

DEVELOPMENT CONTROL AND REGULATORY BOARD

24TH MAY 2012

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

- APPLICATION NO. & DATE:** 2012/0091/03– 12th January 2012
(LCC No 2012/CM/0005/LCC)
- PROPOSAL:** Use of land for aircraft recycling purpose and erection of ancillary parts storage building, Bruntingthorpe Airfield and Proving Ground
- LOCATION:** off Bath Lane, Bruntingthorpe
- APPLICANT:** C. Walton Ltd
- MAIN ISSUES:** Sustainable policy objectives; policy considerations relating to the application site; traffic generation and highway safety; noise impacts; drainage and pollution controls; any ecological impacts; air safety implications; impacts on residential amenity and economic and employment opportunities.
- RECOMMENDATION:** APPROVE, subject to a temporary consent and additional conditions restricting the scale and nature of activities.

Circulation Under the Local Issues Alert Procedure

Mr. G. A. Hart CC

Officer to Contact

Mr. Chris Noakes (Tel: 0116 305 7053)
E-Mail planningcontrol@leics.gov.uk

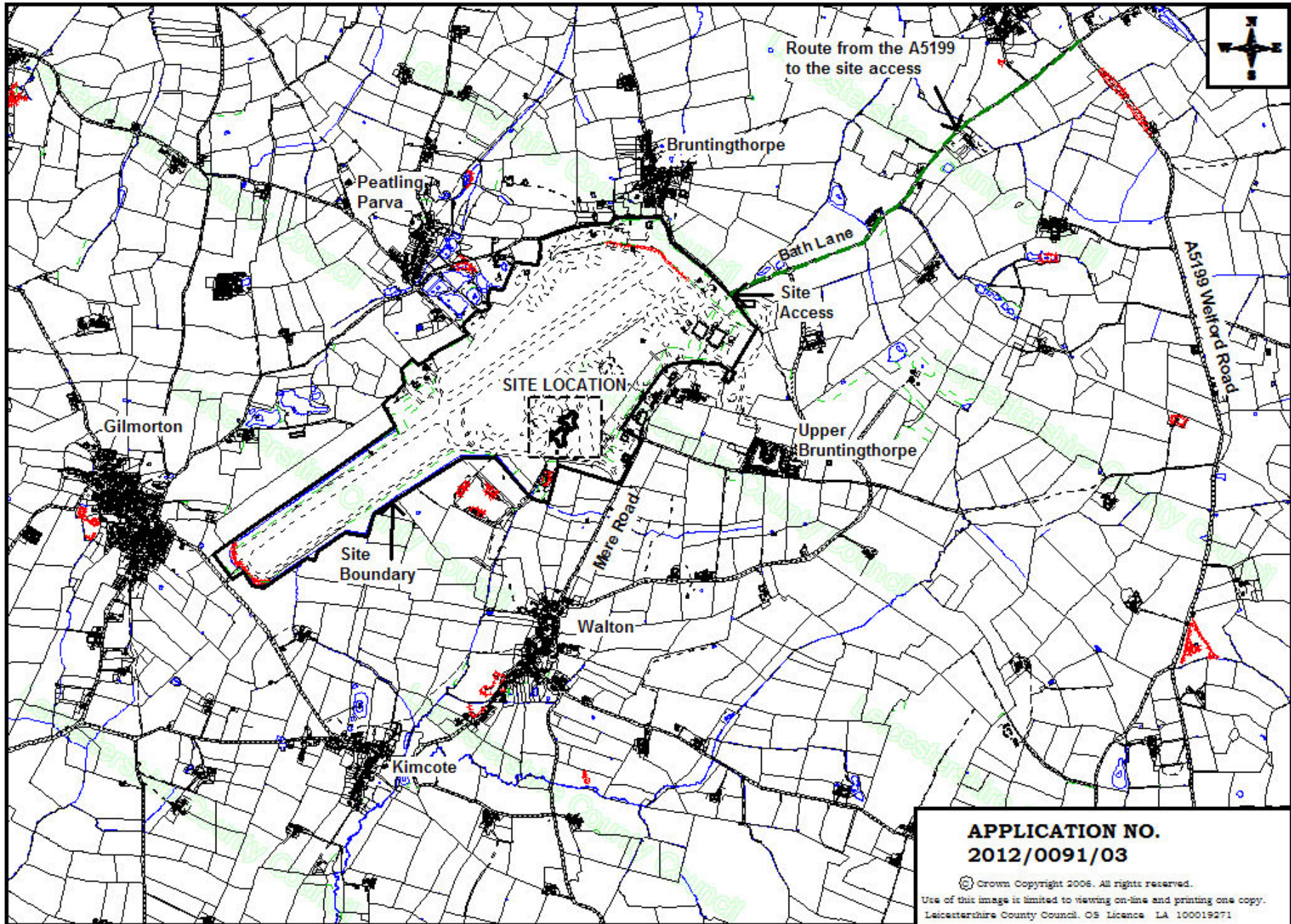
PART B – MAIN REPORT

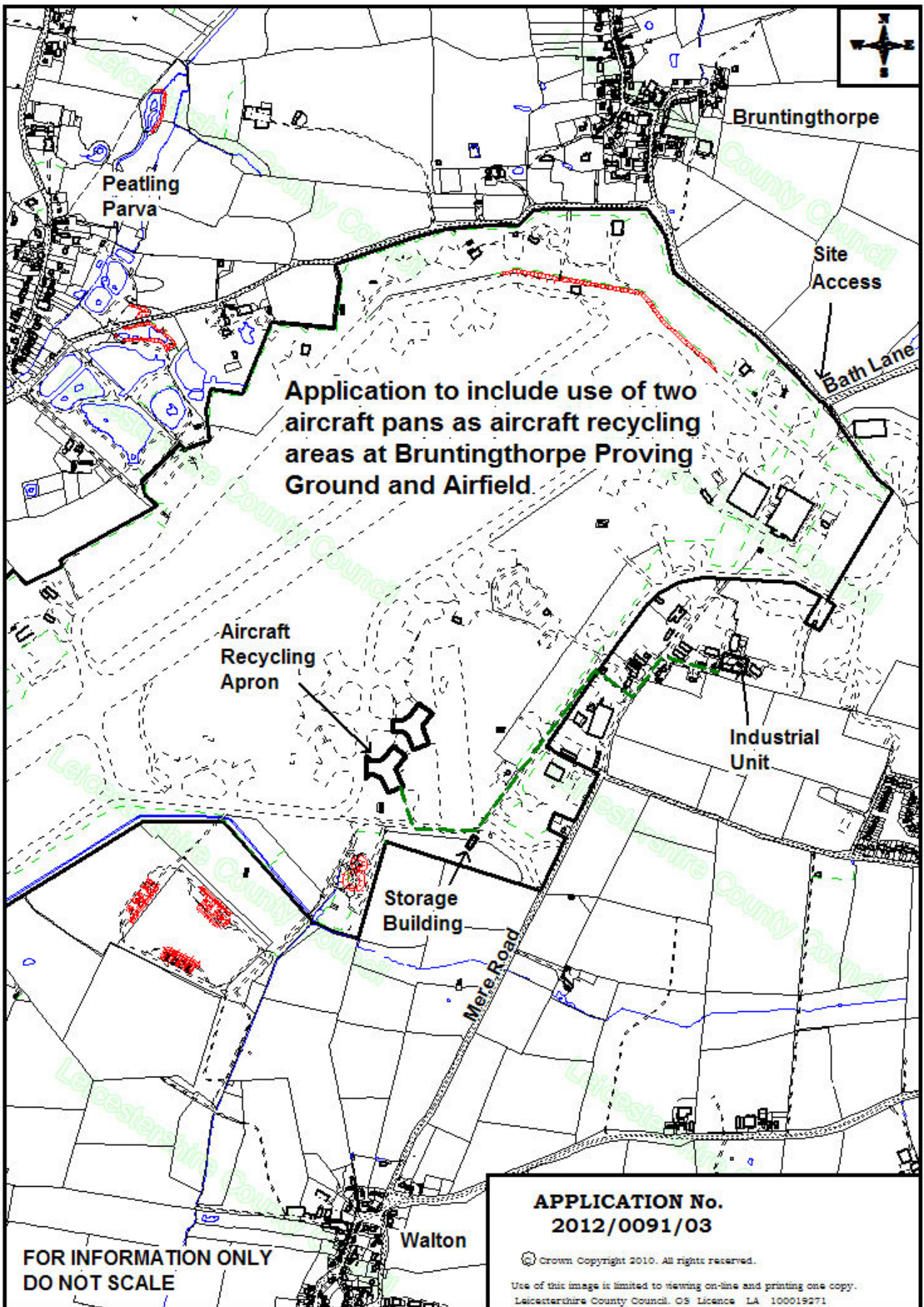
Background

1. Bruntingthorpe Proving Ground and Airfield (BPG) occupies a 250ha site in an area of generally open countryside some 16km south of Leicester and 6km north-east of Lutterworth. The site was developed as a 2nd World War airfield in 1942 and subsequently adapted for use by USAF in the 1950's as a base for its largest nuclear bombers. At that time a 3,2km long x 60m wide runway was established and still exists on the site. There is a 6km circuit around the site on the runway and adjacent taxiways. These taxiways serve a number of concrete aircraft 'parking' aprons. The perimeter of the site extends to some 11km, being largely screened from external views by mature planting and landscaping.
2. BPG is located on relatively flat terrain between the rural settlements of Bruntingthorpe (to the north-east side); Peatling Parva (north); Gilmorton (west); Walton (south-west); Kimcote (south west); and Upper Bruntingthorpe (east). All of these settlements, and they are served by a network of country lanes.
3. Within the perimeter on the site there are a number of former airfield structures, some of which have been renovated from time to time and others which have been replaced with new buildings/uses. These are concentrated at the eastern end of the site, where the principle vehicular access serves the site from Bath Lane. Another complex of former airfield premises exists just outside the eastern boundary of the site, served from Mere Lane (Upper Bruntingthorpe). A significant number of new and/or replacement commercial buildings have been erected in this area (industrial site) in the last 15-20 years, and several commercial/industrial businesses now operate from them, albeit many are vacant at present.
4. When USAF vacated the site in the early 1970's, it was acquired by C. Walton Ltd in 1972. Planning permission was granted in 1973 (ref no 71/0428/16 – LRDC) for change of use of the airfield to proving ground for the testing of motor cars and commercial vehicles, following call in of the application by the Secretary of state and a public inquiry. The consent is subject to a number of conditions, including (no 2) noise levels emitted from vehicles being limited to lawful levels on the public highway; (no 3) restrictions on the number, size, speed and 'manner' of driving of vehicles that can be tested at any one time during night-time and at weekends; and (no 11) the number and size of vehicles that can be tested at any one time during daytime hours.

Planning History

5. Since the 1973 consent for change of use, BPG has experienced a complex history of proposals and developments; to date these matters have been the sole responsibility of Harborough District Council as the relevant local planning authority. However, it is important to establish the planning background, as the current County matter application should be determined in the context of the 'fall back' position (i.e. the lawful developments and activities on the site).





2012/0091/03 (2012/CM/0005/LCC) -continued

Aircraft Museum and preservation

6. In 1984 planning permission (ref 83/1774/3) was granted for the establishment of an Aircraft Museum, which has resulted in a significant collection of Cold War Jets on parts of the site (e.g. Victor, Hunter, Lightnings, Buccaneers, Jaguar, Nimrod MR2).
7. Erection of an aircraft hangar/workshop and use of a small area for parking a vintage aircraft and use of runway for flying the aircraft was approved in 1992 (refs. 92/0710 and 1719/03). Those consents were renewed for a further temporary period in 1994 (ref. 94/1849/03). However an application for similar development and continued use was refused in January 1997 (ref. 96/1800/03) and subsequent appeal withdrawn.
