

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	29 June 2022
TITLE OF REPORT:	<p>214046 - PROPOSED CHANGE OF USE OF LAND, AS AN AERODROME CONSISTING OF THE CONTINUED USE OF A GRASS AIRSTRIP, RE-USE OF AN EXISTING BARN AS HANGARAGE AND FOR MAINTENANCE AND ASSOCIATED LANDSCAPING AT LAND AT LYDE COURT, LYDE CROSS, HEREFORD, HEREFORDSHIRE, HR1 3AE</p> <p>For: Mr Waring per Mr Ed Thomas, 13 Languard Drive, Hereford, Herefordshire, HR4 0QG</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214046&search-term=214046
Reason Application submitted to Committee - Redirection	

Date Received: 2 November 2021 Ward: Queenswood Grid Ref: 351960,243808

Expiry Date: 8 April 2022

Local Members: Cllr Pauline Crockett,

1. SITE DESCRIPTION

- 1.1 The application site lies to the southeast of Lyde Court, an established wedding venue within the Parish of Lyde, to the west of the A49(T) and approximately 3½ miles to the north of Hereford City. It comprises a field totalling 28 acres laid to grass in agricultural use. Sitting immediately beneath 'Patch Hill', the field slopes steeply to the southeast and forms a bowl to the immediate south of the redundant agricultural portal framed storage buildings. The site is however locally elevated with views north and west across the Lugg Valley and low-lying ground of central Herefordshire. The site together with the wedding venue is accessed by way of a private driveway which runs west from the minor road at Lyde Cross which leads from the crossroads at Munstone to the A49(T) at Lyde. Public Rights of Way PL1 & PL3 run along the private driveway, through Lyde Court just to the north of the application site itself and then eastwards towards Wergins Bridge on the Hereford – Sutton road.

2. PROPOSAL

- 2.1 This application is made in full and seeks planning permission for the change of use of land and buildings at Lyde Court to form an unlicensed aerodrome. It would include the continued use of the grass air-strip which runs southwest to northeast, falling away steeply from the southwest. It is around 450 metres in length and 20 metres wide. This application also looks to regularise some engineering operations which have taken place to flatten out the topography of the site, making it suitable for facilitating aircraft movements. The proposal would also look to re-use an existing steel portal-framed building at Lyde Court as a hangar and for general maintenance of aircraft. It

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

is envisaged that the site would function as a commercial but small-scale aerodrome which would allow for visiting aircraft, as well as offering a unique selling point for weddings and functions associated with the existing use of Lyde Court. The proposal is also for provision of soft landscaping which would include a wildflower meadow and other tree planting.

3. POLICIES

3.1 Herefordshire Local Plan – Core Strategy

SS1 - Presumption in favour of sustainable development
SS2 - Delivering new homes
SS3 - Releasing land for residential development
SS4 - Movement and transportation
SS5 – Employment provision
SS6 - Environmental quality and local distinctiveness
SS7 – Addressing climate change
HD3 – Hereford movement
RA5 – Re-use of rural buildings
RA6 - Rural economy
MT1 - Traffic management, highway safety and promoting active travel
E1 – Employment provision
E4 - Tourism
LD1 - Landscape and townscape
LD2 - Biodiversity and geodiversity
LD3 - Green infrastructure
LD4 - Historic environment and heritage assets
SD1 - Sustainable design and energy efficiency
SD3 - Sustainable water management and water resources
SD4 - Wastewater treatment and river water quality

3.2 National Planning Policy Framework 2021 (NPPF)

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environmen

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the relevant policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.

4. PLANNING HISTORY

4.1 123042/F – Change of use from business use to a use for a venue for performing arts, charitable and social events, weddings and other functions. Approved – 21 January 2013

133247/F – Continued use as a venue for the performing arts, charitable and social events, weddings and other functions. Approved – 8 April 2014

141415/F – Proposed change of use from offices and storage to dormitory accommodation, toilets and showers. Pending.

5. CONSULTATION SUMMARY

Statutory Consultations

5.1 Ministry of Defence (MOD) Credenhill

We have now reviewed the proposals and I can confirm that we have no comments to make.

Internal Council Consultations

5.2 Transportation Manager

13 April 2022 – No objection.

The submitted information regarding the sites movements has been reviewed. The proposed movements for changes to the site would not be classed as severe in terms of the NPPF, however to prevent a significant increase in movements in the future please condition the number of flights allowed to use the site.

Conditions

Number of flights.

4 March 2022 – Further information required.

Please supply information regarding the following: -

- Full details of the existing movements of the whole site and proposed trip generation for the application. Details how any implications of the proposals will be mitigated should also be provided.
- Provisions of parking areas for the servicing.

5.3 Conservation Manager (Ecology)

I have read the above application and the supporting documents including the Phase 1 Ecology Survey by Heritage Environmental Contractors, the Design and Access Statement and the Landscape and Habitat Management Plan by Heritage Environmental Contractors.

The proposal is for the ongoing use of the site as an air strip with little physical works and no additional drainage infrastructure or requirements. Additional landscape planting is proposed. Habitats. The site comprises a large field with a mown strip used as an Informal occasional air strip, an open fronted agricultural building and areas of tall ruderal vegetation, scattered trees, hedgerows and two on site ponds.

Bats

The building on site which is proposed to be used as a hanger is open fronted and made of sheet materials. The building presents negligible bat roosting potential. There is potential for bats to be present foraging and commuting locally but there is no tree loss or loss of linear features proposed and it is not proposed to light the air strip, though some lighting on the building may be required. I recommend that a lighting condition be on the decision notice to control any new lighting. I welcome the provision of 2 bat boxes as set out in the documents along with the habitat improvements which will provide additional foraging resources for bats.

Nesting Birds

There was no evidence of barn owls in the existing building on the site but there is potential for a range of common bird species. The proposal does not involve the loss of any of the hedgerows or trees providing potential bird nesting habitat and the provision of 4 bird boxes along with the proposed habitat enhancements are welcome.

Great Crested Newts

There are two ponds on site which have tested negative for great crested newt using the eDNA technique. The species is known to be present in a pond 300m from the site based on previous surveys. The proposal does not involve any physical development works which might impact upon this species and the habitat enhancement works, including the provision of an additional pond and additional terrestrial habitat have the potential to benefit this species. I welcome the proposal that the habitat works will be supervised by an ecological clerk of works to ensure no impact upon wildlife.

Dormouse

The hedgerows and woodlands around the site have the potential to support dormouse but no works impacting upon these habitats are proposed and I am satisfied that no further consideration is required.

Amphibians

Widespread amphibians are likely to be present but with no physical development works proposed and the enhancements which are likely to benefit these species I am satisfied that the supervision of works by the ecological clerk of works will ensure no impact.

Reptile

There are small areas of potentially suitable habitat present but with no physical development works proposed and the enhancements which are likely to benefit this species I am satisfied that the supervision of works by the ecological clerk of works will ensure no impact.

Otters

There is potential for otters to be present locally but no evidence was recorded on the site. The proposed works are unlikely to impact upon the species and no further consideration is required.

Habitats Regulations Assessment

I have completed a Habitats Regulations Assessment which has been provided separately to the planning officer.

Recommended Conditions and Informatives

I recommend that the following conditions are on the decision notice:

CC1 - lighting design to be provided prior to first use

CKP amended to read:

Ecological Protection & Protected Species

The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement as recommended in the Phase 1 Ecological Survey by Heritage Environmental Contractors (2021) and the Landscape and Habitat Biodiversity Enhancement Scheme by Heritage Environmental Contractors (2021) shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority and Natural England as relevant to the protected species licence.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy (2015) policies LD1, LD2 and LD3.

5.4 Public Rights of Way Manager

No objection.

5.5 Environmental Health (Noise and Nuisance) Manager

My comments are from a noise and nuisance perspective. The proposal is for a grass airstrip and small hangarage. Together with the plans a Design and Access Statement is supplied dated November 2021 which sets out the applicant's intentions, together with a Safe Operating Practices and Management Plan and a Noise Impact Assessment. The topography of the land means that aircraft can only take-off and land in one direction.

The proposal has the potential to impact on neighbours by way of additional daytime noise. Our department undertook an advisory visit when the applicant supplied a pre-app enquiry and we witnessed a light aircraft taxiing, taking off, flying and landing at this site and at two locations in the vicinity. Officers requested a Noise Impact Assessment report be supplied which examined the impact of noise on neighbouring residential premises from the proposed light aircraft use.

Noise Impact Assessment

Background noise levels were measured in 3 separate locations around the existing grass airstrip and measurements of a light aircraft in use were also measured at these locations. The assessment found that in one location to the south aircraft noise was inaudible, to the east just audible and to the west audible but the report advises in keeping with other motorised noise sources in the vicinity (traffic, farming activity and so on). This assessment broadly concurred with local authority officers' initial findings at the pre-app stage when the impacts of light aircraft were witnessed at 2 different locations around the site.

