



FILE COPY

**DEVELOPMENT MANAGEMENT
PLANNING SERVICES**
Department of Development

Plymouth City Airport
Mr Nigel Godefroy
Plymouth City Airport
Plymbridge Lane
Plymouth
PL6 8BA

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Email: planningconsents@plymouth.gov.uk
www.plymouth.gov.uk

18 September 2009

Dear Sir/Madam,

Town and Country Planning Act 1990

APPLICATION NO: 09/00822/FUL

SITE: PLYMOUTH CITY AIRPORT, PLYMBRIDGE LANE, PLYMOUTH, PL6 8BA

DEVELOPMENT: Changes to the planning controls at the airport relating to flying training, imposed by condition 9 of planning permission notice number 1856/86 and conditions 1-7 of planning permission notice number 1011/92, to now replace them with the following restrictions:

- 1. No flying training of any sort shall take place between the hours of 20:00 on one day and 09:00 the following day, on any days of the week.**
- 2. No flying training which includes "circuits" shall take place at any time on Sundays (but training flights not including circuits are allowed between 09:00 and 20:00 on Sundays)**
- 3. Not to permit the Airport Premises to be used for training purposes by helicopters (other than for familiarisation purposes) and other vertical take off and landing aircraft.**

Please find enclosed the Planning Decision Notice for the above site. This permission relates to the approved plans enclosed and the development should be carried out in accordance with the details shown unless prior consent has been obtained in writing from the Local Planning Authority. Failure to comply with the approved drawings could result in enforcement action being taken.

It is important to note that applications for approval under the Building Regulations are dealt with separately from applications for Planning Permission. You should not commence works until all necessary consents have been obtained.

APPEAL

If you are aggrieved by the decision of the Local Planning Authority to grant permission, subject to conditions, you may appeal under Section 78 of the Town and Country Planning Act 1990 within six months of receipt of this notice, to:

**Customer Support Unit,
The Planning Inspectorate,
Room 3/15b, Eagle Wing,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol
BS1 6PN
www.planning-inspectorate.gov.uk**

The Planning Inspectorate need not consider an appeal if the Local Planning Authority could not have granted planning permission for the proposed development without the conditions it imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under that Order.

In practice, the Planning Inspectorate does not refuse to consider appeals solely because the Local Planning Authority based its decision on a Direction.

PURCHASE NOTICE

If either the Local Planning Authority or the Planning Inspectorate grants permission to develop land subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. If confirmed, this notice will require the Council to purchase interest in the land in accordance with provisions of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Planning Inspectorate on appeal or on reference to the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

CONTACT DETAILS

If you have any enquiries please do not hesitate to contact **Robert McMillan** on **01752 304965**.



Yours faithfully,

Paul Barnard
Assistant Director of Development
Planning Services

Nigel Pitt - Director of Development

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GRANT OF CONDITIONAL PLANNING PERMISSION

**Town and Country Planning Act 1990
The Town and Country Planning (General Development Procedure) Order 1995**

In correspondence please quote application number: **09/00822/FUL**

Applicant: Plymouth City Airport

Site: PLYMOUTH CITY AIRPORT, PLYMBRIDGE LANE, PLYMOUTH, PL6 8BA

Development: Changes to the planning controls at the airport relating to flying training, imposed by condition 9 of planning permission notice number 1856/86 and conditions 1-7 of planning permission notice number 1011/92, to now replace them with the following restrictions:

- 1. No flying training of any sort shall take place between the hours of 20:00 on one day and 09:00 the following day, on any days of the week.**
- 2. No flying training which includes "circuits" shall take place at any time on Sundays (but training flights not including circuits are allowed between 09:00 and 20:00 on Sundays)**
- 3. Not to permit the Airport Premises to be used for training purposes by helicopters (other than for familiarisation purposes) and other vertical take off and landing aircraft.**

Under the provision of the above act, Plymouth City Council hereby grants permission to carry out the development described in your application dated **10/06/2009** together with the following plans/drawings: **Site location plan 07739_LO-02, planning statement, acoustic addendum.**

Subject to the following conditions:

FLYING TRAINING HOURS

(1) No flying training of any sort shall occur outside of the hours of 09.00 to 20.00 hours Monday to Saturdays and 09.00 to 19.00 hours on Sundays and Public Holidays.

Reason:

To ensure that flying training activities do not cause undue nuisance to affected properties near the airport to comply with policies CS22 and CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

NO FLYING CIRCUIT TRAINING ON SUNDAYS

(2) No flying training which includes " training circuits" and training touch-and-gos shall take place at any time on Sundays.