8. In October 1996, the District Council resisted an application for use of the site for an open day to include taxiing and limited flying (max 6 displays and helicopter flights) in connection with the museum (ref. 96/1160/03).
9. A 'personal' planning permission was granted to the Lightning Preservation Group in December 2000 (ref. 99/0529/03), on a separate part of the site to the Museum. This allowed for a restricted number of aircraft to be stored in the hangar at any one time, and the running and testing of jet engines to a limited times/days and occasions.
10. In February 1986, the District Council issued 4 enforcement notices in response to events and activities taking place on the site. These notices alleged the following breaches:
 - (i) Notice 102 material change of use for vehicle racing competitions, club events, rallies and meetings and for flying gliding and fun days including ancillary activities;
 - (ii) Notice 103: material change of use for recreational vehicles and aircraft;
 - (iii) Notice 104: breach of noise condition no 2 of the 1973 consent; and
 - (iv) Notice 105: breach of (speed and manner of driving) condition no 3 of the 1973 consent.
11. Appeals were lodged against these notices, but subsequently withdrawn. Hence, they took effect in 1986 and successful prosecutions brought in 1987. However, notice 104 was found to be invalid and no longer took effect.
12. Planning permission was granted in 1987 for the use of the main hangar (T1) for Class B1/B8 commercial use (ref. no. 86/1669/03). Applications to change the use of other hangars and additional land to storage use and shows, exhibitions and publicity displays were refused previously in 1986 (ref. nos. 86/0705/03; 86/0708; and 0709/03).

2012/0091/03 (2012/CM/0005/LCC) -continued

Vehicle parking

13. Consent was granted in March 1990 for the use of 6 aircraft parking bays for the storage of motor vehicles (ref. no. 86/2174/03), being those 'pans' on the south side of the site and including the current application site. A further temporary permission for parking and storage of vehicles on other parts of the site was granted in December 1991 (ref. no. 90/2422/03), with temporary structures (ref. no. 90/2421/03), subject to the number of transporters and hours of operation. Renewals of this consent were granted in 1994 (93/1602/03 and 94/0755/03), including a successful appeal against conditions.
14. In the meantime temporary permission was given for the same use of the area around the main hangar in September 1993 (ref. no. 92/1531/03), at the time when a variation of the numbers of transporters and hours of use was agreed (ref. 92/1532/03). Renewal of these consents were granted in 1994 (ref. 93/1532/03) and 1997 (ref. 96/0079 and 0080/03). Retrospective applications for similar use on hardstandings within the site received permission in 1996 (ref. 96/0538/03) and 2003 (ref. 2002/1882/03). A separate consent was granted in February 2001 for the parking and storage of motor vehicles and HGV trailers and retention of temporary buildings (ref. 98/0045/03)

Car Auctions

15. Although previously refused in 1991 and on appeal, planning permission was granted in 2001 for a workshop for pre-delivery inspection of motor vehicles (ref 98/0550/03). A retrospective planning application for the use of Hangar T2 as a mixed use for B2 industrial, events and car auctions was granted in June 2010 (ref 2010/0574/03), being within an area designated as employment land on the Bruntingthorpe Industrial Estate. The auctions were operated by Mannheim Ltd, employing 4 full-time staff. Cars to be auctioned arrive by transporter and, for the most part, leave by the same means.
16. Subsequently, in October 2010, the District Council allowed the change of use of Hangar B1 (7,466m²) at the north-eastern end of the site and a large adjacent open hardstanding (1.94ha) on the east side (ref 2010/1089/03). This facilitated the transfer of the Mannheim auction business previously held in Hangar T1, at which stage the business employed 12 full-time staff and some 35 on auction days. Auctions are limited to no more than 3 days per week (usually held on Mondays and Wednesdays) or 145 auctions per year.

1989 Appeal Decision

A temporary permission was granted in February 1987 for additional use of land for shows, exhibitions and publicity displays, but appeals against conditions were dismissed in 1989. This appeal decision established that such uses as 'corporate incentive days', flying activities, shows and exhibitions, and other public events were not within the scope of the original 1973 consent. At that time, the Inspector found that such additional uses were unacceptable because of the potential to create further noise and disturbance. Subsequent appeals to the high court and Court of Appeal were also dismissed.