The noise assessment found that at the three closest receptors aircraft noise measured between 44dB LAeq and 56dB LAeq. The noise assessment covered the context of the proposal in the context of the locality, national planning policy guidance and finds that at 2 of the 3 locations aircraft noise was audible and not intrusive and not audible at the third closest receptor. In all situations, noise from the aircraft was of very limited duration.

The noise impact assessment assesses the impact of the noise in the context and framework of the National Planning Practice Guidance: Noise (NPPG) and advises that the noise from aircraft movements is, at worst, 'noticeable but not intrusive'. The outcome of this perception is that noise can in some circumstances be heard but does not 'cause any change in behaviour or attitude. Any noise heard can 'slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life' and advises that the overall noise impact category will be unchanged, provided that the types of aircraft and number of flights are controlled as detailed in the Safe Operating Practices and Management Plan and Design and Access Statement submitted with the planning application.

Officer's observations

In addition to the witnessing of the aircraft at the pre-app stage 3 Environmental Health Officers witnessed the take-off, flying and landing of a Piper Super Cub twice as a means of assessing the noise impacts of the proposal. Officers witnessed the aircraft at the Lyde Court site as well as at the gateway to Hawthorn Cottages, New Cottages to the west, at Shelwick and Lower Lyde Court. On site, the aircraft noise was audible but of very limited duration 20-30 seconds. In all locations off site, any transport noise such as passing vehicles, trains and distant noise from the A49 was dominant and the aircraft noise just audible when transport noise dropped. In the vicinity of Hawthorn Cottages the aircraft could be heard faintly before and during take-off, noise could be heard when the relatively busy road traffic stopped and there was no railway noise, aircraft noise was detected as being audible but not intrusive. At New Cottages take off noise was audible but the dominant noise was road traffic from the A49. Similar findings were found at Shelwick where the aircraft noise was faintly detectable in the absence of train noise and background noise was dominated by the A49. At Lower Lyde Court the plane could not be heard landing and only faintly from afar.

On site and with regard to the representations made by some of those objecting, in particular the local Parish Councils the frequency of flights was queried and discussed with the applicant. Whilst Environmental Health Officers have taken the view that the noise was faintly audible, of limited duration and not intrusive we did have concerns regarding the frequency of flights proposed in addition to the other controls submitted by the applicant.

Our recommendation is that the frequency of flight movements be restricted from what has been requested. This would be more in keeping with the intention described in the applicant's Design and Access Statement. The applicant has supplied further information to the authority regarding instructions to be issued regarding take-off and landing routes with the aim of minimising any impacts on neighbours these are set out as follows:

Take off

Climb straight ahead over uninhabited land towards "Wergins Bridge". Maintain this track (040 degrees) until at least 500 feet above ground level (agl) is achieved. Throttle back as soon as practicable. Do not turn off this track until 500 feet agl is achieved and then use one of the 3 departure routes to ensure that no local housing is over-flown. Continue climb to ideally a minimum of 1200 feet agl.

Landing

Use the reciprocal routes for landing at Lyde Court. Ideally aim for 250 feet agl above Wergins Bridge for conditions of very light winds. Increase this height to 350 – 400 for conditions with a headwind for landing. Use the minimum heights shown on the chart for landing approaches only. All departures are to climb to 1200 feet agl asap.

The applicant further comments 'The departure routes have been chosen to avoid any overflying of local housing. The route to Wergins Bridge is entirely over unoccupied land which is almost entirely Duchy owned. It is always possible to achieve 500 – 700 feet agl by Wergins Bridge. The 3 onward departure routes then continue over unoccupied tracts of land. These routes when used as directed should never give rise to any noise nuisance issues with neighbours.

Final response and recommendations for conditions

In short having witnessed 3 sets of aircraft movements to and from this site our department does not object to this proposal on noise and nuisance grounds providing that there are controls in place to restrict the amount of aircraft noise to be generated at this site so that it remains a grass airstrip and does not begin to function as an aerodrome. The following conditions are therefore recommended:

The use of aircraft will be restricted to fixed wing single engine piston aircraft of less than 3175kg in weight.

Use of helicopters be restricted to no more than 2 flights (inbound and outbound) per week.

There shall be no use of twin engine aircraft, jets, turbo-props nor flex-wing microlights.

No flights are to take place outside the hours of 08:00 and 21:00 and there shall be no night flying.

The site of the proposal shall not be used for flying training, gliders, aerobatics nor Touch and Go procedures.

Between 10:00am and 3:00pm a maximum no of 3 flights (flight = take-off and landing) in any one hour period.

Between 08:00am to 10:00am and 3:00pm and 9.00pm weekdays only maximum 10 flights per day

Cumulative weekend/bank holiday total 15 flights per day

Cumulative week (Sunday to Saturday) total: Maximum 35 flights per week

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

5.6 Environmental Health (Air Quality)

8 December 2021 – No objection

I note that the application is for the proposed change of use of land, as an aerodrome consisting of the continued use of a grass airstrip, re-use of an existing barn as hangarage and for maintenance and associated landscaping.

Technical Guidance (16) Local Air Quality Management (Section 7.16) provides a screening criteria for airports. In circumstances where the screening criteria is exceeded it is likely that further assessment will be required.

The relevant criteria is as follows:

- Determine relevant exposure within 1km of the airport boundary
- If exposure has been identified, determine whether the airport total equivalent passenger throughput is >10million passengers per annum
- Identify whether the background annual mean NO_x concentration is above 25ug/m³ in these areas.

On reviewing the information submitted with the planning application, the proposal for a small airfield will not exceed the screening criteria. Based on the information supplied, I have no adverse comments to make in relation to air quality matters.

5.7 Archaeology

18 January 2022 – No objection

- I expect you will have picked up my original comments of 23 November 2021, and noted my then concerns. I made a socially - distanced site visit with the developer and agent just before Christmas, in order to clarify matters.
- It was apparent at that site visit that the airstrip had been created by a large earthmoving operation to 'flatten out' the local topography and make it smoother. It has since been re-grassed.
- However it was also clearly apparent that recorded archaeological feature 4046 (a non-designated site alluded to in my original comments) had not been directly affected by the works, the southern part of it having already been lost some years previously.
- There were no other archaeological issues of substance evident during the course of this site visit.
- In the circumstances, I do not now think it is necessary for an archaeological assessment to be undertaken.

1 December 2021 – Further information required;

Firstly, the application form as submitted contains what appears to be a clear inaccuracy, in that Section 5 (1/11/2021) of the form claims "the work or change of use" [sic] hasn't started. In fact, there is good reason to believe that the site was stripped and extensive subsurface construction undertaken a year or so ago. Such work is intrinsic to the specific proposal now on the table, and would not have occurred otherwise. Irrespective of all other considerations therefore, the form should be corrected by amending Section 5 to "yes", making it clear that in effect the application is retrospective.

Secondly, in the process of the engineering operations referred to above, there is likely also to have been some impact on key archaeological features itemised on the county Historic Environment Record.

Monument 4046, a deserted medieval settlement, is mapped as being in the line of the airstrip. The full scope and nature of this impact and any other impacts are currently rather difficult to determine.

Additionally, it is my understanding that some hedgerow may have been removed here or nearby. To what extent any such removal affected hedgerow that was 'important' under the 1997 regulations is likewise unclear.

In the circumstances, it is essential that the applicants now commission a formal archaeological desk – based assessment under Para 189 of the NPPF. This assessment must include a full site visit and inter alia consider and describe any damage or landform alteration that has already occurred, and any that might further occur, as a result of the proposal. The assessment must also analyse the significance of the heritage assets involved, the level of harm occasioned, and the extent of any continuing risk to them.

6. REPRESENTATIONS

6.1 Pipe and Lyde Parish Council

5 April 2022 – Object

Pipe and Lyde Parish Council met on 4th April to discuss the application and concluded that they objected to the application on the following grounds:

1. The Parish Council thought that the number of flights documented in the application was far too many and they could not support that number of flights. - the applicant had verbally stated in the Parish Council meeting of 9th December that the number of flights were too many and would amend the numbers accordingly but no documentation has been received with number of flights amended.
2. The wildlife meadow that was in place has been removed and replaced with hardcore materials. No archaeology report was done and neither were any environmental consultations carried out before this work was completed.
3. The authority governing how many flights that do actually take place, (in case the flights taken exceed the amount on the application) are not routinely inspected and it was felt that more governance was needed to ensure there was no breach to the number of flights permitted - without this in place there is no governance. A local airfield in Herefordshire has recently been the subject of two incidents and we do not wish to see residents put in any danger associated with an increase in flying aircraft taking off and landing nearby.
4. There has been no input from Hereford and Worcester Fire and Rescue regarding a report on the hazardous nature of the business and associated materials.
5. The current transport network is not suitable for more traffic using the roads. The roads are narrow and there have been incidents of cars/buses running into difficulty accessing the venue as it presently is. The recent report submitted by Mr and Mrs Waring was not a true reflection.
6. The Parish Council noted the concerns and objections to the application of those residents who live near the venue both from the planning portal and those who turned up in person to the meeting. This has to be taken into account.
7. The application raises concerns with its impact on the environment.