Reason:

To ensure that flying training activities do not cause undue nuisance to affected properties near the airport to comply with policies CS22 and CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

NO HELICOPTER AND VTOL FLYING TRAINING OTHER THAN FAMILIARISATION

(3) The Airport Premises shall not be used for training purposes by helicopters and other Vertical Take Off Landing Aircraft other than for familiarisation purposes. Familiarisation is defined as the use of procedures by qualified pilots including military pilots.

Reason:

To ensure that flying training activities do not cause undue nuisance to affected properties near the airport to comply with policies CS22 and CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

ONLY ONE FLYING SCHOOL TO OPERATE AT WEEKENDS

(4) Not more than one flying school shall operate at Plymouth City Airport at weekends at any one time.

Reason:

To ensure that there is not an unacceptable increase in weekend flying training activity that could cause undue nuisance to affected properties near the airport to comply with policies CS22 and CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

REGULAR REVIEW AT ACC MEETINGS

(5) The applicant shall regularly review the operations of the weekend flying training activities at Plymouth City Airport at the quarterly Airport Consultative Committee (ACC) meetings in full consultation with the local residents' associations that attend the ACC meetings to ensure that the activity does not increase to levels that cause unacceptable harm to nearby properties.

Reason:

To ensure that there is not an unacceptable increase in weekend flying training activity that could cause undue nuisance to affected properties near the airport to comply with policies CS22 and CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

Statement of Reasons for Approval and Relevant Policies

The main planning considerations in this case are considered to be that: further growth of Plymouth City Airport complies with policy CS27.2 provided developments do not cause undue harm nuisance and disturbance to residents to comply with policies CS22 and CS34. The new controls on the weekend flying training imposed by conditions will allow the activity to continue without causing unacceptable harm to the residential amenities of nearby properties. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the

Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport
PPG24 - Planning and Noise
PPS1 - Delivering Sustainable Development
CS34 - Planning Application Consideration
CS22 - Pollution
CS01 - Sustainable Linked Communities
CS04 - Future Employment Provision
SO11 - Delivering a sustainable environment
SO1 - Delivering Plymouth's Strategic Role
SO2 - Delivering the City Vision
AV9 - Derriford/Seaton
SO6 - Delivering the Economic Strategy Targets
SO14 - Delivering Sustainable Transport Targets
CS27 - Supporting Strategic Infrastructure Proposals

Paul Barnard 
Assistant Director of Development
Planning Services

Dated: 18 September 2009

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M. cere 17-3117

PLANNING CASE SHEET

DISTRICT COM
APPLICATION NO. 09/00822/FUL
OFFICER Robert McMillan

DATE OF DEPOSIT 10/06/2009
TARGET DATE 09/09/2009
DATE APPN VALID 10/06/2009
clear 116-217 resub 317

APPLICANT Plymouth City Airport
AGENT

is agenda

PROPOSAL Changes to the planning controls at the airport relating to flying training, imposed by condition 9 of planning permission notice number 1856/86 and conditions 1-7 of planning permission notice number 1011/92, to now replace them with the following restrictions:

1. No flying training of any sort shall take place between the hours of 20:00 on one day and 09:00 the following day, on any days of the week.
2. No flying training which includes "circuits" shall take place at any time on Sundays (but training flights not including circuits are allowed between 09:00 and 20:00 on Sundays)
3. Not to permit the Airport Premises to be used for training purposes by helicopters (other than for familiarisation purposes) and other vertical take off and landing aircraft.

SITE PLYMOUTH CITY AIRPORT, PLYMBRIDGE LANE, PLYMOUTH, PL6 8BA

RECOMMENDATIONS

GRANT : GRANT CONDITIONALLY : REFUSE : COND TO 106 : APPROVE
DEFER : OBJECT : NO OBJECTS : NO OBJECTS COND : ISSUE/REFUSE CERT LDC
IS/NOT REQ'D : PRIOR APP IS/NOT REQ'D : HOPT TO REPORT

OFFICER *plm* **PD RIGHTS REMOVED** Yes/No **DATE**
APPROVED BY *BS* **DATE CTTE:** *20/8/09* **SENT DATE DONE (initial):** *17/9/09*

DATE OF SITE VISIT **INITIALS** *Approved 5-4*

NOTES

*2. The...
10/06/2009*

ITEM:

Application Number:	09/00822/FUL
Applicant:	Plymouth City Airport
Description of Application:	<p>Changes to the planning controls at the airport relating to flying training, imposed by condition 9 of planning permission notice number 1856/86 and conditions 1-7 of planning permission notice number 1011/92, to now replace them with the following restrictions:</p> <ol style="list-style-type: none">1. No flying training of any sort shall take place between the hours of 20:00 on one day and 09:00 the following day, on any days of the week.2. No flying training which includes "circuits" shall take place at any time on Sundays (but training flights not including circuits are allowed between 09:00 and 20:00 on Sundays)3. Not to permit the Airport Premises to be used for training purposes by helicopters (other than for familiarisation purposes) and other vertical take off and landing aircraft.
Type of Application:	Full Application
Site Address:	PLYMOUTH CITY AIRPORT, PLYMBRIDGE LANE PLYMOUTH
Ward:	Moor View
Valid Date of Application:	10/06/2009
8/13 Week Date:	09/09/2009
Decision Category:	Major Application
Case Officer :	Robert McMillan
Recommendation:	Minded to Grant/Defer/Del auth
Click for Application Documents:	www.plymouth.gov.uk

Insert map for committee.