2012/0091/03 (2012/CM/0005/LCC) -continued

Emergency vehicles and driving tuition

17. A number of consents have been granted for the use of land in connection with the training and tuition of emergency service vehicles, dating from 1984 (police – ref. 84/0173/3C). A temporary consent for such use of land was granted in 2002 (ref 2002/0442/03) and renewed in 2004 (ref 2004/0312/03). Similar consents have been granted for driving tuition since 1991 (ref 90/2420/03).
18. The use of two warehouses for the storage and maintenance of emergency service vehicles on the site was approved in 1990 (ref 89/1890/03). However, erection of some 35,000 sq m of buildings for the storage and maintenance of emergency fire service vehicles and equipment was refused in 1900 (ref. 90/0320/03) and a subsequent appeal withdrawn.
19. An area was refused for the endurance testing of vehicles on a 24 hr basis (not Sundays (for Caterpillar UK Ltd) in October 1999, on land to the north-west boundary of the site (ref 99/0537/03). However, a temporary and personal consent was granted subsequently for this use in 2003 (ref 2003/0555/03), although these activities have been taken over by JLG Ltd (sub-contracted to Mr. Walton). Although the consent has not been renewed, the DC has indicated that the original consent was in fact unnecessary, as such activities can persist under the terms of the original 1973 consent over the whole site.

Public air shows

20. A number of individual consents have been granted for staging an annual public airshow (and ancillary temporary buildings) in 1993 (ref. 93/0180/03); 1994 (ref. 94/0292/03); and 1995 (ref. 95/0721/03).

Corporate events

21. A personal and temporary one year planning permission was granted in 1998 (ref no 96/1770/03) for use of parts of the proving ground for corporate motor events , involving demonstration and testing of motor vehicles and related driver instructions, hospitality, vehicle maintenance and repair. Subsequent temporary consents were granted for extensions of time in 2000, 2002, 2003 and 2004, subject to S.106 Agreement on the measure of noise levels and an operational programme.
22. The most recent consent expired in May 2005, and a further permission for these 'corporate' events was not pursued. However, various 'corporate' days continue to operate on the site under 28 day 'permitted development' rights. It has been stated that the impact of these temporary consents was to nullify elements of enforcement notices 102 and 103, but not insofar as they relate to flying activity for the uses specified in the notices.

2012/0091/03 (2012/CM/0005/LCC) -continued

2009 Appeal Decision

23. An appeal decision (against an enforcement notice) was made in December 2009, resulting in the grant of planning permission for change of use of the site include the *driving of motor vehicles* (and associated parking and storage) for *additional recreational type vehicle-related activities* to those specified in extant planning permissions at the time. Such additional activities related to emergency service vehicles; media events; go-karts; driver tuition; approved corporate entertainment; and cycling clubs.
24. Consent was granted for a temporary two year period expiring 31st December 2011 and other pertinent conditions included:
- (i) time limits (mainly 0900 -2100 hrs and no corporate entertainment at weekends)
 - (ii) no aircraft operations *associated with the uses hereby permitted*;
 - (iii) operation in accordance with the agreed Noise Management Plan;
 - (iv) access only from the Bath Lane entrance;
 - (v) 22 vehicles at any one time on the site (for the permitted uses);
 - (vi) no racing of vehicles (except go-karts)
 - (vii) agreement on noise monitoring equipment and the the recording of noise data;
 - (viii) control over public address system;
 - (ix) noise levels arising from the approved uses shall not exceed 40dB(A) LA_{eq}_{10min}, when measured at any location in any village outside the site;
 - (x) an events diary of *all* motor events taking place in connection with the 1973 permission, any temporary 'permitted development' uses, and the approved uses;
 - (xi) no vehicles shall be driven on the site on at least one Sunday each calendar month.
25. In reaching this decision the appeal inspector identified the 'fall back' position (i.e. the context of the long-established proving and testing use, extant permissions for other vehicle related activities, and the existing noise climate in the locality). He also acknowledged the extent of 'permitted development' activities on the site, for up to 28 days per annum. At the time, these included driving experience events, track days, skid cars, 30 tonne HGVs, charity days, car shows, (possibly) some vehicle racing activities, and aviation linked events. The unauthorised uses at the time included corporate entertainment under the banner of "Big Thunder".
26. He was mindful that the 'lawful' uses of the BPG site were not subject to noise limits (except by virtue of the Environment Protection Act) and 24 hour use was possible on every day. Notwithstanding this, the high level of on-going complaints (from residents in surrounding villages) about noise from the site was recognised and he concluded that the overall noise regime from BPG had an adverse impact on residential amenity; BPG was being operated with inadequate consideration for nearby residents (para 36 of decision notice). He reached this view despite an appeal against a Section 80 Noise Abatement Notice (served by HDC in 2006 and relating to noise from motor vehicles) being allowed in March 2007, on grounds of 'insufficient evidence'.

2012/0091/03 (2012/CM/0005/LCC) -continued

27. Therefore, consent was granted on the basis of that, whilst it would be unacceptable to materially increase the (noise) impacts already caused by lawful uses, if the unauthorised uses were operated under strict controls/conditions, they would be acceptable. Such controls include the Operation Programme, the agreed Community Noise Level (CNL) of <40 dB LA_{eq} 10 min, and noise monitoring plan, as supported by the unilateral undertaking. It was considered that it would be possible to assimilate noise levels from the 'appeal' activities from other lawful activities on the site, by correlation between the noise data and the events diary.
28. The applicant has submitted a fresh application (ref no 2011/1775/03) to extend this permission on a permanent basis (i.e. to vary the terms of condition no 1 of the appeal decision. This planning application remains undetermined, pending the resolution of current noise monitoring regime; it is understood that the District Council will be considering the application at its Committee meeting in June 2012.

Current Uses

29. Given the above planning history on the BPG site, it is possible to summarise the current uses and activities as follows:
- Long-established proving and testing of motor vehicles has taken place for nearly 40 years, based on the original 1973 consent by the S of state;
 - Extensive open storage of vehicles, HGV's and trailers on hard surfaces around the site;
 - Specific areas for Museum and Cold War exhibits and their maintenance and incidental testing;
 - A package of corporate events by virtue of the 2009 appeal decision (subject to current undetermined planning application);
 - Car auction activities, including pre-collection examination;
 - Use by emergency services for training and testing of vehicles;
 - A number of B1/B2 and B8 commercial and offices facilities, including use of hangars and new buildings by individual industrial/research companies;
 - Ancillary gatehouse, security, control tower, dog kennels and amenity blocks;
30. In addition to the uses and activities granted by the District Council or on appeal, there are a number of 'permitted development' (PD) events that take place under the '28 day' temporary use provisions of Part 4 (of Schedule 2) of the General Permitted Development Order 1995. These can vary over time, and the current diary of events can be viewed on the 'Members Area' of the BPG webpage, available to local residents. This diary includes various corporate events under the 2009 appeal decision, but also one-day aviation events (e.g. Cold War Jets Open Day, ASDA Charity Day and VW owners club event).
31. The 2009 appeal decision (reported above) sought to rationalise activities and introduce noise controls on the site. Whilst the noise monitoring regime introduced by that decision relates specifically to the 'additional' recreational uses addressed at the Inquiry, it does provide a valuable monitor to noise emissions from all uses on the site. The newly installed Cirrus noise monitoring terminal (on the north boundary) provides 'real time' data and detailed records.

2012/0091/03 (2012/CM/0005/LCC) -continued

Complaints

32. The District Council has received a significant number of complaints over the last few years (recorded in the DC's register), relating substantially to noise generated from activities on BPG. They relate to approved activities, temporary 'permitted development' operations and some unauthorised activities, but the complaints vary in intensity from time to time. For instance, in March 2012, there were a large number of complaints relating to the night-time plant testing activities close to the Peatling Parva boundary.
33. An analysis of the complaints register for 2011 identifies 27 individual complaints relating to aircraft activity at BPG, 89% of which were generated by 4 complainants. Of these 8 related to jet engine testing for aircraft museum planes (which takes place on a rolling programme every 2-3 weeks). In regard of the landing of larger aircraft, 2 x Hercules; 3 x 737s; and 4 x VC-10s landed during the year; three of the VC-10 landing generated complaints.

