent of the proposed operational area for the new light aircraft use is restricted to be only the area contained within the area specifically identified.

The wider SEP site comprises many other uses and it is understood that almost all of the former military buildings are now occupied for commercial purposes. In addition, the Scottow Moor solar farm has been built either side of the former runway (approved within permission PF/14/1334 as varied). The use of various military buildings for new B1, B2 and B8 use-class activities, and use of part of the northern runway and 'apron' areas around the airfield control tower for low speed driver training, are all outlined in the SEP 'masterplan' application (ref. PF/17/1057). As part of that, some outlying former munitions and storage buildings are also used for commercial and public storage. In addition, some parts of the site are also used by Norfolk Fire Service for practicing fire control.

None of these various existing uses are considered to affect the proposed development. The point of access into the SEP site is closely controlled by secure gates and staffed at the entrance, and activities within the site are closely managed and co-ordinated by the SEP site management group on behalf of site owners Norfolk County Council.

The majority of the land outside the SEP boundary can be described as farmland to the north, east, south and south-west, with residential concentrations at the village of Badersfield and HMP Bure to the north-west. There are other small groups and isolated residential dwellings around and adjoining the wider SEP boundary, including:

- Bridge Farm to the south-west.
- The semi-detached Honeysuckle Cottage and its neighbour, and Hernes Farm House and Colks Farm to the South on Frogge Lane.
- Scottow village, inc Malthouse Farm and Apple Cottage to the north-east.
- Manor Farm to the north.

RELEVANT SITE CONSTRAINTS

Within the Countryside area defined by the Core Strategy

Within the defined Airbase Technical Area

Controlled Water Risk - Medium (Ground Water Pollution)

Controlled Water Risk - High (Ground Water Pollution)

Surface Water Flooding

Contaminated Land

Within the former RAF Coltishall Conservation Area

Adjoins Locally Listed Buildings (the hangars and air traffic control tower)

Adjoins the curtilage of Scheduled Ancient Monument (the former 'blast walls' adjacent to the northern taxiways) and heritage assets of equivalent SAM value (blast walls on southern taxiway)

The SEP site includes a whole-site Tree Preservation Order

Is accessed via an Unclassified Road

RELEVANT PLANNING HISTORY

There is a vast range of planning application history within the Scottow Enterprise Park; the list below is considered relevant to only use of the taxiway, the runway and the immediately adjoining land and buildings such as Hangar 2.

BX/14/0422 - Use of land for fire training purposes including the siting of containers, modular buildings and portable toilets (County Council ref: Y/1/2014/1003)

NNDC Raised No Objection 19/06/2014; Application approved by County Council.

PF/14/1334 - Installation and operation of a ground mounted solar photo voltaic array to generate electricity of up to 50MW capacity comprising photo voltaic panels, inverters, security fencing, cameras and other association infrastructure

Approved 09/01/2015

PF/15/1292 - Variation of Conditions 5(b), 5(g) and 8 of PF/14/1334 to permit alternative ecological monitoring arrangements and revision to landscaping mitigation

Approved 19/02/2016

BX/15/1593 - Variation of condition 2 of planning permission ref: Y/2014/1007 for erection of live fire training facility, hard-standing and retention of four fire training containers; plus change of use of Building 440 to provide briefing, mess and rest room facilities and Building 109A for ancillary storage: to allow for variations to the fire training facility and hard-standing area.
NNDC Raised No Objection 17/11/2015; Application approved by County Council.

PF/15/1829 - Temporary change of use of Hangers 1, 2 and 3 to storage of processed sugar (retrospective)
Approved 24/02/2016

PF/16/0841 - Variation of Condition 4 of permission PF/14/1334 (as varied by permission PF/15/1292 and amendment NMA/14/1334) to allow extended use of the solar park, and Variation of Condition 5 of permission PF/15/1292 to amend ecological mitigation measures and monitoring.
Approved 07/03/2017

PF/16/0092 - Change of use of selected existing former military buildings to commercial uses comprising light industrial, general industrial and storage (B1, B2 and B8).

- Pending decision - Resolution to approve granted by the NNDC Development Committee.
- Applicant has agreed to withdraw this when 'masterplan' application PF/17/1057 is approved.

PF/16/0093 – Change of use of selected existing former military buildings to storage (B8).

- Pending decision - Resolution to approve granted by the NNDC Development Committee.
- Applicant has agreed to withdraw this when 'masterplan' application PF/17/1057 is approved.

PF/16/0094 - Change of use of Building 261 to mixed use of office/business (B1) and storage (B8), and change of use of parts of the former runway/taxiway/perimeter track for car handling driver training, access, running course and cycling uses.

- Pending decision - Resolution to approve granted by the NNDC Development Committee.
- Applicant has agreed to withdraw this when 'masterplan' application PF/17/1057 is approved.

PF/17/1057 – Change of use of existing buildings within the enterprise park area from former military use and various commercial uses to a range of B1, B2 and B8 designations (light industrial / office / research and development, general industrial and storage / distribution uses). Use of former taxiways and hard standing areas for low-speed vehicle driver training. Indicative route shown as land reserved for second site entrance.

- Pending decision - Resolution to approve granted by the NNDC Development Committee.

PUBLIC REPRESENTATIONS

The applicant has described how they undertook a pre-application public exhibition in Badersfield in advance of submitting their application; a summary is provided in the Supporting Statement Rev A but it appears to have been generally well received.

Once submitted, there have been two periods of public and technical consultation, and 22 letters of public representation have been received in total across both North Norfolk and Broadland. In very broad terms, there are 8 letters of objection, 1 submission of comments, and 13 letters offering general support.

It should be noted the vast majority of letters in support are made from members of the Sprit of Coltishall former airman's association, many of whom are from outside the District and County, although there are other representations from the public in Badersfield. Support also comes from the RAF Station Coltishall Heritage Trust.

The full responses are viewable on both the NNDC and Broadland website public access areas and are summarised as follows:

Objection

Principle of development

- SEP is not suitable for the take-off and landing of aircraft
- Approving this application would act as a precedent for future increased use

Character of the area

- The cumulative impact of the development, other uses and existing helicopter flight path to Norwich airport would result further degrade the unspoilt or tranquil character of the countryside and conservation area
- The County Council has itself reported on how the area has "high soundscape value" due to its tranquillity in the surrounding area.

Economic

- Aircraft would erode the peace and quiet of the countryside and disperse wildlife, all of which are important to visitors to an adjoining campsite business at Colks Farm

Amenity

- The use of the runway will result in unacceptable noise disturbance to residential properties, including to some residents with diagnosed autism.
- More residential development has taken place since the former RAF base was closed. The use of the runway would disrupt their peaceful environment to the detriment of residential amenity.
- The cumulative impact of the development, other uses and existing helicopter flight path to Norwich airport would result further degrade residential amenity
- The responses by consultees are not robust - particularly in respect of the noise report which has not be subjected to a sufficient level of scrutiny.
 - The noise report has lacked detail of the loudest and most intrusive periods of activity (take off) and instead has averaged-out the findings to a 'low noise level'.
 - No account has been taken of the wind direction and atmospheric conditions.
- There may be air pollution.
- The noise from aircraft must be as bad as the noise from cars which was previously found to be unacceptable.
- There is public evidence available (e.g. on YouTube) of the noise created by planes with smaller engines than proposed, at Norwich Airport filming a Piper Warrior 160hp engine.
- Night and evening flights will create light disturbance from planes affecting local homes.

Ecological impact

- The cumulative impact of the development, other uses and existing helicopter flight path to Norwich airport would have an adverse impact on wildlife by virtue of noise disturbance and bird strike.

- Since the airfield closed, there has been an increase in wildlife and in particular birds, which will be threatened and disturbed: some places now have four different species of owl, skylarks have now returned to the runway, and bats and deer are now flourishing.
- The proposal would be to fly right through the central area of skylark nesting.

Public Safety

- Will the take-off and landing of aircraft be subject to the appropriate risk assessment and certificated plane safety or will it allow for prototypes?
- Risk to the surrounding population (residential and workplace) as a result of aircraft failure during take-off and landing.
- Risk as a result of fuel emissions is described but not quantified in the submitted reports.
- Risk as a result of low flying aircraft.
- Whom certifies the operation of the flights, the use of the runway and the insurance of the flight staff / company?

Other concerns

- There has been no consultation with local communities other than presenting 'general principles'.
- The application continues to be full of errors and inaccuracies which belies a lack of local understanding and attention to detail, and flawed assessment of the impacts of the proposal.
- The letters of support derive from people who do not live in the immediate area.
- Further clarification is needed no Air Flight Training, Customer and Visitor Landings, Take-offs, and Types of Aircraft before permission can be considered.
- Other Swift Air products and aircraft may be brought to the site and cause different noise.
- The airfield/SEP may gradually become a host for servicing and repairs of aircraft which come from outside the site and change the character of movements if not the number.
- The submitted documents intimate that more aircraft could be used, and if the range of aircraft is not restricted there would be different and potentially worse impacts created.

Support

Principle

- It will bring an unused aviation asset back into use. Once it is gone it is gone.
- It vindicates previous support given to retaining the runway and its opportunities for use.

Character / heritage of the area

- The airfield is a valuable local / heritage asset which has a special relationship with the community and the applicant appears to be committed to retain heritage value at the site.
- Preservation of runway by way of limited flying activity should be supported.

Economic

- The Council should support the development of new aviation products in the district.
- Contributes more skilled employment opportunities to the district / rural area, in particular aligning with STEM principles for the county.
- Potential indirect economic benefits such as tourism with day-trippers visiting to see the aircraft being operated and heritage of the site being retained.
- A positive contribution to the aviation industry and return of national manufacturing.

Residential amenity

- The lightweight nature of the aircraft and low frequency proposed will mean that the noise impact is minimal. This is not another Heathrow.

Ecological impact

- Airfields can also provide a natural habitat for wildlife

Other matters

- General aviation as recreation needs more airfields; too many have closed recently.

PARISH COUNCILS

Scottow Parish Council – No objection.

- No objection to initial submission. No comments provided on subsequent information.

Buxton with Lamas Parish Council – No objection subject to use of lighting conditions.

- The development needs to be sympathetic to the area's dark landscapes / skies.
- Conditions should be imposed to ensure outdoor lights are shielded, directed downwards, are not orange or pink sodium lights, and should be used only when strictly necessary for operations.
- No comments provided on subsequent information.

Coltishall Parish Council – No objection subject to specific operating criteria being followed.

- Objection 17/10/18 – The benefit of new job creation in the area would be outweighed by the harm caused in the following ways:
 - neighbouring residential amenity would be caused from aircraft noise;
 - tourism in the area would suffer through visitors being put off by noise;
 - there would be disturbance to birds and other wildlife;
 - the incremental increase in background noise following this proposal combined with ongoing industrial developments at SEP will increase the overall noise environment and lead to an overall increased noise allowance generally.
- There is some doubt that aircraft movement and activities can be restricted by condition and that any such conditions can be effectively monitored and enforced.
- Objection removed 08/01/19 – Following discussions between the applicant and a member of the Parish Council the Parish Council advises it can remove the objection based on the applicant's assertion that the impacts on the environment and noise can be controlled and the employment benefits will be beneficial to the local area.
- The Parish's revised position is contingent on the planned operations being secured as were described to the Parish by the applicant.

CONSULTATIONS

Natural England – No objection in principle, subject to necessary mitigation as below:

Natural England (NE) identify the proximity of the site to be within 10km of European and International designated sites (Natura 2000 sites), with potential to affect their features of interest. The airfield is also close to the Broads National Park and Norfolk Coast Area of Outstanding Natural Beauty which means aircraft might have an impact on the setting and the appreciation of those designated landscapes.