OFFICERS REPORT

Site Description

The application site is Plymouth City Airport in the north of the city. It is "L" shaped comprising 55.8 hectares. The longer north eastern part of the site comprises the main runway 13/31 is bounded in the north by Plymbridge Road on its north eastern boundary, a footpath and employment land on the south eastern boundary and the rear gardens of dwellings on the south western boundary.

The shorter south western part consists of runway 06/24, (soon to be de-commissioned), the terminal, car park and hangars. The south eastern boundary is Plymbridge Lane facing the University College of St Mark and St John (Marjons) and the Devonshire Raquet Club. The parcel of land known as Island Farm is excluded from the site. The south western boundary adjoins the new key worker housing for Derriford Hospital staff. The north western boundary abuts the rear gardens of 296 - 334 Tavistock Road. The western boundary of both runways is with the re-aligned and dualled section of Tavistock Road.

The main airport site is generally level with a slight fall from north west to south east.

It is in a mainly residential area with employment land to the south east, Marjons and a sports club to the south and The George Park and Ride to the north. The main buildings and facilities are in the south eastern part of runway 06/24. The remainder comprises the runways and open grassland.

Proposal Description

This is an application to vary previous planning conditions relating to weekend training and to bring activities such as the training carried out by the *Plymouth Flying School under control*. *The regime was strict under the 1986 permission and was slightly relaxed in 1993*. This proposal is to allow: flying training, including weekends, from 9.00am to 8.00pm; no training circuits on Sundays; and no helicopter training other than for familiarisation purposes

Relevant Planning History

08/01968 – OUTLINE - Hybrid application comprising of two parts:

(PART 1) Full application for the decommissioning of runway 06/24 and runway 6/24 approach, including the construction of new aircraft hangars, relocation of the fuel storage facility and engine testing bay, relocation of the rescue and fire fighting services, construction of access road, airport ramps, taxiway, aircraft stands, hard standing, a noise attenuation bund and landscaping.

(PART 2) *Outline application for a mixed use development including residential comprising 375 dwellings, class B1 units, a care home, associated car parking, landscaping, public open space, highways access and a public transport facility – GRANTED subject to a section 106 agreement.*

92/01011/FUL - Variation of Condition 9 attached to planning permission No. 1856/86 to permit weekend training by aircraft operated by Brymon Airways only - APPROVAL 13/01/1993

86/01856/FUL - Extension, widening and realignment of runway 14/32 including the change of use of allotments and agricultural land to airport use, rerouting of footpath, provision of emergency access roads & storage areas for surplus material.- APPROVAL (*subject to conditions*) 01/07/1986

Consultation Responses

Public Protection Service

PPS has no objection to the current application subject to additional conditions. If the applicant does not agree to the additional controls PPS would object because of the potential for nuisance to affected properties. Historically there has been a large number of complaints received by this department in relation to noise nuisance caused by the operation of the flying school. *Complaints in relation to the operation of the flying school and the airport are no longer fielded by this department.*

Given the historic issues, comments made by the Local Government Ombudsman in his various reports and the reservations displayed by the public to the application, PPS recommends that there is no increase in operations of the flying school. It acknowledges that the majority of public objections are to an increase in hours over what is currently occurring.

PPS would want the operations of the flying school to be conditioned to the hours of 0900-1800 Saturdays and 0900-1700 Sundays and Bank holidays.

It would also want to control the operation of the flying school by suitable conditions, if possible, by either time or number, thus protecting the environment.

It would also condition the airport to agree to there only being one flying school allowed to function at the airport at any one time.

These conditions would protect the current situation preventing any increase in operations which would increase the likelihood of annoyance to the residents of the nearby area.

Economic Development

To be reported in the addendum report.