Aviation Activities

34. There has been much debate about the lawfulness of flying activities at the site, the status of which is of particular relevance to the current County matter application. It would appear that the 1989 appeal decision confirmed the loss of pre-1973 airfield use, establishing a 'clean sheet' in the site's lawful use. However, whilst Bruntingthorpe is not a commercially licence airport (albeit registered for emergency landings), there is known to be some 1000 aircraft movements (in or out) per annum (i.e. c20 per week). These include:
- mostly light aircraft, for personal or family use and occasion visitors/engineers to the facilities or Museum exhibits on the site;
 - on occasions the former airfield is used as a reference point for pilots flying or training in the surrounding air space;
 - Museum exhibits do have their engines tested once a month;
 - Occasionally, an exhibit for the Museum or airshow may be flown in;
 - When there is an airshow (1-2 per annum), incidental taxiing on the runway takes place to display the exhibits in action;
 - Condition no 5 of the 2009 appeal decision precludes operation of aircraft in respect of the relevant uses, namely the proving and testing of vehicles (unless in association with the 1984 Museum or the 2000 Lightning consents).
35. In June and December 2011, the District Council expressed the view that these flying activities are substantially ancillary to approved and/or lawful activities on the site. For example light aircraft movements are treated as an alternative means of personal transport, and the driving of aircraft on the runway is incidental to museum and airshow activities. In response to representations, it was deemed that there is insufficient evidence to warrant enforcement action.

2012/0091/03 (2012/CM/0005/LCC) -continued

36. In recent months, a small number of large aircraft (VC10's and 737's) have been flown into the airfield for storage, temporary parking, or (in most cases, it is assumed) subsequent disposal as 'waste'. (See further explanations in the current County matter application below). These large aircraft are parked on the aprons in and around the current application site. It is noted that promotional material for BPG refers to on-site aircraft engineering services and short or long term aircraft storage 'on many of the concrete parking aprons, even for large fleets'.
37. In recent weeks the DC has re-visited the situation and, in the absence of any specific planning consents for aviation uses (except insofar as they might be ancillary to the 1984 Museum and 2000 Lightning consents), currently it is seeking advice on the lawfulness of aviation uses as well as recreational aircraft use in the context of extant Enforcement Notices 102 and 103. Additionally, the DC intends to re-examine the interpretation of PD days (i.e. the total number of days involved in preparation, participation, and clearance).

Background to the current application

38. GJD Services Ltd was established in 2004 and provides a dedicated disassembly and disposal service for aircrafts; it also provides parts relocation, engine modular disassembly, asset management and recycling of airframes, engines and avionics. A sister company GJD Aerotech Ltd was established in 2007 and provides parking and storage facilities for aircraft, which service includes maintenance checks, the return of aircraft to service, and maintenance of airworthiness.
39. It is stated that the company provides strong employment to the local area, and that the inclusion of aircraft dismantling provides more employment opportunities. The company has secured a contract with BAE to receive redundant RAF VC10s and to remove spares that are required to enable the remaining VC10 fleet to continue in military operations. Enquiries were made in 2006 of the Environment Agency to establish the requirements to operate this activity on the site.
40. The applicant claims that aircraft have been received for dismantling and recycling at BPG since 1991, at a rate of >1 per year, and intermittently during the 1980's, both civil and military craft. It is claimed that the operation relates mainly (but not wholly) to the decommissioning of aircraft ancillary to the use of part of the site as a museum (1984 consent). It is indicated that other aircraft not associated with the museum have been maintained, dismantled and recycled at the main hangar (T1), which has an established B1/B8 use, and that the current application involves an intensification of that use which produces commercial waste.
41. Whilst the EA (Warwick office) indicated that any 'waste' activities required formal licence under the relevant regulations, the supporting statement claims that it was not clear which parts of the operation constitute 'waste' operations and GJD took the view that the removal of spare parts was a 'maintenance' activity. Reference is made to an 'exemption' for the 'scrapping' of the aircraft after de-polluting.

2012/0091/03 (2012/CM/0005/LCC) -continued

42. Subsequently, GJD receiving a warning letter from the EA in October 2010 in relation to the unlicensed dismantling operations, which resulted in a lengthy debate with the EA over the matter of spares removal (pending a necessary permit). In September 2011 a separate consultant pursued the matter on behalf of GJD, exploring the interpretation of 'waste' with the EA and the impact on the value of recycled spare parts. The EA has now confirmed its position, that the dismantling operations require an Environmental Permit (November 2011), and that GJD were informed as such from the outset.
43. In the meantime, the operator has received 4 VC10s on the site over the last 6 months or so, under the terms of the contract with BAE. These are in the process of being dismantled of spare parts and the stripped air frames stand in and around the application site. Two 737s are also stored on nearby pans, either awaiting 'scrapping' or (in one case) possibly re-sale by the holding company. It is understood that a site meeting in early December 2011 (between BAE, RAF, GJD, consultant and the EA) has led to a written agreement by the EA to allow the landing and removal of spares from VC10s (under very specific conditions) pending the early submission and consideration of the Environmental Permit.
44. An Environmental Permit will not be issued until necessary planning permission is in place. Therefore, following earlier discussions about such requirement, the CC received the current application for these 'waste' operations in December 2011, which was validated in January 2012. Notwithstanding the 'interim' arrangements with the EA, it is understood that prosecution of GJD under the Environmental Permitting Regulations is still a possibility.
45. The current application is supported by a Planning, Design and Access Statement, setting out the background to the proposal, some planning history, description of the activities involved, transport and traffic implications, and policy assessment.

Description of the development

46. The application site includes two of the concrete aircraft parking pans on the south side of the BPG site, extending to 0.92ha. These pans are occupied by aircraft either awaiting dismantling or in the process of being stripped out. A small portacabin 'amenity' block is provided on site, whilst the dismantling area is sectioned off with Heras type fencing.
47. The application also includes a modern single-storey steel portal framed building on the southern boundary, erected on the site of a former Nissan hut (but without planning consent). This building consists of dark green profile cladding to the roof and walls and measures 30m x 12m by 5m high to the eaves (6.15m to ridge). It provides 375 sq m of storage facility for recycled (medium-sized) components and is accessed via the internal service road.
48. There is a 9m high 'noise attenuation bund' erected to the south-west side of the application site towards Walton (approved by the DC in January 2010 under ref. 2009/0680/03)). The proposed development site is entirely screened from external views by mature landscaping and tree belts.

2012/0091/03 (2012/CM/0005/LCC) -continued

49. Whilst not forming part of the application itself, it is intended that spare parts and components, once dismantled, would be transported to GJD's existing workshop premises on the adjacent industrial estate. (This element of the scheme does not require planning permission). Although this is situated outside the BPG perimeter, it will be assessed via an internal roadway and boundary gate, thereby avoiding transportation on the public highway. The principle access for staff and larger components would be via the main BPG access onto Bath Lane.