NE also identify the site to be close to 3 nationally-designated SSSI sites, including Westwick Lakes SSSI within 4km, which is an important habitat for waterfowl species and which may be vulnerable due to the proposed movements and low altitude and noise of aircraft.

NE do not expect any issues related to air quality, but recommend consultation with the Broads Authority and Norfolk Coast Partnership in respect of impacts on tranquillity and landscape setting and character of the Broads National Park and the Norfolk Coast AONB.

Natural England recommend that any permission should be subject to the following restrictions:

- The flight paths illustrated in the noise assessment should not be allowed to travel further than approximately 2km outside of the development site.
- The flight paths should be approximately 3.5km away from of the boundary of Westwick Lakes SSSI (comprising no flights within 1km of designated sites and an additional buffer of 2km to avoid important adjoining lands used for grazing and resting around the designated sites which are important resources for waterfowl species).
- Any delivery flight path should not fly directly over or within 1.5km of any designated site to limit disturbance to designated species.

There was no objection to the supplementary information provided in November 2018.

Norfolk Coast Partnership – No objection in principle.

- This is subject to Natural England being satisfied that there are no impacts on designated sites and species, including potentially an Appropriate Assessment.

North Norfolk Environmental Protection Officer – No objection subject to some areas of clarification and a set of recommended conditions.

Comments made in September 2018 and subsequent updates provided in May 2019 in response to additional information submitted in November 2018 and May 2019.

There is no objection in principle taking into account the frequency, duration and anticipated noise levels of the aircraft testing and subject to a number of conditions. The Noise Assessment makes recommendations based on certain criteria which were used in the assessment including the engine size, the flight paths, the manner of flying, the maximum number of four circuits per day, the duration of testing, the number of engines/aircraft in operation at any one time, and the hours of operation, etc. A change of all or some of these variables could increase the resultant noise levels and subsequently have a greater detrimental impact on residential amenity and nearby dwellings. Therefore, conditions are required which restrict and limit the testing to the criteria set out in the report.

However, there remains some notable discrepancies in the information submitted. This includes: (i) a lack of clarity over the intended engine specifications of the proposed aircrafts to be built on site, because the Noise Assessment used an aircraft type which is not directly comparable to the recently-submitted list of aircraft types/models which could be tested on site; and (ii) the suggested noise emissions levels from the proposed list of aircraft types/models which could be tested on site are not clearly defined and cannot be fairly compared against the noise assessment readings.

The recommended conditions include:

- The use of runway and taxiway should be restricted to the hours of 0800 to 1800 (Monday to Friday), 0800 to 1300 (Saturdays) and should not take place at all on Sundays or bank / public holidays.
- The number of flight movements shall be limited to 8 per day (4 take-off, 4 landing).
- The engine size shall be limited to 200bhp, or with limited noise output levels.
- Defining a limited flight path to be taken from the site.
- Defining the manner of flying used in testing to those used in (page 7-8) the Noise Assessment.
- Prohibiting any flight activities involving acrobatics.
- Prohibiting testing of engines/aircraft while the aircraft is stationary/on the ground.
- Limiting the duration of each test to 4-6 minutes as per the noise assessment flights.
- Limiting the testing to one engine/aircraft at a time.
- The applicant shall need to keep a flight log to be made available to the local authority upon request and to be submitted to the authority every six months. This should include (but not limited to) details of engine power, propellers and aircraft take-off mass/weight.
- Details of who should fulfil the role of a Liaison Officer/Single Point of Contact who will be the liaison for residents and the Local Authority and whose responsibility should include investigating, responding to and resolving public/residents' complaints.
- Lighting at the airfield shall be restricted to the periods immediately before, during and after testing only.
- Any external lighting shall need to be agreed prior to installation / use.

In addition, the planning permission should set out the definitions and terminology used, to ensure they are not confused with generic, literal interpretations, so it may require a glossary to define these and reduce any ambiguity and aid compliance.

In addition, the Environmental Protection Officer also cautions that any proposed development of new housing, or use of existing buildings at SEP for new/converted residential dwellings would be likely to experience a noise nuisance; in that case it could compromise the activities of Swift Air as proposed. This caution is expressed due to new housing proposals on SEP land being put forward to the Council during the current consultation process of the emerging Local Plan.

Broadland DC Environmental Health Officer – No objection subject to the same conditions requested by the North Norfolk Environmental Protection team.

North Norfolk Landscape and Ecology Officer – No objection subject to conditions.

However, there is some concern raised about the accuracy of the applicant's ecological impacts, and the applicant's submitted information is in places contradictory. If the applicant is required to undertake flights in line with the submitted information, and subject to some additional restrictions required by conditions, there should be no likely significant effect on national and internationally-designated sites. The expected detrimental impacts on skylark populations within the site are regrettable but are not considered significant.

The full comments of the Landscape and Ecology Officer provide a comprehensive and detailed account of the value of local habitats and ecological resources, an understanding of the range of impacts, commentary on the assessments undertaken and an appraisal of the severity of impacts. These can be found at **Appendix 1**.

In summary, it has been considered that there should be no likelihood of a significant effect on the relevant interest features of internationally-designated sites; however, this is only possible if the applicant proceeds in line with their stated intention to test fly their aircraft using circuits within only an approximately 2km radius of the site, or with a minimum of 500m altitude when flying 'one-way flights' to customers further afield. To ensure that impacts are avoided, any permission should impose a restriction to firstly agree a defined map of flight exclusion zones and flight routes, and limit the flights undertaken, and the altitudes to be flown.

There is a greater threat of impacts on Westwick Lakes SSSI because the over-wintering waterfowl birds residing there could be affected. This is because the area does not benefit from NAATC controls or CAA restrictions, so flight altitudes and directions are more flexible. However, limiting the circuit routes and altitudes can also minimise the impacts on this nationally-significant habitat.

Impacts on the skylark populations known to reside on-site and on adjoining lands are detrimental. Breeding success and other bird welfare will be negatively affected by the visual presence and noise of aircraft using the airfield, which lies adjacent to protected 'retained grassland' which is specifically managed for skylark habitat. The submitted ecology appraisal identifies an adverse impact on at least 30 breeding territories due to adverse health impacts caused by the aircraft. Skylark are a nationally-prioritised species for conservation and the SEP site is important on a County-wide level, so the effects are regrettable. Ultimately, however, the adverse impacts are predicted to result in a loss of breeding on only 1% of the population and this is deemed to be '*not significant*' to the overall SEP skylark population.

Impacts on landscape character will be minimised if the flights are restricted to areas outside the North Norfolk Coast AONB and Broads National Park, as has been stated to be the intention of the applicant.

Broadland DC Landscape and/or Ecology Officers – Not consulted. Advice was requested instead from Norfolk County Council's Principle Ecologist under a service level agreement.

Norfolk County Council Principle Ecologist (on behalf of Broadland DC LPA) – No objection.

The NCC Natural Environment Team provide ecological advice to support planning officers at Broadland District Council under a Service Level Agreement.

The application is supported by an ecological impact assessment which is fit for purpose. It states that no designated sites will be adversely impacted as a result of the proposals. We would agree with this assessment. The main potential impact is considered to be on skylark. A large population is present on the site, and various mitigation measures have been put in place for this species in relation to previous consented planning applications.

The report considers the impacts of the proposals on skylark. The surveys deviated from industry best practice, but the reasons for this are explained and justified. The report discusses the evidence in the literature, describes the uncertainties, and considers cumulative impacts. It concludes that impacts on skylark are likely to be minimal (a probable decrease in the population of <1%). Inevitably, given some of the described 'unknowns', some uncertainty remains. However, on balance, I accept the professional judgement of the report authors, and agree that impacts are likely to be very low.

Highway Authority – No objection.

- No issues raised originally. Also no comments made on the supplementary information provided in November 2018.

North Norfolk Economic Growth Team – No objection.

- There are potential economic benefits which serve to contribute positively to the wider business community within North Norfolk.

Broadland District Council Economic Development Officer – Supports.

I confirm that I would fully support this application from Swift Engineering. The Economic Development Team is fully aware of the innovative approach of the applicant and the re-use of the runway for the expansion of the existing business would be positive for a number of reasons both to the local and the wider economy. There would, obviously, be potential future local employment opportunities arising from the expansion of the business and increased potential links with other local aviation based businesses.

Also, there is significant heritage value in the re-use of the runway and the continued use of the site for some form of aviation activity; something which is viewed very positively within the District and the wider County, given the history of the site and its former use as an RAF base.

Broadland District Council Historic Environment Officer – No objection.

I have no objection to this proposal to bring the runway back into use. The proposal will have no impact on the heritage assets around the site and the proposal seems an appropriate use for this historic runway and should help to ensure it is retained into the future.

Norwich Airport - Safeguarding Co-Ordinator – No objection.

- This is subject to the development and flights being carried out in accordance with the submitted plans and the OS GB grid co-ordinates indicated in the submission.

Civil Aviation Authority – No response received.

Defence Infrastructure Organisation (MOD) – No response received.

Broadland District Council as overall LPA – No comments received, but BDC officers are liaising with BDC Members to consider whether to delegate authority to North Norfolk to determine the Broadland application on their behalf.

Local Members:

- **Cllr Saul Penfold (Worstead Ward – North Norfolk)** – Agrees with the Officer recommendation of approval subject to conditions, but notes the range of local concerns including noise and traffic and requests these to be assessed by Development Committee.
- **Broadland DC Cllr for Buxton Ward** – No comments received to date.
- **Broadland DC Cllr for Coltishall Ward** – No comments received to date.

Reasons for Referral to Development Committee: At the request of Cllr Saul Penfold to ensure the wider issues are considered by Members as the proposal affects both LPA communities with a range of concerns, issues of noise and traffic, and to explore the range of proposed conditions.

RELEVANT POLICIES

North Norfolk Core Strategy Policies (adopted September 2008):

- SS 1 Spatial Strategy for North Norfolk
- SS 2 Development in the Countryside
- SS 4 Environment
- SS 5 Economy
- SS 6 Access and infrastructure
- EN 2 Protection and enhancement of landscape and settlement character
- EN 8 Protecting and enhancing the historic environment
- EN 9 Biodiversity and geology
- EN 10 Development and flood risk
- EN 13 Pollution and hazard prevention and minimisation
- EC 4 Redundant defence establishments
- CT 5 Transport impact of new development
- CT 6 Parking provision

Broadland District Council's Development Plan comprises:

Joint Core Strategy (Broadland, Norwich and South Norfolk) adopted 2011, amendments adopted January 2014 ('the JCS')

(https://www.broadland.gov.uk/downloads/download/159/current_local_plan_-_joint_core_strategy) and,

the Development Management Development Plan Document adopted August 2015 (DMDPD)
(https://www.broadland.gov.uk/downloads/download/161/development_management_dpd)

Relevant policies:

JCS Policy 1 – Addressing climate change and protecting environmental assets
Policy 2 – Promoting good design
Policy 5 – The economy
Policy 6 – Access and transportation
Policy 15 – Service Villages
Policy 18 – The Broads

DMDPD Policy GC1 – Presumption in favour of sustainable development
Policy GC2 – Location of new development
Policy GC4 – Design
Policy EN1 – Biodiversity and Habitats
Policy EN2 – Landscape
Policy EN4 – Pollution
Policy TS3 – Highway safety

National Planning Policy Framework (NPPF) 2019:

Section 6 – Building a strong and competitive economy
Section 9 - Promoting sustainable transport
Section 11 – making effective use of land
Section 12 – Achieving well designed places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

Other Material Considerations:

NNDC RAF Coltishall Conservation Area Appraisal (adopted 2010)
National Planning Policy Guidance (NPPG): Noise - Paragraph: 003 Reference ID: 30-003-20140306, revision date: 06 03 2014.
Noise Policy Statement for England (2010)
NNDC Landscape Character Assessment Supplementary Planning Document (2008)
Government Circular 06/2005: Biodiversity and Geological Conservation
British Standard for the Code of Planning for biodiversity (BS42020:2013)
The site gained Enterprise Zone status on 1st April 2016.