The Parish Council note the noise pollution report but felt that the report could not be taken into account as it only accounted for a piper aircraft. To gain a true account of noise pollution the report would need to show the noise pollution from a variety of aircraft that will be using the proposed aerodrome.

23 December 2021 – Object

1. Pipe and Lyde Parish Council met on 9th December to discuss the application and concluded that they objected to the application on the following grounds:
2. The Parish Council thought that the number of flights documented in the application was far too many and they could not support that number of flights.

3. The wildlife meadow that was in place has been removed and replaced with hard-core materials. No archaeology report was done and neither were any environmental consultations carried out before this work was completed.
4. The authority governing how many flights that do actually take place, in case the flights taken exceed the amount on the application) are not routinely inspected and it was felt that more governance was needed to ensure there was no breach to the number of flights permitted.
5. There has been no health and safety report or risk assessment available regarding the storage of aircraft and its associated flammable materials being stored in a hanger.
6. The current transport network is not suitable for more traffic using the roads. The roads are narrow and there have been incidents of cars/buses running into difficulty accessing the venue as it presently is.
7. The Parish Council noted the concerns and objections to the application of those residents who live near the venue both from the planning portal and those who turned up in person to the meeting.

The application raises concerns with its impact on the environment. The Parish Council object to this application - 4 parish councillors were in attendance, 3 objected to the application and one parish councillor abstained from voting.

6.2 **Holmer and Shelwick Parish Council**

13 May 2022 – Object

The parish council's previous objection is reiterated, with a request that the application be considered by the Planning Committee.

14 December 2021 – Object

Holmer and Shelwick Parish Council considered this application at their meeting 09/12/21 and resolved to object to the proposals.

The Parish Council note, and are supportive of, the significant local concern that has been expressed regarding these proposals. In particular, the Parish Council would highlight the following:

- The proposals conflict with Core Strategy Policy SS4. Increased use of the airstrip would generate a significant number of additional vehicle movements along unsuitable, single track country roads.
- The proposals conflict with Core Strategy Policy SS6. The proposed increased use of the airstrip would severely negatively impact the tranquil rural amenity of the area. The excessive maximum number of flights would generate significant, regular noise pollution issues for nearby residents and visitors to the area.
- The proposals conflict with Core Strategy Policy SS7. Light aircraft are considerably more polluting than regular terrestrial forms of transport and an increase in the number of flights from this site is clearly at odds with sustainable transport objectives.
- Additionally the area is not serviced by bus or rail and so users of the facility will generate a number of additional vehicle movements (most likely private car or taxi) to get to the site.

- The proposals risk further damage to a scheduled ancient monument (SMR Number 4046 at grid reference SO 51 43).
- There is considerable concern at the high number of flights requested. It is reported that the difficult topography and orientation of the site does not lend itself to a high number of flights per day. A reduction in the number of flights permitted would also lessen the environmental impact of the proposed facilities.
- Full disclosure of Herefordshire Council's pre-application advice is requested as this would be helpful in assessing the application, especially in respect of advice regarding the proposed number of flights and time restrictions.
- There is concern that adequate provision has not been made for access for emergency services in the case of an incident at the proposed airfield. This needs to be considered in some details to ensure the safety of future users of the proposed facility, visitors to the area and nearby residents. Similarly clarification is sought on the proposed fuel storage requirements and safety arrangements.
- The design and access statement should be clarified in respect of the take-off / landing directions and proposed flight paths as the current statement is open to some interpretation on this point.
- The proposals would likely impact nearby designated sites and areas of high habitat value. The scope of the ecological survey should be widened to encompass a much wider area in line with Civil Aviation Authority recommendations.
- It has been reported that the proposed flight path may conflict with established flight paths used by the Ministry of Defence. This should be verified and, if necessary, the application should seek to address this issue.
- It has been reported that the current airstrip has been utilised for more than the permitted 28 days per year (or 56 days due to Covid recovery measures) as allowed under Schedule 2 of the General Permitted Development Order and therefore has been in breach of these regulations.

6.3 **Marden Parish Council**

11 April 2022 – Object

At its meeting on 11 April 2022, Marden Parish Council resolved to continue objecting to 214046, as it is against Herefordshire Council's Carbon Zero aims and policy.

16 December 2021 – Object

At its meeting on 15 December 2021, Marden Parish Council resolved to object to 214046 and comment as follows. This application is at the wrong time when Climate Change is on everyone's agenda, including Herefordshire Council. Emissions cause pollution, particularly from short flights. An environmental impact analysis of more flights is required.

6.4 **Burghill Parish Council**

30 March 2022 – Object

Burghill Parish Council agree with Pipe & Lyde Parish Councils objections.

17 December 2021 – Object

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

Please note Burghill Parish Council is commenting on this Planning Application, but we need to make it clear that the Parish Council has not had a chance to formally meet, the response has therefore, been delegated to our Clerk after consulting with all Parish Councillors in accordance with our Standing Orders.

Burghill Parish Council agreed with Pipe & Lyde Parish Councils objections.

6.5 **Bodenham Parish Council**

9 December 2021 – Object

Bodenham Parish Council wishes to object to this application on various grounds, which have been covered by other objectors and do not need to be reiterated.

6.6 **Wellington Parish Council**

3 December 2021 – Object

The PC strongly objects to the application as presently framed for the reasons set out above. The PC considers that the incompatibilities between statements within the application documents with regard to the number of flights for which approval is sought and the benefits and negative impacts related to this are so material that the application should be rejected in its entirety. Subject to satisfactory resolution of all the issues raised in this submission, the PC would not object to an application for the continued use of the airstrip for a limited number of flights on the 28 days per year basis now operated.

The full comments made by Wellington Parish Council are available to view on the Herefordshire Council website via the following link;-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214046

6.7 Numerous site notices posted around the site, including at Lower Lyde, Lyde Cross, Munstone, Shelwick, Shelwick Green and Hawthorn Farm.

86 parties have objected, including from CPRE (The Countryside Charity). The comments can be summarised as follows; -

- Major earthworks have been undertaken to facilitate the air-strip
- Highway network to Lyde Court not suitable
- Increase in traffic as a result of this additional use – especially along Munstone Road
- Local roads have no footways and are frequently used by pedestrians for dog walking
- No public transport available to Lyde Court
- Poorly accessible by emergency service vehicles
- Detrimental to peacefulness and tranquillity of the area/scale of the development is totally out-of-keeping for this rural area
- Impact on the amenity of public footpaths (PROW PL1 and PL30)
- Disturbance to livestock
- Impact on an Area of Outstanding Natural Beauty
- Negative impact on wildlife, especially birds as they are seen as a hazard to aircraft
- Impact on River Lugg SAC through further pollution
- Reed-bed has been removed
- Wildflower meadow scheme was not informed of proposed air-strip and therefore invalid
- Loss of Grade 2 agricultural land

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

- Hedgerows have been removed to allow for movement between hanger and airstrip
- Flood risk
- There are other suitable facilities in Herefordshire
- Negative impact on surrounding local businesses
- Proposal is 'thin edge of the wedge' and planning permission would likely give rise to expanding operations
- Impact on Historic Monument, a deserted mediaeval settlement
- Noise impact
- The use of the site as a wedding venue already creates noise problems (loud music and fireworks)
- The applicant has used the air-strip previously beyond the 28 and 56 day permitted allowance.
- Noise assessment does not consider the impact on the nearest residential properties and is inaccurate
- Planes have flown over and circled residential properties
- Flying routes specified by the applicant does not make any difference to the impact on local residents given the elevated take-off position.
- Impact on compliance with Article 8 (A8) of the Human Rights Convention (HRC)
- Negative impact on air quality through increased use of aircraft
- Does not support policy requirement and commitments to reduce climate change
- Herefordshire Council have declared a climate emergency
- Proposal would fail to reduce carbon emissions
- The applicant has already crashed one plane and the Council should investigate its safety record.
- Appears to be no Aerodrome license and therefore the site has not been subject to a Civil Aviation controls
- The submission should be assessed also on the qualifications of the pilot and how appropriate the airstrip surfacing is
- Conflict with MOD Credenhill
- Health and safety concerns given proximity of hangar with fuel storage and the wedding venue which has firepits etc.
- None of the residents in nearby villages are aware of the applications
- Those supporting the application mostly live away from the immediate area and therefore would not be directly affected.
- The site is owned by the Duchy – should they have made the application?
- Value of homes in the area will be lowered as a result of the use.