Representations

There were 41 letters and emails of representation raising the following points:

1. Noise disturbance and harm to the quality of life at weekends especially when residents would be in their gardens;
2. Circuit flights are intrusive;
3. Airport's location within the built up area is not conducive to flying training;
4. Refers to the Local Government Ombudsman (LGO) reports and the failure of PCC to deal with training flights resulting in residents having suffered injustice from intrusive noise;
5. PCC disregards the views of local residents and the LGO and favours the airport and non-elected Airport Consultative Committee (ACC);
6. It is an attempt to legalise a proven injustice;
7. Refer to the former nuisance in 1992/93 when there was a well attended public meeting and a restrictive regime was imposed;
8. Do not want the level of nuisance and aggravation to revert to the previous occurrences;
9. Quality of life has improved since the Royal Navy stopped its flying training;
10. PCC have failed to monitor the noise levels;
11. There should be a full environmental assessment;
12. Inadequate public consultation;
13. Description of development is misleading;
14. Ground pollution and sooty deposits;
15. Safety risk as would not be "broadly acceptable" or acceptable tolerable as low as reasonably practicable (ALARP) in breach of UK and European law;
16. Little economic benefit to the city;
17. The benefits of the few training to fly would cause harm to many more citizens affected by the week-end training flights;
18. Concerned if there would be an increase in overall flights from the previously agreed 36,000 including 1,800 helicopter movements;
19. Helicopter noise and vibration is most intrusive;

20. Environmentally a backward step and would increase carbon emissions;
21. Questions the wisdom of PCC permitting housing on the airport land to be *de-commissioned*;
22. Early morning engine testing, flights and late arrivals cause nuisance;
23. One email states that it accepts the principle but that it should end at 7pm, not 8pm;
24. Another letter states that the writer is comfortable with the application

Derriford East Birdcage Residents Association (DEBRA)

1. It strongly opposes the application on safety and noise nuisance grounds;
2. The level of disruption depends upon the location of residents' homes and personal circumstances;
3. Recognise the wider benefits to the city provided by the airport and *commercial airline services*;
4. It has had concerns about the engine testing;
5. Support the use by helicopters especially MoD and emergency services provided there are controlled flight paths and height limits when leaving and arriving;
6. Do not object to training at weekends;
7. Focus of concerns is weekend training flying from early morning late into the evening;
8. *Circuits and practice landings ("touch-and-goes") are a particular nuisance and harm the quality of life for hundreds of families close to the airport;*
9. The training by Plymouth Flying School harms many for just the benefit of the few;
10. If permitted other flying schools could set up at the airport;
11. It is not a suitable location for intensive flying training being in a built up area;
12. Safety hazard and increased risk of accidents;
13. It is a local issue affecting local people and residents' views should be given due weight;
14. The Local Government Ombudsman said there should be full public consultation: it does not believe the Council carried out enough public *consultation*;
15. It believes the description of development was misleading and disingenuous; and
16. If granted believes that additional residents will seek compensation to those already receiving compensation;

Glenholt Residents' Association

1. Disagree that the Airport Consultative Committee (ACC) agreed the wording, the residents' groups have minor representation on the ACC and it is not non-decision making body;
2. Impact on the Glenholt area is not severe but other areas likely to suffer a greater impact;
3. There should be a restriction on the type of aircraft;

4. Other flying schools could set up at the airport;
5. Health and safety concerns of aircraft with single engines flying over built up areas;
6. No public interest to justify flying training over residential areas;
7. Do not wish the Plymouth Flying School should stop operating; and
8. If permission is granted conditions should be attached to prevent significant growth.

Alison Seabeck MP sent a letter and an email raising these issues:

1. She has heard the training aircraft and believes to be an intrusive activity including the "touch and run" training and circuit training is unpleasant;
2. Harm to quality of life;
3. Passes on Derriford and Birdcage Residents' Association's (DEBRA) concerns that the consultation period was inadequate;
4. Other flying schools could establish themselves at the airport;
5. Wishes the airport and Air South West to succeed but she and her constituents who oppose the application object to the extended flying time.

Analysis

The main issues with this application to vary planning conditions are the need to regularise the activities of the flying training in the context of the Council's airport policy while not causing undue noise nuisance and disturbance to affected residents. There are considerable objections from local residents that the weekend flying training does and would cause harm to their quality of life. There is a lengthy background section which is necessary given the contentious nature of weekend flying training over the years and number of Local Government Ombudsman investigations.

Policy

Core Strategy policy CS27.2 Strategy supports infrastructure improvements at the airport so it can meet a fuller range of business and leisure needs. The target attached to Strategic Objective 14 sought to achieve an increase in passenger numbers to 580,000 a year by 2021. Some members will recall that the main application to carry out airport improvements in a phased manner including re-siting of the engine testing bay, de-commissioning of runway 06 – 26 and its approach (off Plymbridge Road, "the Pony Paddock") and the development for housing, a care home and business units was approved at the meeting on 30 April 2008. The applicant stated that the improvements could increase the capacity to 300,000 without having to extend the runway.