Site operations

50. As a registered EASA Licensed Aircraft Engineering Contractor, the operator can include clients or partners such as RAF, MOD, British Aerospace and Defence Disposal Agencies, as well as major airlines. The aircraft decommissioning work (it is stated) is a maintenance activity which includes removal of components, documentation by logging, identification procedures and mandatory inspection requirements. Once landed, an aircraft is parked on the pan and fenced off.
51. Prior to work starting, safety checks, component testing, de-fuelling, venting of tanks, draining of hydraulic fluids and removal of hazardous materials takes place. Before parts are removed, they are classified by size: Large items remain on the pan for conditioning and placement into containers; medium sized items are placed in the storage building for conditioning; smaller items (including avionics) go to the off-site workshop for cleaning, inspection, blanking and packing.
52. All components are transported around the site by van, box lorry or flatbed lorry. Components are logged with ID tags and packaged for shipping back to the client (or sent for repair, if necessary). Many parts can be re-certified back into service.
53. The fixed and mobile plant required for these operations include disk cutters, angle grinder, access and lifting equipment, along with fire equipment. The intended hours of operation are 0700 – 1800 hrs Mondays –Saturdays.
54. An environmental risk assessment has been carried out, and there are deemed to be no adverse impacts from litter, dust, odour, liquid wastes (subject to the agreed drainage system and procedures required by EA).
55. In regard of noise emissions, the applicant relies on the noise controls and management regime operating with the DC, in connection with other noisier uses and activities at BPG. However, a corresponding noise condition is suggested by the applicant to give control over these separate 'waste' activities, viz:

'The noise emission level arising from the aircraft recycling activities at the site in connection with the use hereby permitted (save for aircraft movement) shall not exceed 40dB(A) LAeq 10min (free field) when measured or determined in accordance with BS7445 part 1 paragraph 5.3.3 of Annex 3 at any location in any village outside the site.'

2012/0091/03 (2012/CM/0005/LCC) -continued

56. Special procedures are set out in the submitted documents for the handling and treatment of any special (hazardous) wastes arising from the operations (which would require separate procedures under the terms of any Environmental Permit). Very small quantities of such material are likely to arise, and the disposal of any fluids would be taken off-site in sealed containers

Levels of activity

57. As described in the original submission, the proposed development involved the de-commissioning of MOD's fleet of VC10s, recovering spares and recycling them to support the retention of the (diminishing) airworthy fleet until 2014. One aircraft would be dismantled per month, using a team of circa 25 FTE engineers. Hence a maximum of 12 such craft would be dismantled in a year. The existing security measures at the BPG site make it particularly suitable for these military fleet facilities.
58. Reference is made in the original proposal to Boeing 747s, which would occupy one complete pan at any time. The types of 'waste' to be managed at the site was described as principally VC-10s and Boeing 747s, although reference was made to smaller aircraft being broken up on the pans. The weight of any aircraft depends on size and it is envisaged that the maximum throughput for any Environmental Permit would be 2000 tonnes per annum (i.e. the operational empty weight). The total capacity of the application site at any one time is (the equivalent of) 4 x VC-10s; or 2 x VC-10s + 1 x 747; or 2 x 747s.
59. On seeking further clarification from the applicant about the particular number and types of aircraft to be dismantled on site, additional information has been provided to the original submissions. It is indicated that the operator has tendered to BA for the de-commissioning of 747s; a maximum of 12 x 747s could be handled on the site in any year, amounting to (min) 162.4t x 12 = c2000 tonnes/annum. As the largest and heaviest planes, this represents the worst case scenario.
60. However, there is a fixed contract for VC-10s, with possibility for future additional VC-10s coming to the site, but there is also possibility of securing contracts for, say, de-commissioning of Hawk T1s (each at 4.5 tonnes each). Hence a limit of (say) 2200 tonnes per annum represents up to 440 Hawks. Whilst this number is most unlikely to become available to the company, 50 Hawks = circa 200 tonnes.
61. Therefore the applicant suggested subsequently a more flexible approach to any limitations on the numbers of aircraft to be dismantled, namely:
- 12 x sub 167 tonne aircraft; or
 - 24 x sub 77 tonne aircraft; or
 - 50 x sub 5 tonne aircraft; and
 - no more than 52 aircraft per annum in total for the purposes of waste recycling.

An up-to-date register of the aircraft to be disposed of will be kept by the operators and will be disclosed to the LPA on request.

2012/0091/03 (2012/CM/0005/LCC) -continued

The applicant will not dispose of more than 52 aircraft per annum, or more than those figures specified in each of the categories above (per annum being from the beginning of January to the end of December), without the written agreement of the Planning Authority.

In any circumstance, no more than 2200 tonnes per annum gross weight will be processed as waste

62. The above approach would provide adequate flexibility for the business to respond to emerging contracts for disposal of smaller and larger aircraft, as the viability of the business depends on mass of throughput, rather than numbers of aircraft.
63. After further discussions, and responses from HDC (EHO and planning), the applicant has suggested a further amendment to the scale of activity on the site, in order to provide the CPA with some certainty and measures of control:
- *A temporary planning permission (2 years to allow LPA assessment of impact),*
 - *A limit on the gross weight per annum of 2000 tonne (as applied for in the planning application form)*
 - *A limit to the number of aircraft processed per annum (i.e. a flat rate – 12 x 747s or 20 x sub70tonne or no more than 30 per annum where the aircraft are smaller than 70 tonnes)*
 - *Give advance notice to the LPA when waste aircraft are arriving.*
 - *Keep a log book of the waste aircraft arriving and allow the LPA access to the logbook etc.*
 - *No landing of waste aircraft on Sundays/Bank holidays*
 - *8am-6pm limit on the landing of aircraft*
64. The fixed and mobile plant required for these operations include disk cutters, angle grinder, access and lifting equipment, along with fire equipment. The intended hours of operation are 0700 – 1800 hrs Mondays – Saturdays.
65. An environmental risk assessment has been carried out, and there are deemed to be no adverse impacts from litter, dust, odour, liquid wastes (subject to the agreed drainage system and procedures required by EA).
66. In regard of noise emissions, the applicant relies on the noise controls and management regime operating with the DC, in connection with other noisier uses and activities at BPG. However, a corresponding noise condition is suggested by the applicant to give control over these separate 'waste' activities, viz:

'The noise emission level arising from the aircraft recycling activities at the site in connection with the use hereby permitted (save for aircraft movement) shall not exceed 40dB(A) LAeq 10min (free field) when measured or determined in accordance with BS7445 part 1 paragraph 5.3.3 of Annex 3 at any location in any village outside the site'.

2012/0091/03 (2012/CM/0005/LCC) -continued

67. Special procedures are set out in the submitted documents for the handling and treatment of any special (hazardous) wastes arising from the operations (which would require separate procedures under the terms of any Environmental Permit). Very small quantities of such material are likely to arise, and the disposal of any fluids would be taken off-site in sealed containers

Traffic generation

68. The submission includes a calculation of the likely traffic generation from the proposed operations, albeit based on one (747) aircraft per month and no more than 12 such aircraft per annum (resulting in 1680 tonnes of 'waste' per annum). On this basis, it is calculated that there would be up to 18 x 2-way HGV movements per month generated by the operations. Articulated lorries with 26 tonnes capacity would remove the dismantled frames; 7.5 tonne curtain-siders would transport jet engines, whilst smaller parts would be palleted and moved by the same type of vehicle (some from GJD's own workshop).
69. All HGV movements would follow authorised lorry routes from between Bath Lane entrance and the A5199 at Shearsby. Clearly the total number of movements will depend of the number of aircraft processed on the site, but the controlling factor would be the overall weight/quantity of 'waste' materials. The owners of BPG have sought to provide improved signage to the site in negotiation with the CHA, so far without success. This might assist in preventing any unauthorised use of the highway network by HGVs (say from Junction 20 of the M1) to access the Bath Lane entrance.
70. Additional traffic movements would involve private journeys of up to 25 FTE employees, although it is understood that employees would be transferred from the operator's off-site premises to the operational site by mini-bus, and the dispersal of recycled components by van and/or lorry.

Environmental Permitting issues*Definition of 'waste'*

71. It is understood that there has been a significant business opportunity arising from the trend to 'recycle' non-viable planes in the recent past, as economics of plane production has reduced the cost of new jets. It has been reported that even jets of 7 years old are being broken up for spares, and that the owners of these planes (usually banking institutes) find their displaced stock worth more in parts than operational. This has led the Environment Agency to explore the relationship between disposal and de-commissioning of aircraft and the waste permitting regime at a national level.
72. In essence a jet is considered to be 'waste' once it has been 'discarded' by the owner (i.e. flown into its last resting place for dismantling), although an airworthy plane would not be 'waste' if it is intended to remain in use. Clearly, the breaking up and disposal (or recycling) of the air frame becomes a waste operations. Notwithstanding the applicant's earlier assertions it is considered that the removal

2012/0091/03 (2012/CM/0005/LCC) -continued

of parts and components from the 'discarded' plane is also a waste operation, even though these parts may be re-used and/or recycled. An analogy might be drawn from the 'discarding' of a car to a scrap yard (often driven into a site), or the disposal of any working electrical equipment at a waste site (e.g. television).