6.8 Additionally, 25 letters of support have been received. The comments can be summarised as follows; -

- The proposal would bring economic benefits to Herefordshire's rural economy
- Hereford needs better transport options
- Creation of employment in and around Lyde and the city.
- Would expand a very successful business
- Aircraft movements here would be very low – and full power is only used for take-off (a short period of time)
- There would be minimal impacts on road traffic
- Airstrip has a role to play in biodiversity – reference made to Bodmin airfield in Cornwall which has begun to harvest endangered wild meadow seeds and is home to rare species of insects
- Lovely to watch the planes
- The planes from Lyde Court are very quiet / aircraft from SAS camp is much louder and more bothersome
- Do not impact on livestock

- Use of the site will be limited given its topography and direction away from prevailing SW wind
- Light aircraft have very minimal impact on carbon emissions and storage and runway is not suitable for larger vehicles
- There would be no night flying

It is also noted that the comments have been received from the Civil Aviation Authority (CAA). They are a non-regulatory body and not a statutory consultee but provide the following supporting information and guidance with respect to this application;

As discussed, the CAA are not required to be statutory consultees for this application. However, the Airfield Advisory Team within the CAA are set up to provide impartial, non-regulatory advice and offer clarity on anything aviation related. We are particularly reassured by Mr Waring's application for an unlicensed airfield at Lyde Court.

I understand that you are preparing your report this week and so I wanted to emphasise a few points that we discussed for your consideration.

Unlicensed airfield

Mr Waring rightly explains that "CAP 793 practices are not mandatory" and so I wanted to provide some more clarity around this point. There are 122 licensed aerodromes in the UK and significantly more unlicensed airfields. The figure is not perfect as a number of farm strips operate under the '28 day rule' but there are at least 800 unlicensed airfields in the UK.

While an airfield may not be licensed, the aircraft in use must be airworthy, pilots must have a license and be appropriately qualified to fly the aircraft in question. The pilot-in-command takes full responsibility for a flight as highlighted in section 2 of the Air Navigation Order which regulates aspects of aviation safety and aircraft navigation:

"The pilot in command must only use aerodromes and operating sites that are adequate for the type of aircraft and operation concerned...
The pilot in command must ensure that the aircraft is airworthy."

Ultimately, while an airfield may be unlicensed, it won't be used if it does not enable safe flights as the pilot-in-command is fully accountable in determining whether to land at or take off at an aerodrome. Furthermore a pilot-in-command is responsible for navigating to an alternate aerodrome if the planned aerodrome is not suitable.

It is therefore particularly assuring to see Mr Waring's "statement of intent to enable safe operating practices to be met operating as an unlicensed aerodrome".

Noise abatement

Mr Waring has emphasised throughout his submission that training will not be undertaken at the aerodrome. This should alleviate any concerns with potential loss of amenity for the community. Furthermore, noise abatement practices are proposed which ensures flights will not go above immediate neighbours.

Other

Mr Waring's submission of 'Safe Operating Practices and Management Plan' is a clear indication of his intent to provide a safe aerodrome. This document has followed CAA Publication 793: Safe Operating Practices at Unlicensed Aerodromes which offers best

practice for operators of unlicensed airfields and provides a sufficient amount of detail that could be fed into an Aerodrome Manual.

- 6.9 The full comments are available to view on the Herefordshire Council website via the following link;

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214046

7. OFFICER'S APPRAISAL

Principle

- 7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 7.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy. The National Planning Policy Framework 2021 (NPPF) is also a significant material consideration. Pipe and Lyde Parish Council have not progressed a Neighbourhood Development Plan.
- 7.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case the relevant policies have been reviewed and are considered consistent with the NPPF and therefore can be attributed significant weight.
- 7.4 Unusually, there are no policies contained within the adopted development plan which relate directly to aviation. However, this should not lead the decision-taker to automatically reach a conclusion that the principle of such development is unacceptable. Noteworthy is paragraph 106 of the NPPF which explains that planning policies should recognise the importance of maintaining a national network of general aviation airfields and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy. In turn, the General Aviation Strategy supports the deregulation of light-aircraft flying and the encouragement of the planning system to support maintaining sufficient general aviation facilities in order for aviation to be viable.
- 7.5 Despite the above, the Council's Core Strategy explains that tourism plays an important role in Hereford City's economy and that opportunities which attract more tourists, who make an important contribution to the local economy. More widely for Herefordshire as a whole, policy E4 of the Core Strategy sets out that Herefordshire will be promoted as a destination for quality leisure visits and sustainable tourism. The policy supports, inter alia, proposals that retain and enhance existing and encourage new accommodation and attractions throughout the county, which will help to diversify the tourist provision, extend the tourist season and increasing the number of visitor stays overnight.
- 7.6 Furthermore, it is acknowledged that the site is located within the open-countryside and therefore policy RA6 of the Core Strategy is relevant. It states that employment generating proposals which help to diversify the rural economy will be supported. This would include sustainable tourism

proposals which are in accordance with policy E4 as set out above. There is a however a requirement that development in the open-countryside is of a scale which would be commensurate with its location and setting, would not cause unacceptable adverse impacts on the amenity of nearby residents by way of design, mass, noise, dust, lighting and smell and amongst others, would not generate traffic movement that cannot be safely accommodate within the local highway network.

- 7.7 The acceptability of the principle of this particular development is fundamentally dependant on establishing and assessing the impact of it on residential amenity and the general amenity of the site's countryside location. Therefore, these matters are assessed below given they go to the heart of the determining the acceptability in principle.
- 7.8 In this case, the change of use of the land would not be an intensive commercial use but equally, would extend and open-up the use of the site beyond the applicant's own personal use. Furthermore, the wider site at Lyde Court already operates as a popular and well-established wedding venue. It is also understood that the applicant previously exercised permitted development rights for the change of use of the land for aviation purposes. Given the nature by which the site is used by pilots purposefully arriving as a destination from all over the United Kingdom, it is considered that the principle of development can be partially assessed with reference to policies concerning tourism and the visitor economy (i.e RA6 & E4 of the Core Strategy – as set out above).
- 7.9 The proposal would represent the expansion and diversifying of the existing wedding venue enterprise at Lyde Court. Although the use of land as an aerodrome would not be fundamentally tied to the existing business, it would nevertheless provide an additional attraction for some guests and offer the business a unique selling point – as noted by some of the letters of support which are from previous/prospective wedding guests. Moreover, although small-scale, it would encourage further visitors to Hereford City and Herefordshire more widely. However, it would run counter to sustainable development principles to give significant weight to any situation where long distances are flown rather than travelled by public transport or non-motorised means. Although located close to Hereford City, it does not benefit from public transport provision and therefore onward travel from the site is more likely to be by way of private cars. With this in mind, it is acknowledged that this is a point of concern which is frequently identified in the received representations objecting to the application, mostly focussed on the environmental perspective and having regards to climate change.
- 7.10 Moving on from above, it is also accepted open-countryside location is generally required for such a development proposal, given the general space requirements, and likely for other safety reasons. The site is semi-rural but not remote, given surrounding medium to larger villages and indeed, its proximity to Hereford City and key arterial roads, namely the A49(T) and the A4103. However, access to the site is via generally narrow lanes with limited passing places. Officers also note the great extent to which the area immediately surrounding the site is valued by local residents (i.e those living in Lyde (Cross), Munstone and Shelwick and those using the area for amenity/exercise who live in the northern fringes of Hereford City, given its relative proximity. Letters of objection frequently cite the regular use of the minor roads and PROW running from Lyde Cross through Lyde Court east towards the Sutton Road, for walking, dog-walking and general amenity.
- 7.11 The applicant has submitted a Noise Assessment initially advised upon by officers. The assessment measured the background noise levels at six individual locations which can be grouped into three general locations to the north and west, south and the east. A noise assessment was undertaken of aircraft noise with an aircraft taking-off and landing at Lyde Court.
- 7.12 Some concerns have been raised with respect to the locations that have been identified as noise receptors, omitting particular locations for which there are known noise concerns. The Noise Assessment has been undertaken and completed by a professional and competent acoustician

and the methodology has been properly scrutinised by the Council's Environmental Health Team. It would clearly not be practical nor efficient to undertake readings at every single property within a specified distance of the site. Rather, snap-shot locations have been identified which present a broad but reliable picture of the varying acoustic climates surrounding the site, and the impact aircraft activity at Lyde Court has on this.