Some of the objections state that the flying school provides little benefit to the economy of the city compared with the scheduled and chartered flights that help reduce the perception of the peripheral location of Plymouth and provide important business links. The Council's aviation consultants have stressed the importance of the flying school in adding to the critical mass of the airport,

providing an income stream and giving some of the students the opportunities to obtain a commercial pilot's licence.

The environmental considerations must be taken into account to comply with policies CS22 and CS34 to ensure development does not cause unacceptable noise or nuisance.

Background

This application has been made following the correspondence between the Local Government Ombudsman (LGO) and Economic Development Officers responsible for the Airport lease and operating requirements.

The LGO complaints and investigations date back some twenty years and were dealt with by colleagues in other departments and not the Council in its role as the local planning authority. There were three main areas of complaint:

1. Early morning engine testing;
2. Helicopter movements especially from runway 06-24 that will shortly be de-commissioned; and
3. The activities of the flying school training.

The engine testing has been dealt with in the recent main permission for improvements to the airport and development of the de-commissioned runway 06-24 and runway approach (Pony Paddock), reference – 08/01968. Helicopter movements will stop on runway 06-24 when it is de-commissioned within the next few months.

The outstanding matter relates to flying school and weekend flying training.

History of planning conditions

Planning permission was granted in 1986 for Extension, widening and realignment of runway 14/32 including the change of use of allotments and agricultural land to airport use, rerouting of footpath, provision of emergency access roads & storage areas for surplus material subject to conditions and a section 52 agreement, reference 86/01856.

Condition 9 stated that:

Not to undertake or allow to be undertaken weekend flying training at the airport unless flying training programmes are dislocated through bad weather or under abnormal circumstances beyond the control of the applicant.

In 1992 Plymouth City Airport applied to vary condition 9 of 86/01856, reference 92/01011. This was to enable the airline, Brymon European Airways to carry out limited flying training at weekends. The Council granted permission for the variation subject to seven additional conditions. The effect was:

1. To restrict it only to Brymon European Airways and its pilots;
2. A restriction on aircraft types;
3. A maximum of 200 weekend hours per year;

4. A maximum of 5.5 hours per weekend and 3.5 hours on Saturdays and 2 hours on Sundays;
5. No training on public holiday or a Sunday preceding a public holiday;
6. Once a training operation takes place it shall be completed as a continuous operation during that day;
7. Flying training should only occur between 10.00 – 18.00 on Saturdays and 10.00 – 17.00 on Sundays.

2002 Local Government Ombudsman Report

Paragraph 4 of the report noted that there were several types of training flights. There is a misunderstanding as it refers to naval helicopter training that the applicant states did not happen. The training comprised three parts: that carried out by the principal airline; naval flying training for Britannia Naval College in fixed wing training aircraft; and the flying school.

The LGO concluded that

“(45)... The noise monitoring regime adopted by the Council (paragraph 26) has established that these flights can, and occasionally do, cause unreasonable nuisance or annoyance (paragraph 33)....

(46)... Essentially, the Council is saying that, since 1996, it has done nothing to prevent training flights taking place at weekends; and that it does not intend in the future to enforce the relevant provisions of the lease.

(47) In my view, the Council has failed to get to grips with the problem of noise from training flights. It had no proper strategy or procedures in place when I last reported on the subject and, instead of seeking to resolve the problem since then, it has now simply decided to ignore the restrictions in the lease. In the absence of a formal change in Council policy, made in the light of full monitoring information about the environmental impact of weekend training flights, I believe that its failure to enforce the lease to reduce the impact on residents of the airport’s training activities arises from inattention and neglect, and that is maladministration...

(48)... Mr Greaves has persistently complained over a period of several years about the touch-and-go movements taking place on Saturdays. They clearly have an impact on his quality of life. I can no longer conclude, as I did in my previous report, that training flights are *de minimis*, since Mr Greaves has provided evidence (confirmed by the Council’s own records) that on some days as many as 100 training flights can take place (paragraph 43). I conclude, therefore, that Mr Greaves has suffered injustice as a result of the Council’s maladministration, in the form of intrusive noise.”

He found that the Council should take a number of steps to remedy the injustice including: taking whatever steps it deemed necessary to regulate the weekend operations of the flying school.

2005 Local Government Ombudsman Report

The LGO issued another report in 2005. It stated that:

10. "Since I issued my report in November 2002, this matter has been reported on by officers to the Council Cabinet at a number of its meetings; I have pressed the Council for action, and have raised the matter during a meeting with the Council's Chief Executive; but the Council has not taken any steps which, in my view, resolve the problem and remove the injustice to Mr Greaves.

11. In June 2004 the Council issued a "reasonable direction" [under the operating requirements of the lease] to the airport operators requiring:

"Training flights scheduled for weekdays, which have been disrupted by bad weather or abnormal circumstances to be undertaken only when it is not practicable for them to be re-arranged for a weekday. No other training flights to take place at the weekends."