STANDING DUTIES

Human Rights: - It is considered that the proposed development may raise issues relevant to:

- Article 8: The Right to respect for private and family life.
- Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

Local Finance Considerations - Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

Due regard has been given to the following:

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities (NERC) Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2010 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law - *Article 8 – Right to Respect for Private and Family Life*

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

MAIN ISSUES FOR CONSIDERATION

1. Principle of the development
2. Site safety and compatibility with existing uses
3. Impacts on the character of the area
4. Impacts on residential amenity
5. Ecological impact
6. Highway safety
7. Other material considerations

1) Principle of the development

North Norfolk Core Strategy Policy SS 2 states that development in the Countryside will be limited to that which requires a rural location and is a development which complies with certain exceptions.

It is acknowledged that the runway has a 'nil' planning use since its use as an airbase (RAF Coltishall) ceased in 2006. Whilst the proposal is not 'the re-use and adaptation of a building for appropriate uses', it is considered to be 'an extension to an existing business', that being the production and assembly of aircraft with the Hangar 2 of the Scottow Enterprise Park (SEP) which currently operates within the range of uses set out in planning application PF/17/1057.

Core Strategy Policy SS 5 states that the rural economy will be supported, including extensions to existing businesses of an appropriate scale, and reuse of existing buildings, including appropriate re-use of operational land at redundant defence establishments. The proposal represents the reuse of part of a redundant defence establishment.

Using the taxiways and runways also improves the viability of the use of the business within Hangar 2 and associated buildings, which are all situated within the defined Technical Area. As such the proposal aligns with the intentions of Core Strategy Policy EC 4 by encouraging and reinforcing the use of existing military buildings within identified Technical Areas on former defence establishments.

Section 6 of the NPPF (Building a Strong and Competitive Economy) is a material planning consideration; in general terms stressing that significant weight should be placed on the need to support economic growth. More specifically, paragraphs 80 and 84 respectively state:

“(para 80) Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”

“(para 84) Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

The Scottow Enterprise Park (SEP) is able to provide the applicant with appropriate access to an intact runway infrastructure and linked industry with other established B1, B2 and B8 uses within the wider enterprise park. The runway can be argued to be an under-used economic asset that should have a beneficial use to help grow and support the local economy, in particular in the Science, Technology, Engineering and Maths (STEM) sector.

The applicant, Swift Air, is part of a wider group of businesses, so there are significant opportunities for the business to grow at SEP and create more jobs than those initially anticipated.

However, the wider business group's activities include aircraft maintenance at an airfield in Yorkshire, and intended manufacture of other models (for example the Europa Elite 'kitplane' is referred to as a future manufacturing project). Although the range of business is undoubtedly complementary to this proposal, it has created some concern that those activities could be incorporated into the proposed operations at SEP under the umbrella of this permission.

In recognising these concerns, and indeed economic opportunities, it has to be remembered what this planning application is for; this proposal intends to use parts of the airfield for testing the aircraft assembled on the site and then delivering the same aircraft to customers. Specific planning permission would be required to expand beyond what is proposed, or introduce more aircraft or any airborne visitors to the site, or to increase the number of air movements proposed, or to undertake general repairs and servicing. Further, any expansion into general aircraft repairs and servicing would be to create a specific *sui generis* use notwithstanding existing permissions, and would also require a bespoke planning application and associated environmental licensing permits.

Notwithstanding this, it will still be necessary to restrict / define the parameters of any planning permission by setting out the precise terms of the consent through conditions, not least because the supporting information has been presented based on the operation of flights by specific Swift

aircraft, and has not provided any supporting evidence in respect of the impacts from larger aircraft, or aerobatic activity, or flying non-Swift Air model aircraft.

The principle of development in North Norfolk is largely mirrored by the relevant policies within Broadland District Council's Local Plan; the form of development and location is supported by Broadland JCS Policies 5 and 15, and DMDPD Policies GC1 and GC2, subject to appropriate considerations of residential amenity (Policy EN4), ecology protection (Policy EN1), landscape character preservation (Policy EN2), and highways safety (Policy TS3).

The principle of the proposed development in this location adjoining and within the employment area is therefore acceptable subject to the consideration of site operations, amenity, ecology impacts and other relevant material planning considerations.

2) Site safety and compatibility with existing uses

Airspace management

There has been some public concern around safety whilst testing planes which are still in the development / manufacturing stage and not certified. Whilst it would be impractical for Planning to try and impose safety measures whilst flying, or restrict activities based on the use of construction-stage of a prototype aircraft, the applicant has provided an explanation of the processes involved in flying from SEP.

Submission of the application has been co-ordinated with the Norwich Airport Air Traffic Control centre (NAATC), which manages and monitors the air space above the SEP / RAF Coltishall aerodrome on behalf of the National Air Traffic Service (NATS). NAATC has previously issued a Letter of Agreement (LoA) with Swift Air in November 2017, which was valid until November 2018. to define how the airspace can be used. The applicant has confirmed this LoA was due for review and renewal in May 2019 and that is currently being arranged between Swift Air and Norwich Airport. An update on the current situation will be provided to the Committee meeting, but Officers have assumed that the previous Letter of Agreement provisions will still apply.

The (currently-expired) LoA states that it *“will apply to all aircraft operating to or from Coltishall under licence of Swift Aircraft Limited, a subsidiary of Swift Technology Group Limited. It is formulated on the understanding that there will be a maximum of 60 aircraft movements per month.”*

This is not an exclusive agreement preventing other LoAs being arranged, and is to be reviewed at least every year, but it nonetheless confirms that Swift Air as the planning applicant will have to operate within certain airspace safety parameters. These airspace management and safety requirements are specific to the operator and aircraft proposed to be used. They include only operating single engine aircraft of less than 5,800kg weight, and only on Monday to Saturday during daylight hours. Whether this is still the case will need to be confirmed.

As these have partly influenced the nature of the planning application it is considered reasonable and necessary to ensure that planning also restricts the operations to those set out by the Letter of Agreement. As such, the very specific safety requirements of the proposal are considered to provide reasonable grounds for imposing a planning condition that restricts use of the airfield (under the terms of this permission at least) to the applicant themselves.

In order to limit the potential for conflict between air traffic from SEP and existing users, the (currently expired) LoA has set its own limit on the use of the airfield, and sets out that this shall be restricted to a maximum of 60 aircraft movements per month. If planning conditions were to restrict the activities to only a maximum of 8 movements in a day, as has been proposed by the applicant, the LoA limit would ensure that the applicant's most intense operations (8 movements/day) would only be possible on a maximum of 7 days in any month.

Each flight will involve aircraft taxiing at low speed from Hangar 2 to the southern end of the runway and then taking off from the relevant north/south end depending on current wind directions and weather conditions. Taking-off requires 500-700m runway to achieve lift (at approximately the centre of the runway regardless of direction of travel). Norwich Airport Air Traffic Control (NAATC) requires that the planes then have to climb and leave the NAATC airspace by heading north by the most direct means possible; the applicant contends that planes will achieve 'over flight altitude' within approximately 20 seconds, but has avoided confirming what altitude/height that would be. As with the start of a flight, returning aircraft must spend minimal time in the NAATC airspace, coming into land from either north/south and touching down at the centre of the runway approximately 20 seconds after starting the descent from (undisclosed) 'over-flight altitude'.

The LoA includes a defined safety zone which prohibits flights from SEP heading outside an area defined by Hautbois and Tunstead to the south, Buxton to the west, and Frankfort to the east (an area roughly contained by the Bure Valley railway to the west and the Norwich – Sheringham railway to the east).

In May 2019 the applicant provided a proposed airspace map and described how aircraft will operate alongside Norwich Airport ATC (NAATC) restrictions. Aircraft will take-off and climb to 500 feet altitude, and can only climb higher once they have received authorisation from NAATC.

Once airborne, planes are required to avoid overflying certain protected areas defined by the Civil Aviation Authority (CAA) (e.g. protected wetlands and military sites). In addition, bespoke flight patterns and directional instructions may be issued by the NAATC on the day of the flight to avoid other aircraft traffic such as the lower-flying helicopters serving the North Sea oil rigs (many of which use the SEP site as a visual reference point for route mapping).

The applicant has confirmed that there are no additional permissions necessary from the Civil Aviation Authority. Both the NAATC and CAA have been consulted and no objections have been received from either party.

Enterprise Park / Aerodrome site management

It is unlikely the approval of the current application would result in a conflict with other uses approved as part of the wider SEP masterplan in application PF/17/1057, although there will need to be some careful site management on the part of SEP to coordinate safe operations.

In comparing the proposals with the site layout & land uses plan 01-004 within application ref: PF/17/1057, it is noted that one of the three approved 'Driver Training Areas' is the southern apron outside Hangars 1 and 2. This could require cars / persons associated with the driver training activity to cross part of the proposed taxiway to access one of the areas designated for driver training. However, the driver training is restricted to up to 10 days per month, and not on Saturdays, and the southern apron of the aircraft taxiway is seen as a 'reserve location' for driver training should the north apron and northern runway driver training areas not be available for any

reason. It is therefore considered feasible for the two uses to be managed carefully alongside one-another and avoid complications or endanger operations.

Whilst it is acknowledged that the frequency of the flights is quite low, it is important that both aircraft and airfield uses operate in a safe manner. Officers therefore requested a site management plan be proposed to demonstrate measures that would be taken to ensure the safe operation of each use. The applicant has provided a Site Traffic Management Plan in response, detailing the measures that are already in place and the procedures to be followed. These include:

- The overriding principle of maintaining a segregated use between land and air traffic.
- The SEP Management Team to be responsible for all vehicle control measures and communicating traffic management to all site tenants; this includes removal from SEP if using the runway without prior authorisation.
- Maintaining a single and secure point of entry into the SEP site, and
- Using vehicle access control measures to prevent interaction between aircraft and vehicle traffic, including use of “total block” barriers.

Within the defined and segregated runway / taxiway zones (the only places where aircraft will have planning permission to enter), the air traffic control and aircraft movement requirements are to remain the responsibility of the tenant and user of the runway, with airspace controlled by the Norwich Air Traffic Control (on behalf of NATS).

A condition will be used to ensure the vehicle control measures are put in place and operated in accordance with the Site Traffic Management Plan before the taxiway and runway are used.

The applicant has also provided an assessment of the operational capacity and management requirements for the future aerodrome, which are set out in their “*Consultation Report for Scottow Enterprise Park*” document by Evers Consulting Ltd, received on 26 November 2018.

The report details recommended aviation conditions, runway maintenance and site management procedures, including fire safety and fuel storage requirements. It recommends creating a site emergency procedures protocol, given that unlicensed aerodromes are not governed by airport safety regulations.

As part of site safety the report recommends using wind socks, signage, fencing, gates and barriers, marking the edge of the taxiway and runway with marker posts and installing lighting along the route, or at each end, or on the approach. However, the report is clear that these are discretionary for such an unlicensed aerodrome, and it is quite possible that these features could cause harm to the setting of the site’s heritage assets, could detract from the character of the Conservation Area, and could impact on the existing skylark habitat. Therefore, it is considered necessary to use a condition to ensure any such measures are agreed before their installation is proposed.