- 7.13 The first general location to the north and west of the site includes Lyde Barn, Stone Cottage and Lyde Cross which are located along the minor road running north from the Munstone crossroads to the A49(T) at Lyde. This location is considered fairly quiet with occasional vehicles on the lane. Here it was concluded that the aircraft noise was audible but either commensurate or less than other noise sources in the area. This would include vehicles travelling along the lane, farming activity, other unrelated traffic activity and other traffic noise further to the west along the A49(T).
- 7.14 The second location to the south of the site is Shelwick. Here, the aircraft was inaudible and other sounds were present which would be expected in a village setting (digger in garden etc).
- 7.15 The third and final location to the east of the site includes Hawthorn Farm and Sutton St Nicholas. In both locations traffic noise was assessed as dominating the noise climate with approx. 8 – 13 vehicles per minute passing along the road which leads north from the Aylestone Hill Roundabout to Sutton. Railway noise was also noted as forming the characteristics of the local noise climate, especially in Shelwick noting the close proximity of the Hereford Shrewsbury railway line which runs north/south to the west of the Sutton Road and the Hereford – Worcester railway line which runs east/west from its junction with the aforementioned line at Shelwick.
- 7.16 In both locations noise from the aircraft was audible when passing, but only in the absence of traffic noise and indeed, railway noise. Critically, aircraft noise was only present for a very limited time. At Sutton, the level of noise was considered similar to strimmer/lawnmower sounds which would be expected in a residential setting. It is at these locations where aircraft noise would be expected to be audible given that it is north/east of Lyde Court and the direction in which aircraft take off and land in.
- 7.17 The NPPG for Noise sets out a hierarchy with respect to establishing at what stage noise is likely to become a concern. At paragraph 5 it states the following;
- 'At the lowest extreme, when noise is not perceived to be present, there is by definition no effect. As the noise exposure increases, it will cross the 'no observed effect' level. However, the noise has no adverse effect so long as the exposure does not cause any change in behaviour, attitude or other physiological responses of those affected by it. The noise may slightly affect the acoustic character of an area but not to the extent there is a change in quality of life. If the noise exposure is at this level no specific measures are required to manage the acoustic environment'*
- 7.18 As discussed in the forgone paragraphs, for one of the assessed locations; Shelwick there is 'no observed effect'. This is because the subject aircraft activity was not audible and therefore had no effect. As such, aircraft activity from Lyde Court is judged to be such which would not result in a change in behaviour (i.e residents staying inside and/or keeping doors and windows closed) and have a negative impact on quality of life and overall amenity. Furthermore, when having regard to the guidance of the NPPG, no specific mitigation measures would be required on the basis of the assessment findings for this location.
- 7.19 For the other two locations, aircraft noise was concluded as being 'present but not intrusive'. The noise could be heard but does not cause any changes in behaviour, attitude or other physiological response. It would slightly impact on the acoustic character of the area but not such that there would be any change in the quality of life or overall amenity of residents. This would mean that it would be commensurate with other contributing noise such as farming, traffic (including railway), other aircraft noise – such as that from MOD Credenhill, and other general noise expected from residential properties (strimming, mowing, household DIY and building works etc.). Similarly, at

this low level where there is no observed adverse effect, the NPPG does not recommend the requirement of specific mitigation measures.

- 7.20 In addition to the submitted Noise Assessment which has been subject to the scrutiny of the Council's Environmental Health Team as discussed above, officers have visited the site on numerous occasions and witnessed take-off and landings of a Piper Super Club aircraft. Officers observed from the site itself, as well as from Hawthorn Cottages, New Cottages, and Lower Lyde. The observations of the exercise accord with the conclusions of the Noise Assessment; that is that whilst aircraft noise was present in some locations, it was not intrusive and only generally audible in the absence of road traffic and railway noise.
- 7.21 The Council's Environmental Health Team have taken the view that the noise is faintly audible. However, it is highly questionable as to whether the proposed development in an wholly unrestricted form, could be considered commensurate to the site's setting and location, when having regard to policy RA6 of the Core Strategy and having regard to some concern raised by local Parish Council's and local residents alike.
- 7.22 With the above in mind, regard is had to the details as set out within the submission including the Safe Operating Practices and specifically Pilot Instructions which avoid flying over nearby villages such as Shelwick and Sutton. Given that aircraft have to take off into the north-east and land in the same direction, there is no need for aircraft to fly over these villages. Rather they head northeast over Wergins Bridge on the Sutton Road where they reach 500 – 700 feet altitude. However, whilst clearly material to the application, there are concerns with regards to the enforceability of such guidance and it is noted through the received representations that aircraft have allegedly flown in directions contrary to this guidance, although this is not verified. Needless to say, it would be difficult to precisely monitor and evidence unauthorised actions taking place above land and, in the event that an enforcement notice needed to be served, it would have to indicate an area of land and not air, where a breach had occurred.
- 7.23 However, in addressing the forgone matter, the Council's Environmental Health Team recommend a comprehensive suite of six planning conditions which would control the nature and use of the airstrip in the interest of minimising any proliferation its use which could result in harm breaching the next level and causing an adverse effect. In summary, these would restrict the use of aircraft to those which are a fixed wing with a single engine piston and only 2 helicopters would be allowed to fly to/from the site each week. The site would not be able to operate training exercises, including the use of gliders, aerobatics, nor would touch and go procedures be permissible, although it is acknowledged as previously discussed that given the topography, the site is not conducive for such. No night flying would be allowed (between the hours of 08:00 and 21:00) and between 10:00 and 15:00 there would be no more than three flights (take-off and landing) in any one hour period. Between 08:00 and 10:00 and 15:00 and 21:00 on weekdays there should be no more than ten flights per day within these hours. Cumulatively and more restrictive, there would be no more than 15 flights per day on weekends and bank holidays and over a Sunday – Saturday seven day period there should be no more than a maximum of 25 flights (inclusive of take-off and landing).
- 7.24 It is acknowledged that some of the representations which raise objection to the application concern noise and nuisance caused by the existing activities at Lyde Court through its use as a wedding venue. Whilst linked to an extent insofar the proposal would enhance the offering to guests, it would not in its own right intensify the level of activity and operations which take place at Lyde Court which are otherwise regulated by separate planning permissions and other regimes, i.e licensing. Although at this juncture it is noted that the wedding venue operated on a largely unrestricted basis in terms of numbers of weddings, guests etc. (from a development management regime perspective). However, it is understood that concerns about existing noise from Lyde Court relate to loud music/fireworks in the evening. The proposed use of the airstrip would be limited between 15:00 and 21:00 with no night-flying permitted. Because of this, for much of the year, flying will curtail at the end of the working-day because of the time of sunset

and activity through the evening will be extremely limited. As such, when having regard to the finding of the noise assessment and the observations of officers, it is not judged that the proposed use would give rise to any cumulative adverse impact on amenity.

- 7.25 It is with the above considerations in mind and recommended restrictive conditions in place (to which the applicant is agreeable) that the noise impact of the proposal would remain at the current level of having no adverse effect on the enjoyment, quality of life and overall amenity of surrounding residential properties and the countryside environment. Likewise, although concerns have been raised with respect to the impact on livestock, given the low level impact identified, it is difficult to substantiate this argument further when there are other background noises (traffic and trains etc) contributing a similar level of noise.
- 7.26 A further fundamental consideration affecting the principle of development is the extent to which the use could be carried out using permitted development rights. Class B of Part 4 of the General Permitted Development Order allows up to 28 days use of land for any purpose (with certain exceptions and restrictions, none of which apply in this instance). In addition, Class BA of Part 4 allowed a further 28 days of temporary use throughout 2021 in response to the coronavirus pandemic. Therefore throughout 2021 the airstrip may have been lawfully used for up to 56 days of the year and although the representations objecting to the application assert that the applicant exceeded this, the Local Planning Authority cannot verify such and nevertheless this application would seek to regularise this. In any event, Class BA has now expired and therefore in 2022 and beyond, without the planning permission, the airstrip may only lawfully be used for 28 days per year. This is henceforth referred to as 'the 28 day rule'.
- 7.27 Generally, the 28-day rule would apply to each calendar year with the annual 'allowance' deducted by a single day on each day that the use occurred (regardless as to the level and intensity of the use that day), i.e. two aircraft using the airstrip on a Monday would count as one day in the same way that seventy-five aircraft using it on a Saturday would count as one day. There is no distinction in planning terms between the types of aircraft that count towards the 28 days of use. Therefore, none of the restrictive conditions as set out in Paragraph 7.22 of this report would apply and accordingly, for 28-days of any calendar year the site could be used on an unfettered basis (i.e as many flights, types of aircraft, activities as the applicant so wishes).
- 7.28 In this case, representations have brought to the Local Planning Authority's attention regarding engineering operations which have taken place in order to 'level-out' the field, making it conducive to use as a run-way. Whilst photographic evidence are supportive of this re-profiling work, it is not necessarily intrinsically linked to the use of the land as an aerodrome. Such works could be argued as reasonably necessary for the purposes of agriculture. Needless to say, this application would look to regularise this, should it be successful. Whilst the operations to the land does not inherently mean the land is being used as an aerodrome, the presence of other paraphernalia such as the pole mounted windsock which is left permanently in place, the view could be taken that the 28 day allowance is depleted each day, regardless as to whether any flying takes place because of the physical presence that makes the development as a whole permanent, rather than temporary. However, the applicant could remove such physical additions from the land when flying is not taking place, allowing for 28 days of flying each year. Significant weight can be given by officers to the above permitted use of the site as a legitimate fall-back position and established in part, the principle of the development. It is therefore for the Council as the decision-taker to undertake an assessment to establish the extent to which an increased level of use would remain acceptable.
- 7.29 Consideration should also be given to the fact that the site is of a unique topography, steeply sloping from the southwest (Patch Hill) down to the northeast. This means that, as already discussed, aircraft must take-off in a north-easterly direction and land from the north-east, decelerating up the steep-hill on landing. Unlike most level airstrips, it is therefore not possible for aircraft to undertake 'loops' or perform 'touch-and-go' exercises, naturally limiting the scope of the site. Similarly, the airstrip is (would be) formed from grass and in this case features a dip given