73. Following investigations, the EA confirmed to the operator (some years ago) that activities to dismantle aircraft on the BPG site, including the removal of parts and spares, is a controlled 'waste' operation, and that the necessary permits are not in place.

Environmental Permits

74. The background to EA permitting issues is described briefly above; and the intended operator applied for a bespoke Environmental Permit in December 2011; the CPA has been consulted on the (draft) contents, which sets out the details of the operations, working practices, risk management, etc.
75. There have been on-going negotiations regarding the suitable drainage solution to the site operations, in order to prevent pollution of surface waters. The initial scheme offered by GJD (i.e. mobile containment booms) was not considered robust enough to safeguard from potential spillages from the site. A revised scheme (including kerbing, joint sealing, existing interceptor maintenance and the hydrocarbon detector provision; the integrity checks to the existing empty underground tanks; and having a mobile interceptor) has now been submitted and agreed by the EA, and forms part of the planning submission. The EA has confirmed recently that the drainage scheme is now in operation at the site.
76. It is understood that the operator has applied for a concurrent mobile plant permit, which (if approved) would allow deployment forms to be submitted to the EA in relation to 'on-off' dismantling on any suitable site on a temporary basis. Such permit does not require the prior grant of planning consent, because it is not site specific. However, a mobile permit does not preclude the need for necessary planning permissions at any site that might be used for such purposes.

Screening Opinion (Environmental Assessment)

77. The current proposals fall within the definition of an 'installation for the disposal of waste' in para 11b of Schedule 2 of the Environmental Impact Assessment (EIA) Regulations 2011. As such the Regulations require the development to be 'screened', as to (i) whether it includes a site within a 'sensitive' location; or (ii) whether it exceeds the threshold(s) set out in the particular category of development- - in this case 0.5ha. On the first issue, the site is neither within, nor does it include, any 'sensitive' location, such as a Site of Special Scientific Interest (SSSI), Scheduled Ancient Monument (SAM), National Park, Area of Outstanding Natural Beauty, or nature conservation site. On the second issue the site exceeds the relevant threshold.

2012/0091/03 (2012/CM/0005/LCC) -continued

78. It is necessary, therefore, to consider whether the development will give rise to 'significant environmental impacts' by reason of its nature, size, and location. The relevant Circular 02/99 provides examples (Annex A), which suggest that for 'waste projects' (A.36) an EIA is more likely to be required where new capacity is created to hold more than 50,000 tonnes per year, or to hold waste on a site of 10 has or more. This is not the case with the current proposal.
79. In regards of 'storage of ... scrap vehicles' (A.38), it is suggested that major impacts are likely to be discharged to soil, site noise and traffic generation, and that an EIA is more likely to be required where it is proposed to store scrap on 10 has or more. This is not the case in the present proposal. The CPA has the advantage of details of drainage facilities to serve the development, and subject to this mitigation, there would be no likely harmful impacts to ground or surface waters. On all other aspects the development is *not* considered to constitute EIA development.

Planning Policy**National Policy**

80. The National Planning Policy Framework (NPPF) was published in March 2012 and sets out in one single document the Government's planning policies for England. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through when making decisions on planning applications. The NPPF identifies the three inter-dependent dimensions of sustainable development, namely the economic, social and environmental roles, and the need to balance economic growth with the protection and enhancement of the environment (including the minimisation of waste and pollution).
81. Within the overarching roles that the planning system ought to play, the Government has identified a set of 12 core land-use principles that should underpin decision-taking; including (inter alia):
- a plan-led regime, based on up-to-date development plans;
 - support for sustainable economic development;
 - recognition of the intrinsic character and beauty of the countryside;
 - Conservation and enhancement of the natural environment and reducing pollution;
 - the effective use of 'brownfield land', providing that it is not of high environmental value;
 - patterns of growth that focus on sustainable transport choice.
82. NPPF does not contain specific waste policies, as national waste planning policy will be published as part of the National Waste Management Plan for England; until this document is published, Planning Policy Statement 10 (PPS10) (Planning for Sustainable Waste Management) is the most relevant document for the Government's policy on waste. It advocates protection of the environment and human health through sustainable waste management objectives, which seek to

2012/0091/03 (2012/CM/0005/LCC) -continued

reduce the amount of waste produced, and the amount disposed of, by driving waste management up the waste hierarchy. It also promotes the 'proximity' principle to ensure that waste is managed as near to source as possible.

83. PPS10 sets out advice on the material planning considerations and planning conditions for waste management facilities. Planning conditions should be used to control vehicle movements, hours of operation, impact on neighbouring land uses, timescale and landscaping.
84. The Waste Strategy 2007 describes the need for a significant change in the way in which waste is managed. The EU landfill directive sets ambitious targets for the reduction of biodegradable waste sent to landfill, and the Strategy promotes recycling and re-use of waste materials. The Government has set challenging targets to increase the recycling of municipal waste, including, by 2005 to recycle or compost at least 25% of household waste, and reduce the amount of industrial and commercial waste sent to landfill to 85% of 1998 levels.

Development Plan Policies

85. The development plan in this instance consists of the East Midlands Regional Plan (March 2009), the Leicestershire, Leicester and Rutland Waste Local Plan (saved policies) (September 2002), the adopted Waste Development Framework Core Strategy and Development Control Policies (October 2009), the Harborough District Council Local Plan (saved policies) (April 2001) and the Harborough District Council Core Strategy (November 2011). The relevant policies and proposals are set out below.
86. The Regional Spatial Strategy (EMRP) promotes a change in consumer and business approach to waste looking towards reduction and promoting re-use and recycling. Policy 1 (Core Objectives) aims to secure the delivery of sustainable development in the East Midlands with a key objective (e) of improving economic prosperity, employment opportunities and regional competitiveness (by ensuring, inter alia, sufficient good quality land and premises are available to support economic activity).
87. *Policy WLP 7* of the (saved) Waste Local Plan identifies factors that will be taken into account when assessing proposals for waste management development of which the following are relevant to the current proposal;
- (i) the nature of the material to be managed;
 - (vi) transportation implications;
 - (xii) the siting and visual appearance of the development;
 - (xxv) the extent to which the development will contribute to an improvement in the efficiency of managing waste which is finally disposed at waste disposal sites.

2012/0091/03 (2012/CM/0005/LCC) -continued

88. *Policy WCS3* of the adopted Waste Development Framework Core Strategy and Development Control Policies Document sets out the strategy for non-strategic waste sites. The policy encourages the location of sites: in the Broad Locations for Strategic Sites indicated in the Key Diagram; in or close to the main urban areas of Hinckley or Melton Mowbray; within sustainable urban extensions; or, within or adjacent to an existing waste facility where it can be demonstrated that transport, operational and environmental benefits arise from co-location.
89. *Policy WCS4* provides a sequential approach commencing with existing waste management sites. It states that priority one will be given to land with an existing waste management use, where transport, operational and environmental benefits can be demonstrated as a consequence of the co-location of waste management facilities. The policy then includes unused and under-used agricultural buildings within the sequential list as a second priority site. Finally, consideration will be given to Greenfield sites, where there is no unacceptable harm to the environment or communities.
90. *Policy WCS5* states that the strategy for reuse, recycling, waste transfer and composting facilities is to allow new waste management development, provided the proposal does not cause unacceptable harm to the environment or communities.
91. *Policy WDC5* states that planning permission will not be granted for waste management development in the countryside, unless it can be demonstrated that:
- (i) the development is such that it cannot be accommodated within an urban area;
 - (ii) there is an overriding need for the development; and
 - (iii) the landscape character of the area will not be harmed.
92. *Policy WDC8* states that planning permission will not be granted for waste development which is likely to generate unacceptable adverse effects from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic to adjoining land uses and users and those in close proximity to the waste management development.
93. *Policy WDC10* of the Waste Core Strategy states that permission shall not be granted for waste management facilities involving the transport of waste by road where (inter alia):
- the impact of the traffic generated would be detrimental to road safety; and
 - the highway network is unable to accommodate the traffic that would be generated and have an unacceptable impact on the environment of local residents.
94. The (saved) Harborough Local Plan contains a number of policies that are specific to development proposals within the defined boundary of 'Bruntingthorpe Proving Ground and Airfield'. Separate policies relate to two established industrial areas to the west of Upper Bruntingthorpe (Policy EM/22) on the immediate eastern boundary of BPG, and to the east of Upper Bruntingthorpe (Policy EM/24). Neither of these policies affects land within the application proposal.