Based on the above it is considered there are sufficient measures and site conditions in place to suggest the aircraft use should not conflict with other existing operations nor compromise economic activity elsewhere.

3) Impacts on the character of the area

The applicant is proposing a maximum of 8 flight movements in a day; this may be up to 4 'test flights' and it may include some trips to deliver new aircraft to customers. The applicant and Norwich Airport Air Traffic Control (NAATC) have also agreed that the SEP test flights will have to fly north, with the exception of heading south only as far as Coltishall (2km) for the purposes of taking off and descending to land. The closest parts of the designated Broads National Park landscape are those between Coltishall and Wroxham, 2 – 5km from the site.

The development has not expressly defined an area of intended flights or flying exclusion zones. However, in identifying that National Park, SAC, SPA and Ramsar sites all lie within 5 – 10km of the site, the application's supporting statement states that:

“the proposed development does not include impacts that will reach these areas of interest and therefore there will be no effect and no further assessment has been completed.”

It is therefore considered reasonable to assume the future test flight circuits would not extend as far as 5km from the boundary, but because this has not actually been confirmed by the applicant it will be required to be confirmed by planning conditions determining a defined flight area / circuit route for use in all but emergency safety-led occasions as informed by NAATC.

Further, in the application's Noise Assessment report, the testing of similar aircraft was undertaken using a 2km-radius flight loops of 4-6 minute duration in the area around SEP; it is said that approved Swift Air test flight circuits would follow a similar duration and pattern of localised flying.

Therefore, in addition to the number of flight movements being relatively low, the geographical area for the test flight circuits can be limited and therefore the impact can be expected to be fairly limited. This will need to be confirmed by planning conditions setting out an acceptable range for flying and/or avoiding exclusion zones, and which would ensure the impacts experienced are similar to those presented in the application

Flights across the Broads and North Norfolk Coast areas are not automatically excluded by the Civil Aviation Authority. Although there are some variable height requirements in certain bird-protection areas, low altitude light aircraft can potentially have a significant effect across the AONB and National Park. However, if the noise assessment flight paths can be relied on as a guide as to the future flight paths, these areas would be avoided as they are outside the 2-3km circuits from SEP. As the Landscape Officer describes, there are likely to be relatively few occasions when aircraft might be expected to overfly the North Norfolk Coast AONB or Broads National Park landscapes (being limited to flights associated with final product customer deliveries), and the altitude of these are likely to be high enough to avoid impacts on tranquillity and character.

However, Members may be aware of the significant impacts that can be created by undertaking aerobatic manoeuvres, as the intrusive noise created can affect both residential amenity and landscape character / tranquillity. The applicant has explained that the Swift Air planes being manufactured will have aerobatic capabilities, which raises some concern. It is therefore considered necessary and reasonable to use a condition which would prohibit aerobatic manoeuvres during test flights and/or delivery flights.

Although concern has been raised about the noise and disturbance to the tourism industry in the area, it is considered that impacts on tourism will be minimally detrimental. Some multi-day visits to the area during the week may be affected by noticing the increased aircraft activity and noise,

but noisy events would be minimised by restricting flight operations. On the other hand, there may also be some tourism associated with the potential heritage value from the re-use of the airfield. Weekend tourism impacts should be minimised by imposing conditions to restrict hours of use to 0800-1800 Mon-Fri and 0800 – 1300 Saturdays, with no activity on Sundays, Bank or Public Holidays.

4) Impacts on Residential Amenity

The main concerns for amenity are the impacts of noise from aircraft traffic affecting nearby residents and adjoining commercial uses, including campsites and the Enterprise Park itself. The applicant has provided a Noise Assessment report which has analysed noise from similar flight patterns similar types of aircraft and duration of flights as are proposed in the application.

The proposal has caused a concern due to noise in respect of:

- the test flights and any expansion/intensification of flights;
- cumulative effects of test flights in combination with helicopter flypasts;
- the cumulative and associated industrial noises;
- any engine testing that might occur; and,
- the noise and impacts from associated road traffic of staff and deliveries.

Officers sought further clarification on a number of matters and these have been addressed in the applicant's supporting statement received on 26 November 2018 and in supplementary information received on 21 May 2019. The following have been clarified to some extent:

- the possibility of test flight circuits taking place whilst helicopters are in the area;
- proposed Swift aircraft types;
- proposed Swift aircraft noise emissions; and,
- The possibility to expand / extend operations under 'permitted development' rights.

Proposed flight activities and character

The applicant's intention is for test flights to be undertaken in circuits from and around SEP, with a circuit taking no more than 4-6 minutes. The applicant has stipulated that no more than four circuits would be required per day.

Outside of test flights, there will be occasions when aircraft are manufactured to order and then delivered to customers via a single-trip flight. These would not be circuit flights so impacts would be single events and temporary. The applicant has forecast that Swift Air would manufacture up to 96 planes per year once fully operational, which is approximately 2 per week. Delivering these would be factored into the 8 movements-per-day restriction.

The application supporting statement has described the design and flying capabilities of the Swift aircraft. The model is primarily intended to serve the General Aviation market, catering for customers in the military, flying schools, private touring and leisure flight sectors. A key feature of the new plane design is a deliberate built-in ability to perform aerobatics.

Members may be aware of the potentially significant impacts that can be caused from aerobatic manoeuvres in light aircraft, and the different noise characteristics this entails. However remote

the applicant may consider this site to be, there are still many residential and ecological areas which could be adversely affected by aerobatic activities.

However, the applicant has not provided any evidence of the predicted level of aerobatic noise impacts, nor detailed how frequently these might be tested if approved. It is therefore considered reasonable to exclude aerobatics from the definition of development, and use a restrictive planning condition to prevent these being undertaken.

Cumulative noise

The opportunity for there to be cumulative impacts is to some extent inevitable and out of the applicant's control, because the presence of other aircraft over Scottow is managed by the Norwich Airport Air Traffic Control (NAATC). Nevertheless, the NAATC will avoid multiple aircraft in the same airspace, so cumulative impacts would be very limited and infrequent. The applicant states:

“The airspace above Scottow is controlled by Norwich Airport as it is designated as Class D Controlled Airspace. This means that nothing can enter the airspace above Scottow from ground level to 4,000 feet without the permission of their radar controllers. Scottow itself is noted as a VRP (Visual Reference Point) and this is the reason why a few aircraft are seen overflying it. Currently much of this traffic are the helicopters associated with the oil and gas industry.”

Therefore, because there are few flights proposed and the flight loops are short, there are few instances when aircraft will be in the same airspace, and almost no occasions when they will remain in the same location long enough to create a prolonged noise disturbance. The precise intended flight altitude has remained unclear through the application, but in response to this specific concern the applicant said the Swift Air flights are likely to be c. 3,000 feet and helicopters at c. 1,600 feet altitude. Therefore, whilst there may be occasions when flights coincide in the same local area, with the exception of the limited take-off and landing the noise from Swift Air overflights would be obscured by the lower and louder helicopter flights passing through.

Assessing the level of noise disturbance

To illustrate the impacts of the proposed activities, the applicant has undertaken some simulation flights and measured the impacts at local receptors. The simulation for the noise assessment used a two-seater, single-propeller plane with a 200bhp engine, known as a Slingsby T67 Firefly light aircraft. This is said to be as close to the specification of the new Swift Air planes as currently exists.

The simulation flights were undertaken in May 2018 at the SEP airfield, using 8 circuits of c. 5 minutes, taking off, touching down and taking off again over a 40-minute period. Circuits flew a course of 2km length in alternating loops to the east and then the west. The applicant used these to simulate intended operations, although this does appear to contradict the requirement of the NAATC of leaving the area as soon as possible, so needs to be clarified.

Flight landings are said to take approximately 20 seconds to descend from in-flight altitude and come to a stop (or visa versa for take-offs). The applicant has suggested that air traffic associated with the proposal will only be within the immediate airspace above / around the SEP site for 3 – 4 minutes each day (based on 8 'flight movements' / 4 flights per day).

The most relevant standard for assessing the impacts from noise on residential amenity are set out in the 2010 Noise Policy Statement for England which in turn uses the WHO guideline Lowest Observed Adverse Effect Level, which is the level above which adverse effects on health and quality of life can be detected. This is 50dB in external residential amenity spaces, and no more than 35dB in internal spaces, during the daytime, when experienced as a steady continuous noise. Whilst these are guidelines for the impacts of 'constant' noise, they are nonetheless useful as a measure of what would be perceived as a disturbance, the prolonged effects of which could be detrimental to health.

Accordingly, previous and recent planning applications have determined that the noise from the buildings at SEP should not generally exceed 50dB at the SEP boundary, between the hours of 0700 and 2300. This is expected to feature as a condition as part of the intended approval of masterplan application PF/17/1057. Noise from flights would be in addition to noise from buildings.

Noise from the simulation flights was measured at two points within the SEP boundary, close to the loudest parts of the journey (take-off and landing) and closest to residential dwellings. The maximum noise experienced was 80.9 dB A in a 'single event', which is almost double the recommended limit of 50dB for daytime external noise (although it should be recognised that the 'limit' is seen as a figure for day-long average). Over the 40-minute testing session of 8 continuous flights, the average is approximately 72dB, which if this continued would be considered unacceptably long at this noise level.

Therefore, in order to reach 'acceptable' noise levels, or avoid a prolonged nuisance, the noise assessment has calculated an hour-long average figure; this takes the same noise and 'stretches' it over a longer period which sees the noise levels drop to 49dB A. This new WHO-compliant figure is clearly not an accurate or fair reflection of the noise created by any single flight or continuous use, but it does demonstrate that limiting the number of flights, and requiring them to be spread across an hour-long period, would prevent a discernible adverse impact that would be detrimental to health.

This demonstrates that circuit flights could present a nuisance if they exceed more than 4 circuits around the site in any hour, which is the maximum proposed.

The Environmental Protection Officer is generally satisfied that if the proposed Swift Air planes (models Swift S100 and S120) also use a 200bhp size engine, then the noise impacts experienced in the Noise Assessment would be similar to the new planes.

On this basis, Officers have liaised with the applicant and both parties have agreed that there would be no more than 2 circuits flown in any one hour (4 'movements') in order for the noise to remain comfortably within an average of 50dB over the hour. In order to enforce and monitor this, it is proposed that conditions should be used to:

- (i) limit the duration of each test to 4-6 minutes, and
- (ii) limit the activities to be no more than 4 flight movements per hour (or two 'circuits'), with at least 30 minute intervals between flights (i.e. 30 minutes between landing and the next take-off), and
- (iii) limit the number of flight movements to a maximum of 8 per day (e.g. 4 take-offs and 4 landings).

In addition to using planning conditions to limit flight frequencies and intensity to be no more than 2 circuits per hour, it is also considered necessary to restrict the flights allowed to be just the Swift

S100 and S120 models, in order to ensure that both the activities and the type of aircraft reflect the noise assessment undertaken and the acceptable noise limits created therein.

Although simulation circuits were undertaken for the Noise Assessment, Officers have nevertheless requested confirmation of the location and extent of the proposed test flight circuits. Unfortunately, the applicant has not provided these, and remains cautious about committing to a circuit route that the NAATC could decide needs to be changed on any given day. Officers accept that NAATC could change flight patterns at short notice for safety reasons, but consider it essential to define the geographical extent and areas used for test flights in order to ascertain that there would be a generally-acceptable impact, as well as confirming the generally-intended flight altitude, to ensure that the Noise Assessment effects are realistic measure of the expected public experience. It is considered that these two elements can be established by pre-commencement planning condition.