the undulating topography. Therefore, during wet periods of weather, the waterlogging of the strip would make it unsuitable and unsafe for aircraft taking-off and landing. Similarly, the mono-directional take-off and landing practice is restricted by the prevailing wind (which is in fact from the southwest). However, it is equally true that clear, warm, dry days are likely to be the occasions that the development presents the greatest potential for conflict with the vitality and amenity of surrounding residential development, as residents would be more likely to be outside in such conditions and nearby rights of way are likely to be in more intensive use at such times. Here, consideration should be given to the conclusions of the assessment relating to noise and amenity impact as set out in the forgone paragraphs of this section of the report.

- 7.30 The application has attracted significant competing interests, as evidenced through the magnitude and breadth of the received representations. The facility would clearly present as an asset to the aviation community and indeed complement and serve as an addition to the existing provision at nearby Shobdon albeit on a demonstrably smaller and limited scale in comparison. It is noted that some representations raising objection to the application identify concerns with respect to safety, following an alleged by unverified accident at the airstrip. The Civil Aviation Authority (CAA) are a non-regulatory body and non-statutory consultee. They have advised that there are 122 licenses aerodromes in the United Kingdom but over 800 non-licensed aerodromes. The CAA do not manage, control or regulate unlicensed aerodromes and therefore are not responsible for their safety, in the same way in which the Local Planning Authority are not. There is no requirement for an airstrip to be licensed but the aircraft in use must be airworthy, pilots must have a license and be appropriately qualified to fly the aircraft in question. Therefore, as a pilot is responsible for taking-off and landing at an aerodrome, such a site would not be used if it does not enable safe flights, which in turn is the responsibility of its owner. In this case, the CAA note that the applicant has completed and submitted a 'Safe Operating Practices and Management Plan' which provides reassurances of an intention to provide a safe aerodrome, even though this is not required for unlicensed sites.
- 7.31 The acceptability in principle must be established through carefully considering the findings of the objective noise assessment submitted by a competent and professional acoustician, along with more subject observations undertaken by officers. As set out, the principle of the development is inextricably linked to its impact on both residential amenity, along with the general enjoyment of this open-countryside location. In this case, the conclusions of such are that aircraft noise is either noticeable but not intrusive or in certain circumstances and locations, inaudible. The proposal would provide some minor economic benefits through enhancing an existing wedding venue business, along with providing another means of visiting Hereford which would in turn, serve as a unique and additional local attraction. It is felt however that on an unrestricted basis, the use could proliferate, thereafter giving rise to harm to amenity, tranquillity and overall enjoyment of this area of open-countryside. Therefore, subject to the suite of comprehensive and restrictive safeguarding conditions, the proposed development is considered to be acceptable in principle.
- 7.32 It should be noted that any change in operations which would go beyond the existing restrictions (i.e increased flight numbers) would require express permission from the Local Planning Authority through an application to vary this permission, by way of Section 73 of the Town and Country Planning Act 1990. It would at that stage be for the Local Planning Authority to require the applicant to demonstrate, in the same manner as for this application, that there would be no adverse impact on amenity in order to establish whether the principle of such would be acceptable. Therefore, approval of this application would by no means represent the 'thin-end of the edge'.

Access and highways safety

- 7.33 Policy MT1 of the Core Strategy sets out that proposals should demonstrate that the local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network.

- 7.34 Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.35 Lyde Court is served via a private no-through road which at Lyde Cross is taken from the minor road leading from Munstone northwards to the A49(T) at Lyde. Therefore, the only way to/from the site by car is from the west via this minor road; there is no vehicle access from the east of the Hereford – Sutton – Bodenham road. Access and traffic generation are not considered to be major constraints of the proposal because the principle is that aircraft will fly to the site and the airstrip be used as a destination for incoming pilots as opposed to a facility in which aircraft are taken on trailers to and from the site.
- 7.36 Although the Council would be able to ensure this manner of use continues in perpetuity, it is understood that it is largely self-controlling as most light aircraft are stored in hangars at dedicated airfield facilities, from where they also take off. Although it is understood trailers do visit the site, this is a relatively low proportion of its use as it is relatively cumbersome for pilots to transport their aircraft by road to the application site rather than fly-in from where they are stored. As set out in the supporting documentation submitted by the applicant with respect to traffic movements, in this case the proposal would include the use of an existing barn as hangarage facility but this would only have capacity for three planes, which would presumably include the applicants. The building would also offer the servicing of planes; with aircraft flying in and it being serviced for example whilst the pilot visits Herefordshire or wait on-site or get picked-up, depending on the length of time needed to complete the works. Therefore, although the proposal would employ up to 2FTE, it is not considered that the use of the hangarage and the provision of some small-scale employment would increase traffic volumes demonstrably.
- 7.37 Due consideration must be given to the extent of traffic movements which are generated by the existing wedding venue enterprise at Lyde Court. Although traffic impact is an area which is locally contentious as raised through the received letters of objection, for the reasons as set out above it is not considered the cumulative impact of the proposal would be severe. As per the final comments made by the Council's Transportation Manager, this is subject to a restriction on the number of flights, as recommended by the Environmental Health Team.
- 7.38 The impact of the proposed development on the safety of public rights of way and any bridleways can be assessed similarly to how the principle of development and residential amenity are in the above section of this report. Flying may take place for up to 28 days a year without express permission from the Local Planning Authority and in 2021 this was 46 days. As set out the CAA are content that best practice and individual responsibility are sufficient to mitigate conflict with other users. A condition is also included in the recommendation to ensure signage is in place on all nearby rights of way to account for the potential increase in aircraft movements from the site in the event permission is granted.
- 7.39 Concerns have also been raised with respect to the risk of fire at the site and the ability for emergency services to access the site in the case of an emergency. Whilst it is the applicants responsibility to ensure fire risk is adequately addressed (in conjunction with H&W Fire and Rescue), the proposed means of access would be the same as per Lyde Court. The airstrip is easily accessible through Lyde Court and there is no reason to suggest that the proposal is not laid out to achieve safe entrance for emergency services.
- 7.40 The proposal is therefore considered to accord with policy MT1 of the Core Strategy along with the principles as set out within Chapter 9 of the NPPF, as set out.

Air quality

- 7.41 Concerns have been raised with respect to the proposals impact on air quality, given it has the potential to increase the number of aircraft using the site and the surrounding air-space.

Furthermore, the site is located within close proximity to Hereford City where there are known exceedances beyond national standards of nitrogen dioxide levels because of traffic emissions, mostly along the A49(T) corridor.

- 7.42 Policies SS6 and SD1 of the Core Strategy are relevant in this regard. The former supports the strategic objectives of the plan and directs that developments should be designed with amenity and air quality as considerations from the outset. SD1 supports this in so far as it seeks to ensure that good standards of living are secured through, amongst other things, ensuring that new development does not suffer from adverse impacts arising from air contamination.
- 7.43 The Council's Environmental Health Team refer to the Technical Guidance (16) Local Air Quality Management (Section 7.16) in order to establish whether or not any further assessment would be required for the proposal.
- 7.44 In this case, given the small scale nature of the proposal the screening criteria is not exceeded and as such, no further assessment is required. The proposal is judged to be of a scale and nature which would not give rise to any air quality issues, in accordance with Core Strategy policy SS6, RA6 and LD1.

Flood risk

- 7.45 Some concern has been raised with respect to the suitability of the site for the proposed use because of the risk of flooding. In this case, there is no risk of fluvial flooding (that from rivers) and the site lies within Flood Zone 1. Although surface water can present as an issue locally, the proposal would not result in a worsening of this situation given that it does not introduce any additional buildings or impermeable surfaces. The risk also highlights the self-limiting nature of this particular site insofar during periods of rainfall the site has the potential to become waterlogged, preventative from its use by aircraft. However, the proposal would not present any conflict with respect to the requirements relating to flood risk as set out by policy SD3 of the Core Strategy or the principles found within the NPPF at Chapter 15.