12. The Council [as landlord] has not, however, enforced this direction effectively, and an officer's report to the Council's Cabinet meeting in February 2005 said:

"Clearly, aside from weekend flying [by the flying school] there are other equally contentious issues to be negotiated and agreed within the new Operating Conditions [currently being negotiated for the airport]... It is therefore intended to drive forward on these other matters returning again to the issue of weekend flying training at a future stage in the negotiations."

He concluded that until the Council has taken effective steps to regulate the operations of the flying school, it should continue to make annual payments of £500 to Mr Greaves.

2005 - 2009

Since then there was further correspondence between the LGO and officers and complainants culminating in the LGO's conclusion in 2008. Economic Development officers had worked hard to resolve the complaints. They stated that the complaints relating to engine testing and use of runway 06 – 24 for helicopter flying were being resolved. The weekend flying training is in accordance with the new operating conditions (under the lease). But the Council had asked the airport to apply for planning consent "to square off all conditions old and new..."

The LGO stated in December 2008 that he could close his files on these complaints. He wrote to the complainants stating that his recommendation in his reports of 2002 and 2005 was:

“...for the Council to “take whatever steps it deems necessary to regulate the weekend operation of the flying school”. In that context, regulate does not mean prevent. It means that whatever activities take place require proper consultation and approval.”

Prior to making the application the applicant had been in discussions with the officers on the form and content of the application to vary the weekend flying training conditions which is the subject of this report. It had also discussed the matter at the Airport Consultative Committee meetings.

The Operating Requirements of the Airport Lease

Variations to the operating requirements in the Airport Lease were made by Deed of Variation in June 2009. They reflect the changes to the planning conditions the Airport is applying for in this application. A crucial requirement is not to use the airport for any form of flying training at weekends in breach of any planning controls in any planning permission or condition. There are other terms that seek as far as is practicable to minimise the potential noise nuisance for all flight paths including circuit patterns.

Noise and disturbance

The bulk of the objections relate to noise and disturbance from the training flights at weekends especially when people are outside enjoying their gardens. But it appears that many of the residents believe that the application is a precursor for a more intensive use of weekend flying training rather than to regulate the current levels of activity.

The applicant provided an acoustic addendum. There is no detailed methodology to determine the impact of flying training and circuits. PPG24 Planning and Noise introduced the concept of Noise Exposure Categories (NEC) to various sources for the daytime 07.00 – 23.00 and night time 23.00 – 07.00. They are for new housing near to a source of noise. But the concept can be used as guidance for assessing the noise climate in existing properties.

Category A states that noise need not be a determining factor in granting planning permission although noise levels at the high end should not be regarded as a desirable level. For air traffic for the daytime the noise exposure should not be greater than 57dB LAeq. The survey was from 31 August 2006 to 3 October 2006. This was at the time that Britannia Naval College was still using the airport for flying training. There was much greater activity during the week in Grob aircraft which were noisier than the flying school aircraft. This operation stopped in December 2006.

The noise exposure ranged from 47 dBA to 57dBA mainly within NEC A. Sundays noise levels are lower than Saturdays. The report claims that in noise terms: there is no adverse impact on the residents from the activities of the flying school; there are fewer aviation activities at weekends; and the weekend noise levels generated by aircraft movements including the flying school movements are below NEC A.

Intensity of flying training activity

Officers asked the applicant to provide detailed information on the intensity of air traffic at weekends. It did this for the period July 2008 – May 2009. The information is aggregated in tables 1 and 2 below.

Month	Saturday ATMs	Sunday ATMs	Saturday Training Circuits	Total
July 2008	42 (10.5)**	24 (6)**	00	66
August (5)*	12 (2.4)	08 (1.6)	00	20
September	42 (10.5)	24 (06)	00	66
October	32 (8)	08 (02)	06	46
November (5)*	24 (4.8)	06 (1.2)	00	30
December	26 (6.5)	06 (1.5)	16 (4)	48
January 2009 (5)*	35 (7)	14 (2.8)	35 (7)	84
February	40 (10)	14 (3.5)	34 (8.5)	88
March	15 (3.8)	32 (8)	17 (4.3)	64
April	37 (9.3)	20 (5)	28 (7)	85
May (5)*	60 (12)	36 (7.3)	12 (2.4)	108
Total	365 (7.6)	192 (4)	148 (3.1)	705
* Months when there were 5 week-ends				
** Figures in brackets are averaged incidents per Saturday or Sunday				

Table 1 shows the relatively low intensity of training ATMs. The most recorded in this period on a Saturday was 22 ATMs and 20 on Sunday. The highest Saturday average for a month was 12 for May 2009 and for Sundays was 8 for March 2009. The overall average for the 11 month period was 7.6 for Saturdays and 4 for Sundays. For touch-and-goes and training circuits the maximum incidence was 19 in February with an average of 3.1. There was a greater concentration in the Winter and Spring months.