Aircraft types, sizes and noise emissions

In terms of defining the types of aircraft to be used, in November 2018 the applicant proposed a definition that would only allow “Non-Complex Aircraft” to be flown from the site, as defined by the European Aviation Safety Agency (EASA), and which would have allowed certain planes with a ‘Maximum Take-off Mass’ of up to 5,700kg. However, this drew concerns that it would still allow some aircraft that deviate from the model tested, causing different impacts.

In response, the applicant has provided further information on 21 May 2019 regarding the type of aircrafts proposed to be used. These include data sheets for the noise emissions experienced from two aircraft models, including: (i) the Slingsby T67A ‘firefly’ model which was used in the Noise Assessment simulation flight circuits, and (ii) the Grob 120TP which apparently most closely resembles the intended aircraft to be manufactured on site by Swift Air.

Unfortunately, it has proven difficult to make a direct comparison between the two planes’ data sheets of noise impacts because they do not compare the same data, but the common consensus is that the effects would be within general acceptable tolerances. The applicant has confirmed (06 June 2019) that the noise data from these data sheets should not be relied upon as a direct comparison, only an illustrative comparison, and instead the Noise Assessment report of May 2018 should be the only resource from which to make a noise impact assessment.

The applicant has also confirmed they agree to the size of aircraft being limited, and has proposed a restriction that limits the Maximum Take-Off Mass (MTOM) of aircraft to 2,000kg. This avoids the possibility that a ‘small’ engine of 200bhp would be louder because it was straining to power a ‘Non-Complex Aircraft’ of up to 5,700kg.

The applicant thereafter proposed that the site should be allowed to use aircraft that fall into the EASA category ‘ELA2’: “European Light Aircraft 2”. This would apparently comprise manned aircraft with the following characteristics:

- *“an aeroplane with a Maximum Take-off Mass (MTOM) of 2000 kg or less that is not classified as ‘complex motor-powered aircraft’;*
- *a sailplane or powered sailplane of 2000 kg MTOM or less;*
- *a balloon;*

- *a Very Light Rotorcraft with a MTOM not exceeding 600 kg which is of a simple design, designed to carry not more than two occupants, not powered by turbine and/or rocket engines; restricted to Visual Flight Reference (VFR) day operations.”*

Whilst the neighbourly intentions of the applicant are noted, this still draws concern that the range of aircraft in this ELA2 category have not been tested/simulated for their impacts to be assessed at SEP, and there is no evidence that this suggestion from the applicant would be acceptable.

In particular, there are a range of potentially very significant impacts associated with allowing use of ‘*Very Light Rotorcraft*’. These are essentially helicopters and microlights which could have a more stationary presence above the site and which presumably may travel slower and lower, and which are likely to be more inherently noisy.

Rather than accept the applicant’s suggested aircraft-type limitation, Officers consider it necessary to exercise the greatest caution and instead prescribe the specifications to be allowed to be used rather than allow open use within a broader general category of aircraft.

The possibility of additional activity under ‘permitted development’

As there are some permitted development rights for airports and airport operators, it has been necessary to establish whether the proposed activities would cause the SEP to be classed as an ‘airport’ for the purposes of interpreting Part O of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (‘the Order’).

As part of their supplementary information, in November 2018 the applicant confirmed they are satisfied that the proposal would not cause the site to be considered an ‘airport’ because it would not be used for conveying paying passengers and will not undertake ‘air traffic services’, and as such the site will remain an aerodrome. Neither will Swift Air become a defined ‘Airport Operator’ because it will not hold an Air Traffic Services licence.

As such, there is common ground that neither applicant nor application site will be able to undertake further development within Classes F, G, H, I, J, K or L of the Order.

Concerns regarding engine testing

The applicant has stated there is no intention to carry out any engine testing, either internally within Hangar 2 or externally within the aerodrome, because the engine arrives at the site ready for installation and use to the Swift Air specification. The applicant stated on 26 November 2018 that:

“I can confirm that no engine testing is required on site. Engine manufacture and testing will be completed off-site at the engine OEM facility prior to delivery. The assembly process at Swift requires no material alterations to the engine as delivered and thus there is no requirement for further testing.

Since the engine is delivered as a complete unit from the OEM and Swift will not be modifying it in any way then prolonged idling is not required.”

There may of course be instances when aircraft idle in preparation for take-off, but it would not make commercial sense to make these a prolonged or repetitive test, whilst short-term idling noise at ground level would in some part be screened by the solar farm. Nonetheless a planning condition can prevent any engine testing activity. If the applicant sought to vary or remove such restrictions they would have to make a specific planning application to do so and demonstrate that any such proposal has been properly considered and the effects investigated.

Noise from manufacturing / aircraft assembly / aircraft maintenance

The doors and windows to Hangar 2 are already expected to be closed during aircraft assembly as the hanger will be used under the terms of the separate planning permission PF/17/1057; this requires all external doors and windows in Hangar 2 to be kept shut at all times during working hours other than when providing access and egress for personnel and visitors, deliveries and the movement of plant and equipment to and from the building (Condition 25).

Any cumulative noise impact created from these aircraft flights alongside industrial activity at SEP would be minimal, short-term and temporary in nature. It should be noted that the masterplan for the entire SEP site (PF/17/1057) has already established noise limits that should not be exceeded at the boundary of the SEP site through conditions. These conditions already require that any noise (single or cumulative) measured at any boundary of the SEP shall not exceed 50dB over a daily average between Monday-Friday during the hours of 0800 - 1800 or 0800 - 1300 on Saturdays, and nor shall it exceed 40dB at any other time (Condition 19).

It should be noted also that the applicant has confirmed (21.05.19): *“There is currently no intention to undertake maintenance and testing beyond the scope set out in the Application...Should Swift wish to broaden their activities at Scottow in future then this would require a further planning application, which would be subject to consultation”.*

With regard to the concern that the SEP could begin to be used for aircraft maintenance, the applicant has confirmed: *“For the maintenance of aircraft sold by Swift, this will either be undertaken on site with the owner or at one of Swift’s existing facilities. The cap of 4 flights per day ensures that there can be no ‘activity creep’ beyond the scope of the Application. Any such increase in activity would require a separate planning application, which would be subject to consultation. We would also like to reiterate that no pilot training will be undertaken at Scottow, and the Application intentionally does not specific this use within the Supporting Statement.”*

Noise from associated traffic

Concerns raised around road traffic of staff and deliveries are instead related to the use of Hangar 2, which is already addressed and restricted under planning permission PF/17/1057; this includes the hours of delivery, maximum number of HGVs per day, and potentially the need to provide an alternative entrance to the SEP should increasing traffic volumes reach a specific level.

A summary of noise impacts and recommendations

The predicted noise impacts and their extent have been found to be largely acceptable by Environmental Protection Officers, based on the simulation flights undertaken to inform the Noise Assessment report. The parameters used for that assessment are said to be as accurate a

reflection of the character of the flights used by Swift Air as can practicably be achieved with existing aircraft. Similarly, the type, size and character of the aircraft flown in the tests are said to best represent that of the forthcoming Swift S100 and S120 aircraft being assembled in Hangar 2. Therefore, it is both necessary and reasonable to require the proposed development to reflect the activities undertaken in the noise report, to ensure there are no unacceptable impacts on residential amenity (local or otherwise), and control this through planning conditions.

Further, it is clear that the proposal activities are bespoke to the applicant, the aircraft being tested, the flight activities to be undertaken, and the airspace safety measures required by the Norwich Airport Air Traffic Control are all unique to Swift Air. As such, it is considered necessary to restrict the benefit of the permission to that of the applicant only.

Other concerns raised in respect of traffic and industrial noise are already controlled by the content of the associated 'masterplan' application PF/17/1057. Permitted development rights to extend / intensify operations will not apply, and the cumulative impacts of noise alongside existing helicopter overflights are outside the applicant's control, though will be minimal and infrequent.

Therefore, following the advice from both North Norfolk and Broadland District Council Environmental Protection Officers, it is considered that careful controls can be used to ensure the noise associated with the use of the runway in these proposals can be minimised to a level which will be unlikely to amount to a significant adverse impact on residential dwellings.

Officers therefore consider that the applicant should be required to limit their operations as below:

- No commencement until flight test areas / circuit routes and their altitudes have been agreed by definition on a plan for use by aerodrome operators and pilots.
- To limit the benefit of the permission to just the applicant, Swift Air or the wider Swift group.
- No more than 8 movements per day.
- No more than one 'circuit' to be flown at any one time.
- A maximum of 4 movements / 2 circuits per hour.
- A minimum of 30 minutes between flights.
- A maximum of 6 minute test flight circuit duration.
- Engines to be no larger than 200 bhp.
- Aircraft to have a Maximum Take-Off Mass (MTOM) of 2,000kg.
- Only single-propeller aircraft.
- Only the Swift S100 and S120 models shall be flown.
- No helicopters, no microlights, no 'volocoptors', no rotorcraft.
- No aerobatics.
- No pilot training or flying school.
- Circuits to be flown shall be no more than 2km from the SEP.
- No 'incoming aircraft' which haven't been part of a test flight circuit originating at Swift Air.
- No maintenance or servicing / repairs of aircraft that were not produced by Swift Air and/or once Swift Air have delivered the tested aircraft to their customers.
- No use for conveying paying passengers, nor undertaking 'air traffic services' (in order to avoid any suggestion of becoming an airport).

However, there remains a difference of opinion over the proposed use of aerobatics, which the applicant states as being an important part of the new aircraft's specification. The Environmental Protection Officer notes the significant disturbance that could be caused, and requests a complete prohibition, but the applicant has raised concerns on 06 June 2019 that this would prevent

essential testing and suggests it is prohibited in 'local air space' only; this local air space is not defined, and excluding the effects from around SEP would only push the effects elsewhere. Discussions will continue and a verbal update will be provided at the Committee meeting.

5) Ecological impacts

Natural England identify a general concern with light aircraft flying over sensitive bird habitat areas such as waterfowl overwintering sites, advising that aircraft should remain at an altitude of at least 500m and preferably 1000m if avoidance is not possible. The submitted Ecological Impact Assessment has said the expected altitude of flights is only 300m (1,000ft) which is clearly a concern if this interacted with protected sites. Westwick Lakes SSSI to the north is an area popular for overwintering waterfowl, but this is c.3km north, so the proposed operations would be considered unlikely to cause significant noise and visual disturbance to its waterfowl populations if the flights remain within approximately 2km of the SEP airfield (as indicated in the Noise Assessment report). However, this would not apply to the use of final product delivery flights, as noted by the Landscape and Ecology Officer.

Natural England also advise that an increase of 3dB against existing noise levels at ecological receptors could be significant to bird populations. The noise assessment report found the greatest noise to occur during take-off and landing, with the 'flight level' noise being much less when measured at ground level at the centre of the circuits.

The impacts on ecological assets and sites of wildlife importance have been assessed in detail by the Landscape and Ecology Officer. Whilst it is generally considered that the impacts can be controlled to an acceptable level, this is only possible if the applicant can clarify the intended proposed activities, and ensure that flights are operated in line with the simulation flights already undertaken, which informed the noise assessment and ecological impact reports.

Impacts on designated sites:

The development has not expressly defined an area of intended flights or flying exclusion zones. However, in identifying that SSSI site boundaries all lie in excess of 2km of the site, the application supporting statement contends that:

“the proposals will have no impacts at this distance and therefore no further assessment has been carried out on these sites.”

Similarly, the Noise Assessment has only measured impacts in the local vicinity given the short durations and local flight routes taken. On the basis that planning conditions will be used to ensure testing flights are local to the site and do not greatly exceed 2km, it can be reasonably assumed that the SSSI sites and SPA/SAC/Ramsar locations will be avoided for the majority of operations and so the impacts will be minimal.