Landscape and visual impact

- 7.46 Policy SD1 of the Core Strategy requires that development proposals create safe, sustainable and well-integrated environments and take into account the local context and site characteristics. Policy LD1 expects proposals to be positively influenced by the surrounding landscape.
- 7.47 The site is not set within an area of any notable landscape quality, nor is it subject to any formal designations such as an 'Area of Outstanding Natural Beauty' (AONB). Whilst elevated, it lies adjacent to Lyde Court and because of the undulating topography, longer-distance inter and co-visibility is restricted. The airstrip itself, comprising just mown grass is also not overtly apparent within the wider landscape. The proposed use of the existing portal frame building would not involve any works which would materially alter its appearance and if it were to, this would require planning permission. The existing windsock and small shed on site which houses the flight log-book and fire extinguisher are minimal and justified and would not have any discernible impact on the wider landscape. Although a Parish Council make note to the removal of a wildflower meadow which was replaced with hardstanding, this area has now been removed and re-seeded with grass. The proposal does look to introduce some biodiversity enhancements including wildflower planting which forms part of the biodiversity enhancement scheme, but these matters are discussed in a more fulsome manner in the following relevant section of this report.
- 7.48 Subject to conditions that restrict lighting on the site and hard surfacing, it is considered that the proposed development would have an acceptable visual impact on the immediate area. The flying of aircraft is not considered to have a visual impact in its own right as it is relatively common to observe such activity within the sky throughout rural England, which are passing objects rather

than permanent features. The proposal is therefore considered to accord with policy SD1 and LD1 of the Core Strategy.

Archaeology

- 7.49 Monument 4046, a deserted medieval settlement, is mapped as being in the line of the airstrip.
- 7.50 Policy LD4 of the Core Strategy requires that proposals affecting any form of heritage asset protect, conserve and where possible enhance heritage assets in a manner appropriate to their significance through appropriate management and uses. Paragraph 194 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.51 However, in this case, the proposal (including the re-profiling works undertaken to the grass airstrip) has and would not affect the archaeological feature, of which the southern part was lost previously. The Council's Archaeological Officer during their site visit concluded that there were no other archaeological issues of substantive evidence which would warrant it necessary for the applicant to progress in completing an archaeological assessment.
- 7.52 Therefore based on the above, given the nature of the proposal it is not considered there would be any impact on or harm to the non-designated site or any other heritage assets, in accordance with Core Strategy policy LD4 and the principles as set out within the NPPF at Chapter 16.

Ecology

- 7.53 The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.
- 7.54 Paragraph 170 of the NPPF states that policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. Paragraph 175 goes on to state that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 7.55 Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on nature conservation.
- 7.56 National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity

- 7.57 Policy LD2 of the Core Strategy is most applicable in considering matters of ecology and this broadly requires that all developments should conserve, restore and enhance the biodiversity assets of the county through a range of measures.
- 7.58 The site comprise the large grass field, agricultural buildings that are disused and scattered trees, hedgerows and two ponds. The received representations objecting to the application raise concern with respect to impact on wildlife, specifically birds. The application is supported through the submission of a Phase 1 Ecology Survey which has reviewed and scrutinised by the Council's Planning Ecology Team.
- 7.59 With respect to bats, the building proposed for hangarage has limited roosting potential. The provision of bat boxes is welcomed and this would be secured by way of condition. A condition controlling lighting would ensure that there would be no cumulative harm to nocturnal species, when having regard to the existing use of Lyde Court as a wedding venue.
- 7.60 Similarly with respect to wild birds, the proposal would not result in the loss of any trees or hedgerows. The proposal actually includes new planting which would be representative of habitat enhancement.
- 7.61 The proposal would not give rise to any harm to other species subject to conditions securing ecological protection as advised by the Planning Ecology Team. The proposal is therefore considered to accord with policy LD2 of the Core Strategy.

Habitat Regulations

- 7.62 The application site lies within the catchment for the River Lugg, which comprises part of the River Wye Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017. The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value.
- 7.63 Under the Habitats Directive, Herefordshire Council as the 'competent authority' has a statutory duty to assess if a proposal is likely to have 'a significant effect' on the SAC. This initial assessment is known as the 'screening stage' and is to consider if there is a possibility of a likely significant effect on the integrity of the SAC. Once an 'Appropriate Assessment' (AA) has been triggered by the screening stage, the competent authority may only grant consent if it can be demonstrated 'beyond reasonable scientific doubt' that the proposal would not adversely affect the integrity of the SAC.
- 7.64 The AA must consider the implications on the European site in view of the site's conservation objectives; in cases where there is considered to be an effect on a site but it will not undermine the conservation objectives, the proposal cannot be considered to have a LSE on the European site; as the procedures are designed to maintain designated habitats and species 'at a favourable conservation status'. However if the European site's conservation status is not considered to be favourable, then the proposal must 'maintain' / 'restore' the condition and not worsen it.
- 7.65 The River Lugg as part of the SAC, is currently failing its conservation objectives as the present levels of phosphates in the River Lugg exceed the SAC's ecology objectives for water quality, it is therefore considered to be in an unfavourable ecological condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects.
- 7.66 The proposed change of use of land would not generate any discernible increase in surface water or foul flows from the site. The storage of small amounts of oils would occur within the building but spill trays would be provided in line within the DEFRA – The Control of Pollution (Oil Storage)

(England) Regulations 2001. The proposal does not include the provision of fuel tanks and this means that planes would refuel at other sites.

- 7.67 With the above in mind, the Planning Ecology Team have concluded that there would be no potential effect pathways to impact the River Wye SAC and therefore there is no likely significant effect and the application can be screened out, meaning an AA is not required in this instance.

Impact on climate change

- 7.68 Policy SS7 of the Core Strategy requires a focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change. Policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030.
- 7.69 It is acknowledged that the application lies in a generally unsustainable location and is reliant on the use of the private car for access, despite its relative proximity to Hereford City. Furthermore, as previously alluded to, the promotion of private and polluting modes of travel would run contrary to the provisions of policy SS7 of the Core Strategy. However, the site attaches to an existing and well-established wedding venue which inevitably is reliant on inherently unsustainable transport patterns and to a relatively large scale during events i.e weddings. This venue operates on an unrestricted basis and therefore, the number of aircraft movements is judged as being negligible relative to the potential number of vehicle movements associated with the existing use of Lyde Court.
- 7.70 Furthermore, the site already benefits from permitted development rights for use as an unlicensed aerodrome for up to 28-days in any calendar year and on an unrestricted basis, meaning on a purely hypothetical basis, 65 aircraft movements could take place on each of the 28 days within one year; equivalent to the maximum number of aircraft movements permissible should this planning application be approved with the recommended safeguarding conditions. This proposal would be of a small-scale nature, utilising small, light-aircraft that can already be used by pilots/landowners on agricultural land through permitted development rights as discussed.
- 7.71 The proposal looks to provide orchard planting, a small benefit in terms of carbon consumption. Furthermore, the applicant looks to introduce pioneering electric aircraft although it is not at this stage reasonable to be able to secure this by way of planning conditions.
- 7.72 Overall, officers do not consider that this application runs contrary to the policies within the development plan relating to climate change as to warrant the refusal of the application on these grounds.

Loss of agricultural land

- 7.73 Comments received have raised concern over the loss of prime agricultural land. Whilst there is no policy per se which directs decision-takers to withhold planning permission which would lead to a reduction in prime agricultural land, the proceeding text to policy SS6 of the Core Strategy states that the approach should generally be to avoid land of high sensitivity, including that which is of high agricultural value. Further text then goes onto set out that 'areas of lower quality agricultural land will be utilised in preference to the best and most versatile agricultural land'. Material here is also paragraph 174 of the NPPF which sets out that planning decisions should contribute to and enhance the natural and local environment by inter alia, recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital including the economic benefits of the best and most versatile agricultural land.

- 7.74 It is accepted that the parcel of land does lie contiguous to other open agricultural land and is considered to be somewhat conducive to modern farming practices, although its undulations potentially devaluing it somewhat. According to Natural England's Agricultural Land Classification Map for the West Midlands Region, the site is classified as Grade 3, the middle grading where land is described to be good to moderate. Given the abundance of land of a higher grading with close proximity to the site and noting the very small amount of land which would be taken out of agricultural use, the proposal is not considered to raise any material conflict with Policy SS6 of the Core Strategy. Furthermore, as no operational development is proposed for the site, the proposed change of use is reversible, as secured by Condition 13, should the use proposed cease.