Table 2 sets the weekend training ATMs and training circuits in context with all ATMs. The weekend training ATMs ranged from 7% in August 2008 to 22% in July 2008 with an overall average of 17%. For training circuits the range was 0% in July – September 2008 to 13% in January 2009 with an overall average of 4%. So the overall proportion of weekend training ATMs and training circuits of 705 in the eleventh accounted for only just over a fifth of all weekend ATMs.

Month	Training ATMs	Training Circuits	Recreational ATMs	Other ATMs	Total
July 2008	66 (22%)**	0	38	191	295
August (5)*	20 (07%)	0	32	238	290
September	66 (21%)	0	26	229	321
October	40 (16%)	06 (02%)	16	189	251
November (5)	30 (13%)	0	12	193	235
December	32 (13%)	16 (07%)**	14	182	244
January 2009 (5)	49 (18%)	35 (13%)	10	185	279
February	54 (19%)	34 (12%)	16	183	287
March	47 (15%)	17 (06%)	18	229	311
April	57 (17%)	28 (08%)	14	243	342
May	96 (20%)	12 (03%)	12	352	472
Total	557 (17%)	148 (04%)	208	2414	3327
* Months when there were 5 week-ends					
** Figures in brackets are the percentages of training and training circuits as proportions of the total week-end ATMs					

[Note: A take off is one Air Traffic Movement (ATM) and a landing is one ATM. The training circuits include "touch-and-goes". The applicant defines a touch-and-go as "a manoeuvre whereby an aircraft carries out a normal landing until it is on the runway. However, instead of braking and stopping, as in a normal landing, the aircraft then speeds up and takes off again to reposition downwind in the circuit.]

The intensity of use is much less than at previous times when the LGO refers to occasions when there could be 100 movements on a Saturday in 2001 with many of them being touch-and-goes.

Are the proposed conditions adequate?

The current level of activity would appear to be acceptable to officers. The task for the local planning authority (LPA) is to provide a regime that safeguards the residential amenities of the area while enabling the flying school to continue operating.

The applicant has suggested conditions that it discussed at the Airport Consultative Committee and with officers before making the application. DEBRA and some residents have criticised the Council for referring to the

suggested conditions as “restrictions” when in effect they are a relaxation compared with the existing strict controls. With hindsight officers understand this view but stress that if there was any confusion it was wholly unintentional.

The new regime would allow:

flying training at weekends from 9.00am to 8.00pm;

no circuits and touch-and-goes on Sundays;

no helicopter training other than “familiarisation” purposes.

Officers are concerned that the current relatively low level of activity could expand to levels that could cause unacceptable noise nuisance to residents. Officers wish to ensure that there is adequate control to ensure the level of activity does not increase to the high levels of use that existed earlier in the century that caused nuisance.

In an initial meeting with the applicant’s representatives they stated that they would not wish to have further controls imposed. But later they agreed orally to an additional condition restricting the use of the airport to only one flying school at any one time. This will help to control the intensity of use. Officers are still in negotiations with applicant to see if there is scope for further control and will update members at the committee meeting on their progress.

This is a difficult task to do with conditions which under planning law have to meet six tests. These are that each condition should be: necessary, relevant to planning, relevant to the development, enforceable, precise, and reasonable. In many ways the control of the flying school activities at weekends is a very much a management issue. The Airport Consultative Committee is a statutory requirement and a means whereby key stakeholders, including surrounding residents’ associations, can meet with the airport operator in order to try to resolve any management issues that arise. In some ways this is the preferable forum for discussion to seek to avoid the weekend training form causing unacceptable disturbance. But the Department for Transport Guideline accepts that different groups’ viewpoints might be mutually inconsistent and at times not all issues can be resolved by discussion. So there is the need to regularise the weekend training by adequate conditions.

Safety

Some residents have raised concerns on safety grounds. The main safety issue in planning policy and airports relates to the control of new development in certain areas close to the ends of the runways. The relevant guidance is in Department for Transport Circular 1/2002 – Control of Development in Airport Public Safety Zones This does not apply to the existing and proposed operations at the airport. Officers contacted the Airport on this issue that has to comply with stringent safety regulations. Its reply was that Plymouth City Airport operates in full compliance with both Civil Aviation Authority and Department for Transport regulations, and all operations are undertaken in full compliance with Air Navigation Orders. Officers understand residents’

concerns but safety matters relating to weekend flying training are covered by other legislation and not a valid planning reason for refusal.