Having assessed the noise report, Natural England does not consider the proposal likely to create a disturbance to ecological interest features of international sites, which is also based on the applicant's use of a 2km-radius of circuit flying during their noise measurements.

Due to the fact that waterbirds may rest and feed on cereals and grasslands within 2km of designated sites, Natural England advise that flight paths for delivering completed / finished

planes further afield should not fly within 1.5km of a designated Natural 2000 site and their 'functionally-linked land' buffer. This would effectively require planes from the site to remain 3.5km away from Natural 2000 sites. This could occasionally be problematic for the applicant because flight routing will ultimately be dictated by the safety requirements of the NAATC; however, a planning condition can ensure the general spirit is adhered to, by first agreeing a safe flying area and then advising flying personnel to plan routes which avoid the Natura 2000 sites or ensure a minimum 1000m altitude is achieved at point of fly-over entry.

As the runway is some 3km distance from the closest nationally-designated wildlife site, it is considered that planning conditions and the nature of the operations proposed can together ensure the development will avoid an unacceptable impact on the local ecology and national and internationally-designated habitats. There is also considered to be limited adverse impact from air pollution on any national or internationally-designated site.

The Landscape and Ecology Officer's consultation response has identified that the submissions contain discrepancies that should be clarified before the impacts can be definitively accepted. If there is any reason to doubt the practicalities of following these criteria in an approved development, then the impacts should be avoided by first agreeing a definitive map of acceptable flight areas, altitudes and routes.

It is therefore recommended that conditions are used to define an acceptable area for test flight circuits, to impose use of flight mapping, and to restrict certain activities. These would be imposed to prevent a detrimental impact on the Broads SPA and North Norfolk Coast SPA/Ramsar internationally-designated wildlife sites and the nationally-significant Westwick Lakes SSSI. It is considered possible to enforce such specific flight route/area for the proposed use, to avoid certain designated sites. Given the limited proposed activities of the development, imposing such requirements by condition is not considered likely to be prejudicial to Swift Air operations.

Impacts on localised skylark populations:

Local Planning Authorities have a duty under the Natural Environment and Rural Communities (NERC) Act 2006 to have regard to conserving biodiversity in the exercise of their normal functions.

Section 40 of the NERC Act states: "*A public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity [...] Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.*"

Skylark have been designated by Natural England as a species of "principal importance for the purpose of conserving biodiversity" through the UK Biodiversity Action Plan. This is because they are considered to be a species which is the most threatened, in greatest decline, or where the UK holds a significant proportion of the world's total population.

The Ecological Impact Assessment (EclA) recalls how the pre-solar farm habitat was home to 97 singing male skylarks across the RAF Coltishall site, a figure which created an unusually high density of 0.8 per ha and which led to the site being recognised as a site of County-level importance. The new EclA was informed by a survey in 2018 which found skylark nesting had decreased to 65 territories (a density of 0.33 skylarks / ha), but nests were found in both areas of retained grasslands, with more probably beyond those, including within the solar farm itself.

Although the population has been affected by the solar farm's construction, it remains a relatively successful, if declining, population. The on-site population is assisted by two areas of grassland being managed by SEP and the solar farm to provide "retained grassland" amongst and around the cold war blast wall shelters, which are adjacent to the taxiway and within 125m of the runway.

The report has confirmed that the noise from aircraft will cause detrimental disturbance to birds, especially so for nesting sites within 100m of the flight path, but reaching as far as 200m from the runway, at which distance the noise is considered unlikely to have an effect. It will also be likely to cause detrimental impact through the visual presence of aircraft in flight and, to a lesser degree, in moving around the site. There will probably be some adaptation over time, but the skylarks will be affected by the noise and some territories would be lost; the only similar literature review found that this could represent a breeding loss impact that amounts to 1% of territories being lost.

The EcIA has used the very limited data available from other skylark and meadow-bird impact assessments to calculate that 30 territories would be affected (i.e. being approximate number from 2018 within 200m), and if those 30 suffered a 1% loss it would represent just under half the overall population across the SEP site. It should be noted though, that the EcIA was under the impression that there would only be two short test circuit flights per day, which is only half that proposed, and assumed that flights and car driver training would not take place concurrently, which is not proposed and could not easily be required.

LPA Landscape & Ecology Officers have agreed with the applicant's EcIA conclusion that the impacts on the on-site skylark population is 'not significant' because the 2018 population as a whole is affected by only a 1% decrease. However, this proposal will increase the rate of breeding losses already being experienced, and cannot account for the possible effects caused by the visual presence of aircraft and the extra movements in and around the site, and is based on only half the movements proposed. It is therefore considered that this 1% loss rate should be considered the minimum likely.

Although the impacts on skylarks may be deemed 'not significant' on a local scale, there is still concern that any locally-significant wildlife should not be allowed to be compromised and populations should not be caused to decline. The impacts of the development will be detrimental to the on-site skylark populations, which have not shown signs of growing since the solar farm construction. Skylark are a nationally-important principle species, whilst the habitat which supports this skylark population is of County-level importance, but the impacts on this habitat are expected to be detrimental to at least 30 territories / breeding pairs.

NNDC Policy EN 9 requires developments to avoid an adverse impact on biodiversity, and enhance habitat provision and biodiversity conservation features. This remains consistent with the thrust of the 2019 NPPF, albeit NPPF paragraph 175 states that if "*significant harm*" is caused to biodiversity cannot be mitigated then a proposal should be automatically refused. In addition, the LPA must demonstrate a regard for conserving biodiversity through its decision making functions under the NERC Act.

Policy EN 9 states:

"All development proposals should:

- *protect the biodiversity value of land and buildings and minimise fragmentation of habitats;*

- *maximise opportunities for restoration, enhancement and connection of natural habitats; and*
- *incorporate beneficial biodiversity conservation features where appropriate.*

Development proposals that would cause a direct or indirect adverse effect to ... protected species will not be permitted unless;

- *they cannot be located on alternative sites that would cause less or no harm;*
- *the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and*
- *prevention, mitigation and compensation measures are provided.*

...[and]...

Where there is reason to suspect the presence of protected species applications ... the proposal must be sensitive to, and make provision for, their needs."

Policy EN9 identifies protected species to include skylark. Despite the application identifying that it will cause an adverse effect on the skylark population, it has not proposed any "*prevention, mitigation and compensation measures*" in response.

Therefore, the proposal as presented is contrary to development plan policy, and would cause the Council to be unable to fulfil its duty as decision maker. As such, it is considered necessary for the development to provide some forms of mitigation or compensatory measures, to be required through the use of planning conditions, to ameliorate these impacts and likely losses.

Fortunately, this would appear to be possible because the applicant is proposing the development in association with the landowner, Norfolk County Council, which has control over large tracts of the development site beyond the runway proposed for change of use. These areas of the SEP site include some retained grasslands similar to those already reserved and managed for skylark habitat, and it might be possible to specifically manage an area of additional 'retained grassland', preferably beyond the 200m distance from the runway. Failing that, it should be possible to provide other bird / ecology enhancement opportunities within the site, and therefore provide enhanced biodiversity conservation features as required by policy and the NERC Act.

6) Highway safety

The low intensity nature of the proposal is not considered to cause a detrimental impact on highway safety or local amenity, and traffic associated with the manufacture or employment within Hangar 2 would be subject to the requirements of planning permission PF/17/1057 including its requirement for providing parking for staff.

The applicant has reiterated this in Appendix B's Traffic Routing Plan ref i.16.2350.M020, showing how HGVs and other deliveries linked to aircraft use will avoid minor roads and use Scottow Road from the B1145 rather than smaller unclassified roads in the first instance. It also does not prejudice the future creation of a second access/exit at SEP which would avoid Badersfield.

It is also noted the Highway Authority have no objection to the proposal. On this basis it is considered the development is compliant with North Norfolk and Broadland highway policy.

7) Other material considerations

Following receipt of additional information in November 2018 and May 2019, and in light of the comments received from Environmental Protection Officers (25/05/19) and NNDC Landscape and Ecology Officer (03/06/19), an EIA screening and HRA screening process have been undertaken.

Environmental Impact Assessment (EIA) Screening

An initial EIA Screening assessment of August 2018 required further information to be provided before a decision could be reached but this has since been updated. It has now been determined that there is no significant effect likely on ecological and landscape assets or other various factors, and as such the proposal will not require an Environmental Statement and is not considered to be EIA Development.

Habitats Regulations Assessment (HRA) Screening

The HRA Screening assessment has been undertaken in the form of the Landscape Officer's formal comments submitted to the application. The assessment determines that there should be no likelihood of a significant effect on the relevant interest features of internationally-designated sites; however, this is only possible if the applicant proceeds in line with their stated intention to test fly their aircraft using circuits which avoid the designated sites and their necessary 2km buffer areas of adjoining land, and fly at a minimum 500m altitude when flying 'one-way flights' to customers further afield.

CONCLUSION

The development is considered to be in general accordance with the requirements of the Development Plan. There are no material considerations that indicate the application should be determined otherwise.

The existing runway site lies as an unused resource and in some respects is a cultural and heritage asset, the re-use of which would be beneficial to its upkeep. The site is within an area of growing economic activity and the proposed use is considered complementary to the existing and emerging uses at the Scottow Enterprise Park. The airfield site is both reasonably accessible for employees yet is separated from large residential populations, to ensure the benefit of jobs and minimal impact on residential amenity. The proposed activities are sufficiently far from protected landscapes and internationally-designated wildlife habitats to avoid causing a significant detrimental effect.

Although there is concern over noise impacts affecting residential amenity and tourism, these impacts are seen to be relatively low in intensity and the effects should be infrequent, particularly given the character and intent of the proposed operations.

Whilst some detrimental impacts may still occur on residential amenity, landscape appreciation and on-site ecology, these are likely to be prevented from being significant if the operations are controlled by conditions, or, in the case of the effects on existing skylark populations at the site, the detrimental impacts can be compensated for.

The development is therefore proposed to be approved as a means to support the expansion of existing businesses and create additional jobs, subject to the extent of operations being limited by planning conditions.

RECOMMENDATION: APPROVAL

NOTE: Having considered the Environmental Protection Officer and Landscape Officers' comments and suggested conditions, the applicant responded on 06 June 2019 setting out some concerns and noting that some information still needs to be clarified. Officers remain in discussion with the applicant and colleagues in Broadland DC, and it is expected that the final form of conditions shall be proposed at the Development Committee meeting.

There are two parts to the recommendation: Part 1, and Part 2 comprising either (A) or (B).

Part 1:

DELEGATE Authority 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 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 used by for use by aerodrome operators and pilots.
4. Define the test flight circuit routes and minimum altitude, for use by aerodrome operators and pilots. Circuits shall extend no more than 2km from the SEP site.
5. An Ecology Enhancement Plan shall need to be agreed – this shall include measures to increase managed grassland or undertake other mitigation or provide alternative ecological features within the SEP site (NB This might require a variation of existing s106 agreements).
6. 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.
7. 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.

Ongoing operational requirements:

8. Restrict development to the areas outlined in red on location plan ref 01-001 rev A.

9. 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.
10. 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.
11. No more than 8 aircraft movements in any day.
12. No more than 4 aircraft movements per hour - with at least 30 minute intervals between flights (i.e. 30 minutes before taking-off after landing).
13. No more than 1 circuit to be flown at any time.
14. Test flight circuits to be limited to a maximum 6 minute duration.
15. 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) Restrict types of aircraft to those tested, to be only the Swift S100 and S120 aircraft, and to not fly any non-Swift Air models.
16. There shall be no engine testing.
17. No helicopters, microlights, 'volocoptors', rotorcraft or 'drones' shall be flown from the site.
18. 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.
19. 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.
20. No 'incoming aircraft' shall be allowed to be flown into the site from outside the site that are not being used for test flight circuits originating at SEP.
21. No aerobatics / acrobatics.
22. No pilot training / flying school.
23. A flight log shall be retained and made available for inspection by the LPA and Environmental Protection services, including a register of:
 - all pilots,
 - serial models 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,
24. No external lighting unless first agreed.
25. 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.
26. Airfield-use related traffic shall be managed in accordance with the Site Traffic Management Plan submitted.
27. No use of the site for conveying paying passengers nor undertaking 'air traffic services'.