Planning Balance and Conclusion

- 7.75 The application seeks planning permission for the use of the land as an airstrip with the associated use of a portal framed building at Lyde Court for small-scale hangarage which would also allow for servicing. It would operate on a low-key commercial basis in addition to the applicant's own personal use and would provide an enhanced and unique offering to the existing and well-established wedding venue enterprise at Lyde Court. The site lies within the open-countryside to the north of Hereford City but lies within close proximity to residential properties which are found at Lyde Cross, Munstone, Shelwick and along the Hereford – Sutton road to the east.
- 7.76 Although already well-established, the proposed use could further support the existing wedding venue enterprise at Lyde Court, as well as potentially providing some limited benefits to the local economy through increased tourism, especially given the sites close proximity to Hereford City. The hangarage element of the proposal would also support some small-scale local employment.
- 7.77 The proposed use may take place for up to 28 days per year (56 days in 2021 in response to the Coronavirus pandemic) on an unrestricted basis, regardless as to whether planning permission is granted. This is given significant weight as a fall-back position and it established the principle of development on the site.
- 7.78 The principle is further considered acceptable on the basis that there is judged to be minimal impact on general amenity, including on residential properties nearby and the overall enjoyment of the countryside surrounding Lyde Court. This is supported by a Noise Assessment which is given significant weight and responds in an objective, evidence-based manner to the concerns raised locally with respect to noise impacts. Despite many of the mitigation measures identified by the application being 'best practice' and unenforceable in planning terms, the safeguarding conditions proposed are comprehensive and would significantly control the nature and frequency of its use, preventing any unwanted activity or proliferation in use which may have the potential to cause adverse effects on amenity.
- 7.79 Related to the above, the site is naturally restrictive insofar of its topography and make-up (grass airstrip). This limits the type of flying activity that can take place and the direction of travel, it also prevents common activities such as looping and 'touch and go'.
- 7.80 Furthermore, it is understood that the wedding venue can operate on a largely unrestricted basis (from a development management regime perspective) and therefore this proposal is not judged to result in adverse cumulative impacts given the potential for noise and traffic generated here.
- 7.81 The Civil Aviation Authority and Government's General Aviation Strategy support the retention of small unlicensed aerodromes to offer appropriate facilities for the aviation community. This is given moderate weight as paragraph 106 of the NPPF requires only that the General Aviation Strategy is 'taken into account', whereas paragraph 12 states the development plan remains the starting point for decision-making.

7.82 In conclusion, officers consider that the planning balance lies demonstrably in favour of granting permission subject to a strict set of conditions to mitigate those matters identified above that could weigh against the proposal. As such, the proposal in the round is representative of a sustainable form of development and it is recommended that planning permission is granted subject to the conditions as set out below.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions/amendments considered necessary by officers named in the scheme of delegation to officers:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. The development shall be carried out strictly in accordance with the approved plans except where otherwise stipulated by conditions attached to this permission.**

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3. Details of any floodlighting, external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences and the building is brought into use. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.**

Reason: To safeguard local amenities and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4. The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement as recommended in the Phase 1 Ecological Survey by Heritage Environmental Contractors (2021) and the Landscape and Habitat Biodiversity Enhancement Scheme by Heritage Environmental Contractors (2021) shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority and Natural England as relevant to the protected species licence.**

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy (2015) policies LD1, LD2 and LD3.

- 5. The airstrip hereby approved shall remain unsurfaced at all times and no aircraft or aviation paraphernalia shall be permanently sited in the open at the site other than the existing pole-mounted windsock and small 6ft x 4ft wooden shed housing the flight log-book and fire extinguisher.**

Reason: In order to safeguard the visual amenities of the area and the wider landscape in accordance with policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. Within 3 months of the date of the permission hereby granted, details shall be submitted to and approved in writing by the Local Planning Authority of the type and location of signage in place to warn users of rights of way about aviation from the site. Signage shall be installed on public right of way PL3 within 3 months of the date of this permission and retained in accordance with the details so approved at all times.

Reason : In the interests of the safety and amenity of nearby rights of way users in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy.

7. The use of aircraft will be restricted to fixed wing single engine piston aircraft of less than 3175kg in weight.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

8. Use of helicopters be restricted to no more than 2 flights (inbound and outbound) per week.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

9. There shall be no use of twin engine aircraft, jets, turbo-props nor flex-wing microlights.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

10. No flights are to take place outside the hours of 08:00 and 21:00 and there shall be no night flying.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

11. The site of the proposal shall not be used for flying training, gliders, aerobatics nor Touch and Go procedures.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

12. Between 10:00am and 3:00pm a maximum no of 3 flights (inclusive of take-off and landing) in any one hour period.

Between 08:00am to 10:00am and 3:00pm and 9.00pm weekdays only maximum 10 flights per day.

On weekends and bank-holidays there shall not be in excess of 15 flights per day. The cumulative week (Sunday to Saturday) shall not be in excess of 35 flights per week

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

13. All aviation paraphernalia and the structures hereby granted permission shall be removed from the land and the site restored to its original agricultural condition should the use of the site for aviation cease for longer than 12 months.

Reason: In order to safeguard the visual amenities of the area in accordance and surrounding landscape in accordance with Policy SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

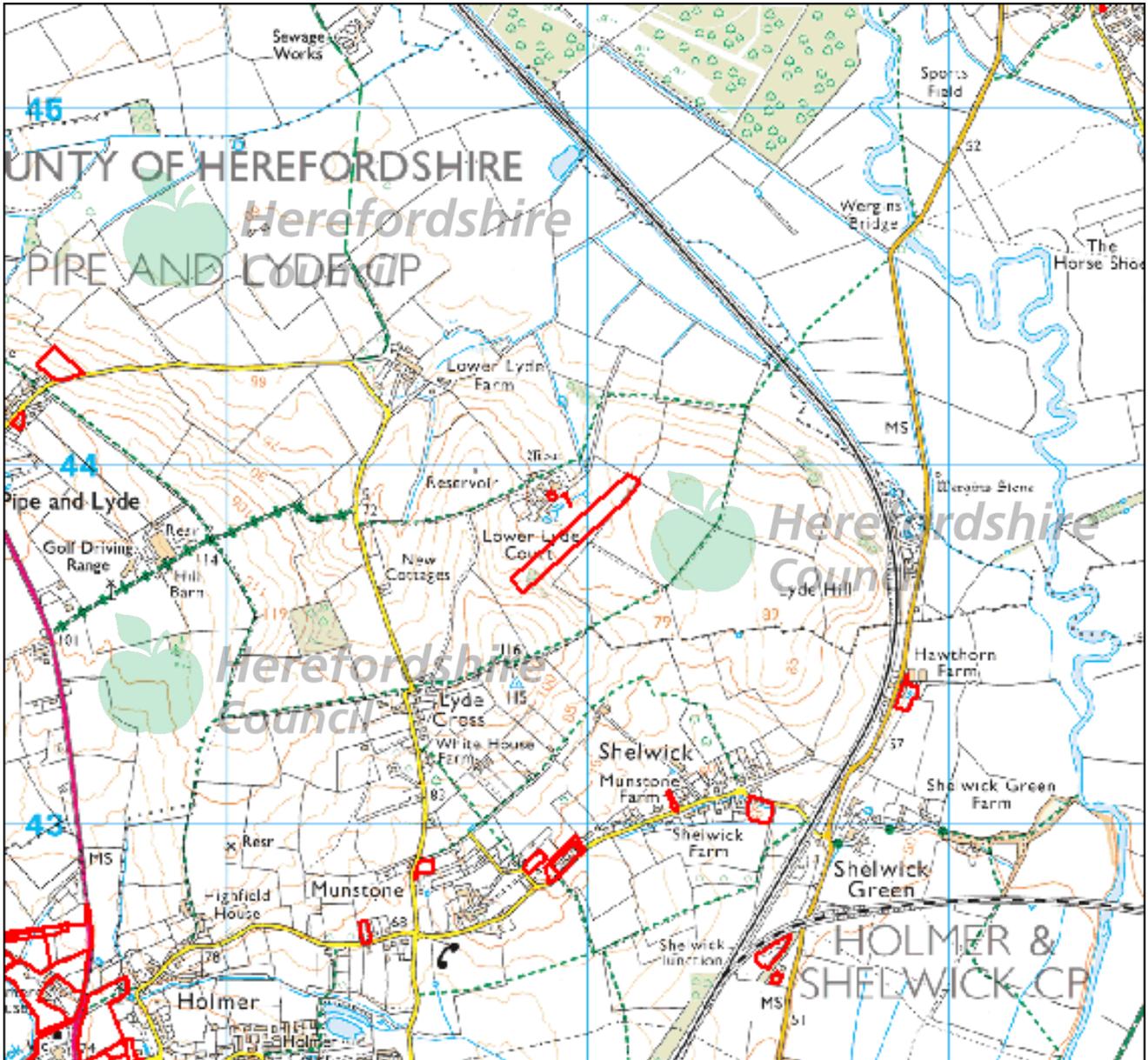
Decision:

Notes:

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Background Papers

None.



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APPLICATION NO: 214046

SITE ADDRESS : LAND AT LYDE COURT, LYDE CROSS, HEREFORD, HEREFORDSHIRE, HR1 3AE

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