2012/0091/03 (2012/CM/0005/LCC) -continued

95. *Policy EM/16* relates to test facilities on the BPG site, and states that the DC will seek to resist proposals to extend such facilities (and ancillary workshops on part of the site), until the terms of the 1973 appeal decision can be clarified, noise limits can be determined, and a noise monitoring system is secured for the site; all matters to be secured through a planning obligation. Certain criteria should be met in respect of (inter alia) landscaping, traffic and vehicle routing.
96. *Policy EM/17* provides that the DC will grant planning permission for employment, recreation and tourism development on hard surfaces and buildings within BPG, where noise levels are acceptable in terms of residential amenity; no aircraft activity is involved (but see policies EM/18 – EM/21); traffic impacts are acceptable; access and routing of commercial vehicles via Bath Road (towards Shearsby); landscaping; modest scale development; drainage provision; lighting; and *an agreement to bring temporary 'permitted development' uses under control.*
97. *Policy EM/18* relates to flying activities at BPG, based on the outcome of the enforcement and development appeals in 1973 and 1989. It provides that the DC will refuse proposals for the 'flying, storage, maintenance, repair, refurbishment and reconstruction of aircraft' (with exceptions in Policies EM/29 – EM/21), *except* where certain criteria can be met, namely:
- aircraft movements are restricted to infrequent level and times which do not cause disturbance to residents in the area;
 - maintenance, repair, refurbishment and reconstruction work is confined to the main hanger, shall not include engine testing and be restricted to acceptable levels;
 - noise limits are set to ensure no unacceptable disturbances to residents.
- The policy refers to a planning obligation to secure the above, and to apply the same controls over 'permitted development' operations on the site. Long term outside storage of aircraft is to be confined to a specific area (former 'pans') on the site (which incidentally include the current application site), and there are criteria relating to parking provision, traffic, access, and lighting
98. *Policies EM19 –EM/21* deal specifically with activities at the Aircraft Museum on the BPG site. They provide for approval of an incidental (annual) air show; the erection of buildings and use of land for an aircraft museum; and the storage of aircraft and erection of workshops and ancillary buildings. All policies include criteria relating to landscaping, access, traffic routing, noise levels, drainage and lighting. It was intended that these 'Museum' activities should be subject to a planning obligation, which defined the amount of activities; types of aircraft; prior notification of events; hours of use; and controls over (aircraft) permitted development activities on the site.
99. *Policy TR/3* of the Local Plan states that planning permission for new development will be refused where the traffic flow generated by the development would create a substantial adverse effect on the existing road network.

2012/0091/03 (2012/CM/0005/LCC) -continued

100. *Policy CS1* of the Harborough District Council Core Strategy seeks to maintain the District's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services up to 2028.
101. *Policy CS5* seeks to maximise the use and efficiency of existing transport facilities and to achieve the best overall effect for transport for the District, including (inter alia) that future development will be located in areas well served by local services to reduce the need to travel.
102. *Policy CS7* encourages employment and business development in the District, including employment development in the countryside, *only where* it: contributes to the retention and viability of rural services and land based businesses, or promotes the conversion and re-use of appropriately located and suitably constructed existing buildings.
103. *Policy CS17* deals specifically with development in the countryside. It is intended that beyond the main built up areas development will be concentrated in Rural Centres and smaller settlements, relative to the size and character of the village. New development in the countryside will be strictly controlled, and normally limited to development for agricultural, recreation, renewable energy schemes. Rural development should be located and designed in such manner as to retain and enhance its landscape setting.

Consultations**Harborough District Council:** (combined Planning and Environmental Health)

104. The District Council asks for the following observations to be taken into account:
- (i) Retained HLP policies EM17, EM18 and Core Strategy Policy CS7 are most relevant. There is nothing to suggest that proposal subject to appropriate control (by condition or obligation) cannot operate within the constraints of these policies or a suitably controlled variation. The NPPF, including paras 122-123, is obviously relevant;
 - (ii) If the proposal is approved the following should be considered for control:
 - a limit to the number of aircraft processed per annum;
 - reasonable advance notice being given of waste aircraft arrivals;
 - maintaining an accessible log book of waste aircraft;
 - limitations on the gross weight of arriving aircraft;
 - limitations on the hours of aircraft recycling/dismantling work (e.g. 8am – 6pm daily, excluding weekends/Bank or Public Holidays);
 - restriction of use to dismantling and recycling of aircraft only;
 - no landing of waste aircraft on weekends/Bank of Public Holidays;
 - limit on the landing hours of waste aircraft arrivals (e.g. 8am – 6pm daily, excluding weekends/Bank or Public Holidays);
 - limit on the number of waste aircraft arrivals weekly and monthly.
 - (iii) Any recommendations of the Environment Agency and Leicestershire Highways should be accounted for;

2012/0091/03 (2012/CM/0005/LCC) -continued

- (iv) The potential creation of noise and disturbance from aircraft arrivals is recognised and consistent with NPPF 123. However, if approved a restriction on noise limits may offer no additional beneficial control above those other controls suggested here. These controls would reduce the potential for disturbance, although not necessarily overcome, from aircraft recycling activity (particularly arrivals) irrespective of any noise limit. Any decision must balance the potential for disturbance against any real or perceived benefit, such as achieving sustainable development (NPPF 14) through any contribution to an economic role.
- (v) A temporary consent can be considered if there is uncertainty about the impact of the proposal. A recent consent for activities at BPG was subject to a 2 year temporary consent for which HDC is now considering an application for permanent renewal. The temporary period has allowed monitoring of that consent to inform a subsequent decision on any renewal.

Peatling Parva Parish Meeting

105. Objects to the application on the grounds of:

- the increased traffic that will add pressure on the rural roads surrounding BPG;
- noise and pollution from aircraft passing over the village and landing at BPG;
- potential for environmental pollution from the process of dismantling.

106. The wide range of uses at BPG already make a significant impact of harm on the village, ranging from racing car noise up to 7 days a week to construction noise through the night; aircraft noise and pollution in an unwelcome addition. BPG is not an operational airfield and this application threatens to allow this situation to change if approved. Landing facilities are unsuited to the large aircraft envisaged, which have to fly low over the approach and land visually causing concern and disturbance. The applicant clearly expects to expand the operation once approved as stated in the local press.

Bruntingthorpe Parish Council

107. The Parish Council has concerns regarding the lack of navigational aids, because when planes fly in to be dismantled the pilots will be forced to 'fly by sight'; whilst it is appreciated that the pilots are more than competent, this still represents a danger to local residents. The Parish Council has concerns regarding the increase in heavy traffic to and from the site (to dispose of 'scrap') along a country lane (Bath Lane), which would again represent a danger to other road users. Also there would be an increase in air traffic and noise in the area.

Arnesby Parish Council

108. The Parish Council objects (by a majority of 3 -2). Whilst it is acknowledged that that the proposal will create employment opportunities, this is outweighed by concerns about the safety of aircraft flying into Bruntingthorpe, increased heavy traffic on unsuitable rural roads and increased noise pollution.

2012/0091/03 (2012/CM/0005/LCC) -continued

Walton and Kimcote Parish Council

109. No response.

Gilmorton Parish Council

110. No response.

Willoughby Waterlees Parish Council

111. The Parish Council supports the County Council in ensuring that the number of air movements is kept at a reasonable level to avoid unacceptable disturbance to the locality. The County Council should specify, in any retrospective planning approval, the maximum number of monthly/yearly landings. Waste material must be treated and moved according to statutory health and safety regulations to avoid pollution hazard or road danger to the locality.