AND

Part 2:

Dependent upon the response received from Broadland District Council

Either –

- (A) Under authority delegated to North Norfolk District Council by Broadland District Council, to **APPROVE** application 20181484 submitted to Broadland District Council insofar as it concerns land within Broadland District, subject to the same conditions as are determined to be necessary to be applied to application PF/18/0363.

Or –

- (B) 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.

A recommendation to adopt position (A) or (B) will be advised to Members of the Development Committee at the meeting.

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Appendix 1:

Consultation response from the North Norfolk DC Landscape and Ecology Section

Received 03/06/19

Concerns regarding the possible impacts on internationally-designated wildlife sites:

The elevation/altitude at which the Swift aircraft will fly at is relevant as it has the potential to affect the special interest features of the international and nationally-designated nature conservation sites, in particular the avian conservation interest features which may be disturbed by low flying aircraft.

Section 6 of the Planning Statement (submitted 23rd February 2018) states that there will be no impacts to the Broads National Park (equivalent), Broadland Ramsar site, Broadland SPA, the Broads SAC and the Norfolk Valley Fens SAC. The Planning Statement suggests this is because they are located between 5 to 10km away from the Coltishall aerodrome (application site) and because “the proposed development does not include impacts that will reach these areas of interest and therefore there will be no effect”. In addition, the following SSSIs have been highlighted to be within 2 to 5km of the aerodrome: Crostwick Marsh, Smallburgh Fen and Westwick Lakes. The Planning Statement again suggests that “the proposals will have no impacts at this distance and therefore no further assessment has been carried out on these sites”. However, the Landscape Section have given further consideration to the potential impacts on these sites as part of the assessment of the application.

In the various documents submitted by the applicant to address the issue of test flights and delivery flights passing over designated land (e.g. nature reserves, SSSIs, AONB and The Broads), it is stated by the applicant that flight routes will be constrained by the Controlled Airspace (CAS), and in association with Norwich Airport Air Traffic Control (NAATC) and with respect to aviation guidelines/rules that operate around restricted airspace and as shown on aviation maps.

The runway site is located within an area of controlled and restricted airspace related to Norwich Airport. As shown on a map provided by the applicant in May 2019, the site is used as a Visual Reference Point (VRP) “Coltishall Disused” by pilots, and is in an area of restricted airspace (termed “Control Area CTRD”), which restricts all flights from the surface up to 4000 feet altitude. A further restricted airspace lies beyond the immediate CTR D zone, to the east, west and north of Coltishall VRP (“Control Area CTA-1 D”), which controls flights between 1500 feet and 4000 feet.

Although the applicant’s map appears to illustrate that the entirety of the former RAF Coltishall site is within the CTR D airspace, the map VRP location point does not account for scale and if the restricted airspace boundaries are plotted directly onto an OS map, it appears that the northern section of the runway might actually be located outside of the CTR D Controlled Air Space, and instead within the CTA-1 D Controlled Air Space. This means that there is a possibility that some of the application site might not be subject to Norwich Airport Air Traffic Control between the surface and 1500 feet altitude, thus having a less stringent restriction on flights at certain altitudes than has been suggested by the applicant.

Birds can be disturbed by aircraft because they perceive aircraft as predators and the birds will be affected physiologically (such as by changes to heart rate and hormone levels caused

by increased stress) or behaviourally (such as by pacing, increased calling and flight responses). This reduces a bird's ability to conserve energy and forage and ultimately harms their survival, as well as having territorial implications and affecting breeding success. It should also be noted that migratory birds will often fly at greater altitudes that have more exposure to aircraft; the Broadland and North Norfolk Coast SPA/Ramsar sites include migratory birds as a designated conservation feature.

Although effects will alter between species and season, it is generally considered amongst ecologists that disturbance by aircraft will decrease with increased flight altitude of aircraft and a greater lateral distance between birds and aircraft flight path. Generally, flights above 500m (approximately 1600 feet) altitude are considered preferable for bird conservation with a lateral distance greater than 1km (more for helicopters) from the bird feature. However, it is worth noting that flights above the north Norfolk coast bird reserves are only restricted by the Civil Aviation Authority [CAA] to fly above 500 feet (c. 125m) (as identified on CAA aviation maps) whilst bird reserves at Minsmere and Havergate are restricted by the CAA to fly above 2000 feet (c. 600m). It is evident that there are some inconsistencies around the protection afforded to bird reserves through the CAA aviation maps, and it should not be assumed that all SPA/Ramsar sites are covered by the CAA, nor given a consistent level of protection.

The inner-most controlled airspace CTR D area would require permission from the Norwich Radar Air Traffic Control for aircraft entering airspace from ground-level to 4000 feet. This appears to have been granted already through the 2017-'18 Letter of Agreement (LoA) between Norwich Airport ATC and Swift Aircraft because this agrees a set of procedures for the Controlled Airspace above the Coltishall aerodrome.

The agreed set of procedures in the LoA includes:

- Swift aircraft operating under Visual Flight Rules (VFR),
- Swift aircraft not flying above 500 foot AGL (Above Ground Level) until two-way communications have been established with Norwich Radar, and,
- when within the Controlled Airspace up to 4,000 feet, requiring flights to remain within an area defined by Coltishall village (to the south), Buxton (west), and Tunstead (east).

However, the agreement also allows alternate routes and altitudes to be negotiated with Norwich Radar once two-way communication has been established.

In addition, further procedural matters are in the LoA in relation to inbound flights and re-entry into the Controlled Airspace. This means the LoA would allow aircraft to visit / arrive at the aerodrome, which would be contrary to the intentions stated in the application, which implies that visiting aircraft are not part of any planned development and that aircraft will only depart from the aerodrome to be supplied to customers.

As noted in the planning submission, European protected SAC/SPA and Ramsar sites of the Broads and Broadland (Natura 2000 sites – N2K) lie within 10km of the aerodrome. Some key features of these designated sites are both breeding birds and over-wintering and migratory birds, all of which could be disturbed by low-flying aircraft. The presence of such ornithological interest also requires a "buffer zone" to be factored into the geographical areas which might be affected by flights, and this zone is defined as a 2km area of all functionally linked land (arable fields and pasture used for foraging and roosting) adjoining the SPA/Ramsar sites.

It would appear that the majority of the Broads Natura 2000 sites are located predominantly to the east, north-east and south-east of the aerodrome but all lie within Norwich Airport's Controlled Airspace (either CTRD or CTA-1 D areas). Based on the LoA with Norwich Airport ATC, the features of the European sites and their buffer zones are unlikely to be impacted by either the test flights or the delivery of aircraft, because aircraft will need to route themselves out of the NAATC controlled airspace as quickly as possible towards the north of Coltishall aerodrome.

However, whilst the general direction of flights is to head north, there are discrepancies in the information provided in respect of flight altitudes and geographical extent. The applicant originally said in has said in the Ecological Impact Assessment of August 2018, that the test circuits would be flown at just over 300m (or 1000 feet) altitude. This is contradicted by the applicant's statement in November 2018 that Swift aircraft will operate above 1600 feet (the height at which helicopters pass over the aerodrome) and that Swift aircraft will leave "local airspace immediately upon take off", with test flights lasting approximately 3 minutes between take-off and landing. A further complication is that the test flights carried out for the Noise Report operated within a 2km radius of the airstrip, and the applicant has suggested this is the same pattern of manoeuvre likely to be used by the Swift aircraft on their test flights.

If it is the case that Swift Air will operate on the basis of the information submitted thus far, it would appear that test flights will operate mostly within 2km of the airstrip and at an altitude between 1000 and 1600 feet. On that basis, the Landscape and Ecology Section considers that Swift aircraft flights are unlikely to have an impact on the avian conservation features of the nearby internationally-designated sites because the sites and their buffer zones are beyond 2km from the aerodrome, are within Controlled Airspace (and therefore to be generally avoided), and flight altitude is likely to (generally) not result in disturbance effects.

While there is a minor concern that the LoA allows for alternative routeings within the Controlled Airspace on agreement with Norwich Radar, which might involve some flights near or above designated areas due to occasional safety requirements, it is assumed that the occurrence of such alternative routeings would be uncommon. Therefore, the Landscape Section conclude that a significant effect on the conservation interests of the Broadland/Broads European designated sites is unlikely.

In addition, it is noted the Norfolk Valley Fens SAC (Buxton Heath) is approximately 9km from the aerodrome. However, there are no designated conservation features of that site that will be affected by aircraft movements (the Heath is designated for its wet and dry heath, spring fed mire vegetation communities and populations of silver-studded blue butterfly), and this designated site is within the NAATC controlled airspace where Swift Air flights should be minimised.

Concerns regarding the possible impacts on nationally-designated Sites of Scientific Interest:

Three SSSIs are located within 2 to 5km of the aerodrome. Crostwick Marsh and Smallburgh Fen SSSIs, are located within the NAATC controlled airspace and therefore unlikely to be flown over on a regular basis due to the aforementioned Controlled Airspace restrictions and LoA. Further these SSSIs have limited ornithological interest features associated with them.

Westwick Lakes SSSI, however, is located approximately 3.5km due north from the northern end of the Coltishall runway, beyond the northern boundary of the NAATC Controlled Airspace, and has a greater ornithological interest and is more vulnerable to flight impacts.

Westwick Lakes comprises five man-made lakes/ponds, and has been designated due to the aquatic flora and fauna associated with acidic, nutrient-poor lakes found in upland areas. The ponds vary in water quality and floristic diversity and composition, with Perch Lake being the deepest and largest of the lakes. The ponds also have considerable ornithological interest with large flocks of overwintering wildfowl, with Perch Lake attracting many species of diving duck in winter including Goldeneye and Goosander.

As with the assessment of impacts on SPA/Ramsar sites, it has been assumed that Swift aircraft test flight circuits will mirror those of the test flight carried out as part of the Noise Report, and as such will operate within a 2km radius of the airstrip and at an altitude of greater than 1600 feet. Given that Westwick Lakes are located more than 1.5km beyond the expected 2km test flight area, the Swift test flights are unlikely to result in disturbance effects on the wildfowl and diving ducks of the SSSI. This should still be confirmed though, prior to determining that there will be no significant detrimental impact.

However, the flight paths for completed Swift aircraft leaving the aerodrome (approximately two per week) for delivery to customers is less clear. The LoA with Norwich Airport ATC requires flights to be routed to the north initially beyond the NAATC Controlled Airspace boundary, and this could result in flights reaching the Westwick Lakes SSSI which is outside of the scope of the LoA and NAATC controls, and is not already afforded CAA protection.

Westwick Lakes is not designated as a bird reserve on the CAA aviation maps and does not benefit from any over-reserve flight restrictions. Although the LoA requires Swift aircraft to fly under Visual Flight Rules (VFR) and in accordance with VFR charts, these restrictions do not preclude aircraft flying low over the Westwick Lakes SSSI.

Although the occurrences of low flying Swift aircraft over Westwick Lakes SSSI is considered to be low, as the flight altitude for the aircraft appears to be greater than 1600 feet in normal conditions, there is nothing in place to prevent low altitude overflights, for example during poorer weather (VFR have certain procedures with regard to Visual Meteorological Conditions).