Consultation

There are some objections that the Council did not carry out proper consultation as recommended by the Ombudsman. The application was subject to the standard consultation procedure. Letters of notification were sent to 292 properties surrounding the airport. Seven site notices were put up at locations around the site and it was advertised in the Herald on 30 June. Planning officers agreed to attend any meetings arranged by residents or applicant, but none had been by the time this report was prepared. Officers believe that there has been proper consultation.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities & Diversities issues

The application affects people learning to fly. It caters for all groups of all ages from 14 - 78 but the aircraft are not adapted for all disabilities. It affects all people living under the flight paths.

The application could have some effect on citizens' properties under and close to the flight paths, in particular the enjoyment of their gardens if there were not adequate controlling conditions.

The application restricts the training circuits and touch-and-goes only to Saturdays and other controls should prevent undue nuisance and disturbance to affected properties near to the airport.

Section 106 Obligations

None required

Conclusions

There has been a contentious history with the issue of weekend flying training given the protracted nature of the LGO investigations. The development plan policy supports the continued growth of the airport to meet the full range of business and leisure needs subject to the environmental impacts not causing undue nuisance and disturbance to affected properties. The noise report shows that the daytime noise is at an acceptable level meeting the least harmful Noise Exposure Category A. The applicant provided data showing that the recent level of use is not intense. The controls suggested by the applicant could allow for an increase in activity that could cause undue disturbance in the future. Officers have added conditions four and five to seek to prevent this. They are still negotiating on the conditions and will update

members at the committee meeting. The Ombudsman stated recently that the weekend operation of the flying school needed to be regulated by proper consultation and approval. Officers believe that the consultation exercise followed the correct procedure and that the weekend flying training will be regulated so as not to cause unacceptable harm to affected residents.

Recommendation

In respect of the application dated **10/06/2009** and the submitted drawings, **Site location plan 07739_LO-02, planning statement, acoustic addendum**, it is recommended to: **Minded to Grant/Defer/Del auth**

Conditions / Reasons – Please delete as appropriate

FLYING TRAINING HOURS

(1) No flying training of any sort shall take place between the hours of 20:00 on one day and 09:00 the following day, on any days of the week.

Reason:

To ensure that flying training activities do not cause undue nuisance to affected properties near the airport to comply with policies CS22 and CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

NO FLYING CIRCUIT TRAINING ON SUNDAYS

(2) No flying training which includes "training circuits" and training touch-and-gos shall take place at any time on Sundays.

Reason:

To ensure that flying training activities do not cause undue nuisance to affected properties near the airport to comply with policies CS22 and CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

NO HELICOPTER AND VTOL FLYING TRAINING OTHER THAN FAMILIARISATION

(3) The Airport Premises shall not be used for training purposes by helicopters and other Vertical Take Off Landing Aircraft other than for familiarisation purposes. Familiarisation is defined as the use of procedures by qualified pilots including military pilots.

Reason:

To ensure that flying training activities do not cause undue nuisance to affected properties near the airport to comply with policies CS22 and CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

ONLY ONE FLYING SCHOOL TO OPERATE AT WEEKENDS

(4) Not more than one flying school shall operate at Plymouth City Airport at weekends at any one time.

Reason:

To ensure that there is not an unacceptable increase in weekend flying training activity that could cause undue nuisance to affected properties near the airport to comply with policies CS22 and CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

REGULAR REVIEW AT ACC MEETINGS

(5) The applicant shall regularly review the operations of the weekend flying training activities at Plymouth City Airport at the quarterly Airport Consultative Committee (ACC) meetings in full consultation with the local residents' associations that attend the ACC meetings to ensure that the activity does not increase to levels that cause unacceptable harm to nearby properties.

Reason:

To ensure that there is not an unacceptable increase in weekend flying training activity that could cause undue nuisance to affected properties near the airport to comply with policies CS22 and CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

Statement of Reasons for Approval and Relevant Policies

The main planning considerations in this case are considered to be that: further growth of Plymouth City Airport complies with policy CS27.2 provided developments do not cause undue harm nuisance and disturbance to residents to comply with policies CS22 and CS34. The new controls on the weekend flying training imposed by conditions will allow the activity to continue without causing unacceptable harm to the residential amenities of nearby properties. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport

PPG24 - Planning and Noise

PPS1 - Delivering Sustainable Development

CS34 - Planning Application Consideration

CS22 - Pollution

CS22 - Pollution

CS01 - Sustainable Linked Communities

CS04 - Future Employment Provision

SO11 - Delivering a sustainable environment

SO1 - Delivering Plymouth's Strategic Role

SO2 - Delivering the City Vision

AV9 - Derriford/Seaton

SO6 - Delivering the Economic Strategy Targets

SO14 - Delivering Sustainable Transport Targets

CS27 - Supporting Strategic Infrastructure Proposals