The application's submitted report by Evers Consulting Ltd (section 5.5.4) states that the initial climb out from either runway position is over fields with adequate opportunities for aircraft to avoid built up areas. It also recommends the applicant should provide VFR (Visual Flight Rules) for setting clear arrival and departure routes for all users of the aerodrome, to assist in the avoidance of built-up areas or other noise sensitive areas. As such it would appear feasible and sensible to determine specific areas of flying and/or routes for aircraft to use, without prejudicing the ability to operate from the site or imposing unreasonable restrictions on the applicant.

Therefore, to ensure that the airspace above Westwick Lakes SSSI is avoided by departing Swift aircraft (and because the SSSI is outside of Controlled Airspace and is not listed as a sensitive site, i.e. bird reserve, on the CAA VFR Charts) a planning condition is requested to require the submission of a standard VFR departure route for all aircraft leaving the site. The VFR departure route could specify avoidance of a 1.5km buffer around Westwick Lakes SSSI yet still adhere to all of the other restrictions and CAS/VFR rules. A suggested flight route departure map is provided by the Landscape Section as an example of how this could be achieved. It would also be possible to expand this map to establish the same principles of defining appropriate areas for the test circuit flights.

If such a condition is secured, the Landscape Section considers that the special interest features of Westwick Lakes SSSI, specifically the ornithological interests of over-wintering wildfowl and diving ducks, would not be adversely impacted by the proposed development, and in doing so the concerns of Natural England (in their response of September 2018) will be addressed.

Concerns regarding the possible impacts on wildlife within the Scottow Enterprise Park / airfield:

Consideration has also been given to the impact on skylarks, which are known to breed on the former RAF Coltishall site and solar farm, and the application has included an Ecological Impact Assessment (EcIA), dated August 2018. The impact assessment considered the characteristics of the skylark, potential impacts, level of significance of effects, and evaluated any residual effects. A 'significant effect' would either support or undermine the conservation objectives for skylark.

The EcIA determined that the area around the solar farm, airstrip and retained grassland areas adjoining the airstrip are of County level importance for the population of skylarks, which has an average density of 0.3 skylark territories per hectare (0.6 in the retained grassland areas). The EcIA considers that the skylark population would remain relatively stable if the proposed development didn't take place.

The EcIA provided a literature review of avian responses to aircraft, although limited information was available regarding the likely impacts of aircraft movements on skylark. A review of known skylark populations on airfields was also provided, which appears to demonstrate skylark populations will succeed on existing airfields with some habituation occurring.

Noise disturbance is also considered in the EcIA, and it considers that noise from the aircraft (in combination with the visual disturbance) should be expected to result in 'flushing behaviour' amongst skylarks during peak noise events (take-off). Other disturbance effects (alert posturing and periodic flushing from nests and feeding areas) could occur at distances up to 200m from the runway, resulting in the loss of some territories – i.e. breeding being prevented and populations ultimately declining. Significant disturbance-related effects on nesting skylarks were not considered to occur at distances greater than 200m from the runway.

The impact assessment calculated the potential loss of territories and concluded that the proposed development could result in an adverse impact on 30 breeding territories, which might result in a population decline and loss of 0.48% of the overall SEP skylark population. Based on the assessment, the EcIA concludes that although the flights will result in some impacts to the skylark population, the impact of the development as a whole on the SEP population is considered 'not significant'.

The Landscape Section considers that the EcIA is robust and has been carried out in accordance with best practice and ecological guidelines, and concurs with the conclusions of the EcIA. As such, whilst there is concern that this protected species of principal importance would be compromised and populations would be caused to decline, the Landscape Section does not disagree with the assessment that impacts are 'not significant' to the site's skylark population.

Concerns regarding the possible impacts on wildlife within the Scottow Enterprise Park / airfield:

The Landscape Section has also assessed the impact of the development on designated landscapes, and considers the impact to be limited. The Broads National Park, at its closest point, is over 5km away from Coltishall aerodrome, with the majority of the designated landscape feature within the area of Controlled Airspace of Norwich Airport. VFR flights for the delivery of Swift Aircraft to customers are likely to have to avoid the CAS in accordance with the LoA with Norwich Airport ATC, and therefore adverse impacts on the designated landscape site are not expected.

The Norfolk Coast Area of Outstanding Natural Beauty (AONB) is located over 11km (at its closest point) away from the Coltishall aerodrome. The AONB covers a narrow stretch of land from Horsey in the east of the County to Kings Lynn in the west, generally hugging the north Norfolk coastline and immediate hinterland. The application suggests that test flights would not extend this far, but flights for the purposes of delivering Swift aircraft to customers could fly over the AONB. Nevertheless the impact from these deliveries is considered to be low because of the coastal location of the AONB and the locational relationship of Coltishall aerodrome with other aerodromes/airstrips that may receive delivered aircraft within the UK. Furthermore, should a Swift aircraft need to fly north over the coast, the altitude of these overflights is unlikely to impact on the key characteristics (i.e. tranquillity and sense of wildness and remoteness) of the AONB. Adverse impacts on the key characteristics of the designated AONB landscape are not therefore expected if the manner of flights is controlled in line with the application submissions.

END

APPLICATIONS RECOMMENDED FOR A SITE INSPECTION

There are no recommended site inspections at the time of publication of this agenda.

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APPEALS SECTION

(a) NEW APPEALS

BODHAM - PF/18/1124 - Erection of a pair of semi detached light industrial units (B1); Gipsies Lane Works, Weybourne Road, Bodham, Holt, NR25 6QJ for North Norfolk Garden Machinery Ltd

WRITTEN REPRESENTATIONS

FELMINGHAM - PF/18/1700 - Conversion of barn to annexe accommodation ancillary to main house and installation of a septic tank; Grange Farm, Grange Road, Felmingham, North Walsham, NR28 0LT for Strange Farm Ltd

WRITTEN REPRESENTATIONS

POTTER HEIGHAM - PO/18/1402 - Erection of detached bungalow and garage - outline (details of appearance reserved); White Gables, Dove House Lane, Potter Heigham, Great Yarmouth, NR29 5LJ for Mrs Elam

WRITTEN REPRESENTATIONS

(b) INQUIRIES AND HEARINGS - PROGRESS

None.

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

BODHAM - PF/18/1124 - Erection of a pair of semi detached light industrial units (B1); Gipsies Lane Works, Weybourne Road, Bodham, Holt, NR25 6QJ for North Norfolk Garden Machinery Ltd

FELMINGHAM - PF/18/1700 - Conversion of barn to annexe accommodation ancillary to main house and installation of a septic tank; Grange Farm, Grange Road, Felmingham, North Walsham, NR28 0LT for Strange Farm Ltd

HINDOLVESTON - PO/18/1436 - Outline application for the erection of 2no. dwellings (All Matters Reserved); The Mill House, Foulsham Road, Hindolveston, Dereham, NR20 5BY for Mrs Ellis

HOLT - PF/18/0513 - Construction of 2 No. single storey detached dwellings and use of existing access; The Grove, Cromer Road, Holt for Mr Storey

HOVETON - PF/18/1848 - Single storey extension to side/rear and replacement roof to allow for accommodation with the roof space; Flamingo Cottage, 15 Church Road, Hoveton, Norwich, NR12 8UG for NGS Civil Engineer & Technician Services

HOVETON - PF/18/2202 - Erection of rear single storey extension, creation of front first floor extension, demolish existing garage and erection of garage with annexe accommodation above; Windborne, 21 Stalham Road, Hoveton, Norwich, NR12 8DJ for Mr Webster

NEATISHEAD - PF/18/0025 - Change of use of land from sewage treatment works to private recreational use, including erection of polytunnel, storage shed and siting of Shepherd's Hut; Anglian Water Authority Sewage Div Bt 4 and 5, King Street, Neatishead for Mr & Mrs Plater

PUDDING NORTON - PF/18/0331 - Erection of two single storey dwellings (affordable housing); Adjacent to 1-4 Green Lane, Pudding Norton, Fakenham, Norfolk, NR21 7LT for Mr Tevenan

THORPE MARKET - PU/18/0842 - Notification for prior approval for proposed change of use of agricultural building to 4 dwellinghouses (Class C3) and for associated operational development; Ash Tree Lodge, Church Road, Thorpe Market, NORWICH, NR11 8UA for Mr E Morgan -Evans

HAPPISBURGH - ENF/18/0069 - Land being used for siting a caravan for residential purposes; 17 Rollesby Way, Happisburgh

(d) **APPEAL DECISIONS - RESULTS AND SUMMARIES**

POTTER HEIGHAM - PF/18/1136 - Re-building and extension of partly demolished former agricultural building to create a dwelling (C3); Land adjacent to junction of Fritton Road & Market Road, Potter Heigham NR29 5LZ for Mr & Mrs Lawn

APPEAL DECISION:- **APPEAL DISMISSED**

SMALLBURGH - PO/18/1282 - Erection of 3 no. dwellings (outline - details of access only, all other matters reserved); Home Farm, Norwich Road, Smallburgh for Mr Green

APPEAL DECISION:- **APPEAL DISMISSED**

WIVETON - PF/18/1664 - Creation of access and provision of 2 no. parking spaces; Dolphin Cottage, Chapel Street, Wiveton, Holt, NR25 7TQ for Mr Travis

APPEAL DECISION:- **APPEAL ALLOWED**

Summaries of the above decisions will be reported to the next meeting.

(e) **COURT CASES - PROGRESS AND RESULTS**

BODHAM - PF/14/0925 - Erection of wind turbine with a hub height of 40m and blade tip height of 66m with associated substation buildings, access tracks and crane hardstanding; Land at Pond Farm, New Road, Bodham, Holt, NR25 6PP

Conjoined appeal with

SELBRIGG – PF/14/1669 - Installation of a single wind turbine with a maximum height to tip of 78m, a new access track, a hardstanding, a small substation building, a temporary meteorological mast and associated infrastructure; Selbrigg Farm, Kelling Road, Hempstead, Holt, NR25 6NF

Latest position: The above cases are currently awaiting a decision regarding an application made in Oct/Nov 2018 to appeal to the Court of Appeal.

Given that new members have been elected to the Council since the last update on these cases I have attached a short summary of the history.

Both applications were separately refused by the Development Committee by reason of heritage impacts and landscape harm in 2015. Both applicants appealed the Council's decisions. Given the relative proximity between the two proposals affecting similar heritage assets and landscape a conjoined appeal (Public Inquiry) was held over five days in Nov/Dec 2016. The Planning Inspector (Mr Braithwaite) subsequently allowed both appeals in March 2017. The Council challenged the lawfulness of those decisions by the Planning Inspectorate and, by way of a consent order dated 24 May 2017, the decisions were quashed and remitted for redetermination by the Planning Inspectorate.

The new Planning Inspector concluded that the two appeals could be re-determined using the written representation process rather than holding another Public Inquiry. The Council challenged the Inspectorate's decision not to re-hear the appeals as a Public Inquiry and lodged a legal challenge with the High Court. This was heard in July 2018 and after hearing evidence from both sides, and despite the judge finding that the Planning Inspectorate's decisions, for the most part, were not expressed within the right framework, Mr Justice Ouseley found in favour of the Planning Inspectorate and concluded that the decision to re-determine the appeals by written representation procedure is lawful.

In August 2018 the Council applied for permission to appeal Mr Justice Ouseley's decision which was refused. In October 2018 the Council made an application to the Court of Appeal to appeal Mr Justice Ouseley's decision. A decision on the Council's application for permission to appeal is currently awaited.

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