County Highway Authority

112. (Initial response): insufficient information has been provided on the details of proposed car parking to serve the intended 21 full-time and 12 part-time staff.

113. (Revised observations made on the receipt of revised plans indicating off-road parking provision within the site): There are reservations about further development at the BPG. The site is remote from main centres, has no public transport and is served by a substandard highway network; as such, additional development here does not accord well with Government transport objectives which seek to reduce the amount and length of motorised car journeys and encourage sustainable forms of transport.

114. However, on the basis of previous planning consents and taking into consideration the need for the proposal to be located at an airfield, in the circumstances it is considered unlikely that a reason for refusal on the grounds of 'sustainability' could be substantiated at an appeal. There is no objection from a highways or transportation aspect, subject to a condition relating to the provision of adequate off-street parking provision and a routing agreement for all vehicles greater than 7.5 tonnes.

Civil Aviation Authority (Directorate of Airspace Policy)

115. No comments regarding the change of land use. The maximum height of structure would be approximately 5-6m and the new building would not constitute an aviation en-route obstruction. The CPA should consult with the local aerodrome (i.e. Bruntingthorpe Airfield) re-its own safeguarding requirements.

2012/0091/03 (2012/CM/0005/LCC) -continued

(Further comments made in response to a request for advice on air safety)

116. The airspace over the generic area in question (from the surface to a height of several 1000 ft) is Class G airspace (i.e. 'uncontrolled'); Class G airspace is established at varying heights around the UK. Away from significant aerodromes and outside any other airspace reservations, this can be compared to the public highway. Provided pilots are suitably licensed and they operate within the Rules of the Air and any overriding safety considerations, there is no set allocation of priorities associated with the use of Class G airspace.
117. Given the above, coupled with the fact that the aircraft in question will need to be airworthy (even if BPG is to be a final destination) and the fact that a maximum of (say) 50 arrivals per annum would have only a minimal impact in terms of airspace capacity, the CAA has no issues with the associated use of local airspace.

East Midlands Airport

118. The proposal has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, there is no safeguarding objection to the proposal.

Coventry Airport

119. There is no safeguarding objection to the proposal.

Ministry of Defence (Defence Infrastructure Organisation)

120. The application relates to an area outside of MOD safeguarding areas. MOD has no safeguarding objections to this proposal.

Environment Agency

121. (Initial response – February 2012): The EA is not satisfied with the currently proposed drainage arrangements associated with the waste activities proposed. There are significant quantities of polluting fluids associated with the proposal and the proposed temporary system has the potential to fail and not provide adequate protection to the water environment.
122. Hence, there are concerns that the failure of the currently proposed drainage system would result in significant pollution to the River Swift, impacting on the ecology of the river, which supports a diverse range of species (including trout, bullhead and the legally protected white clawed crayfish). The proposed temporary containment is not sufficiently robust to ensure that it will not fail, particularly in the worst case scenario.

2012/0091/03 (2012/CM/0005/LCC) -continued

123. However, the Agency has been in communication with the applicant with an aim to ensuring an acceptable drainage arrangement will be put in place. Hence, there is a requirement for a condition to secure improvements to the proposed drainage system and management of operations.
124. The proposal will require an Environmental Permit, and an application for such Permit is under consideration.
125. (Subsequent response – April 2012) Following site visits and negotiations with the applicant, a revised drainage system has been agreed, which provides for a state of sealed drainage at all times when there is a significant risk of release of oil/liquids to surface waters. This identifies 6 distinct phases in the handling of aircraft on site, including: storage, before and after depollution works, defueling, component recovery, and final destruction.
126. Specific areas and protection facilities are required both on the application site and within the drainage system, to prevent contamination of surface water discharge. It provides also for a back-up procedure in times of unexpected heavy rainfall and a robust maintenance and cleaning regime for the application area and interceptor facilities.

Publicity

127. The proposal was advertised in the local press, by site notices in all the surrounding villages. Individual letters have been sent to every household (c870) in the six villages around the BPG site, delivered through the auspices of the local 'Swift' newsletter, and the occupiers of business premises within and adjacent to the BPG site.

Representations

128. To date (14th May) a total of 27 individual letters of objection or concern have been received from residents of the surrounding villages, representing some 23 households. One letter sets out a number of suggested conditions to control activities on the site, signage to the entrance, traffic routeing, and a review of traffic management in the local area. Another letter seeks re-assurance that no HGVs would travel through Kimcote or Walton.
129. The remaining letters set out a number of reasons for opposing the proposal, namely:
- (i) Lack of fixed air traffic control, fixed navigational aids or safety facilities, making the flying in of (older, worn out) planes a safety hazard to local communities;
 - (ii) Consent for aviation activities at BPG was surrendered when it became a proving ground (1973). Flying should not be permitted on top of existing (ever-increasing) nuisance from motor sport activities;
 - (iii) There are restrictions on flying at BPG, which any consent for bringing in aircraft would cancel out;

2012/0091/03 (2012/CM/0005/LCC) -continued

- (iv) It would not be possible to distinguish between this aviation use and other unauthorised aviation activities taking place on the site;
- (v) The demise of controls contained in extant enforcement notices would result in increased noise nuisance (including high speed cars and bikes, construction noise and aircraft runs);
- (vi) The resulting noise will conflict with the atmosphere of this rural area;
- (vii) From past experience any attempts (by HDC) to restrict noise impacts have usually been treated with contempt;
- (viii) Recent experiences from the flying in of aircraft (and testing of plant and machinery), added to existing vehicle testing/racing noises on the site have cause unacceptable noise disturbance;
- (ix) Likelihood of aviation fuel pollution and increased pollution from traffic diesel fuel usage;
- (x) Pollution from particulates (pathogens);
- (xi) Potential contamination from liquid spillages on the open site (i.e. drainage concerns);
- (xii) There seems to be a great danger of the possibility of fires, and there was a serious fire at BPG in March;
- (xiii) The generation of additional traffic on the local road network, particularly the additional HGV traffic;
- (xiv) Lack of evidence on the traffic impact, including the accumulative impacts from increasing uses and development at BPG;
- (xv) The lorry route from BPG to Shearsby Bath Lane to A51999) is already hazardous because of vehicle transporters;
- (xvi) This route is used regularly by farm vehicles/ machinery, and it is already dangerous and heavily trafficked;
- (xvii) The amount of litter on the road has increased significantly;
- (xviii) Since the advent of the car auctions, aircraft breaking and construction activity at BPG, there has been a constant flow of HGVs through the area, despite weight limits on the rural lanes. There has been an increase in car traffic showing disregard for the 30 mph speed limit;
- (xix) The potential for a serious accident in Peatling Parva, used by 2 school buses and 3 horse riding establishments;
- (xx) There are better sited alternative locations for this use (e.g. an airfield adjacent to a major road);
- (xxi) Aircraft breaking at an existing operational ex-MOD airfield could provide employment for ex-service personnel;
- (xxii) There is no justification for this location, because it is unsustainable and, in the context of other alternative locations where such use occurs and where there is capacity for expansion and benefits, a special case needs to be made ;this is an unsustainable location which relies on road-related transport modes and no overriding socio or economic benefits;
- (xxiii) The development would have an adverse impact on the character of Bruntingthorpe conservation area;
- (xxiv) The adverse impacts from the site will extend beyond the immediate locality, across the County and sub-region;

2012/0091/03 (2012/CM/0005/LCC) -continued

- (xxv) There has been an unacceptable overdevelopment of BPG over a number of years, causing a very considerable nuisance to local residents (noise and traffic). Any additional development would inevitably exacerbate the situation;
- (xxvi) Further development on the site will result in depressed property values;
- (xxvii) The proposal is contrary to development plan policies for this rural area (i.e. countryside policies);
- (xxviii) The development is contrary to saved policies EM/17 – EM/20, which seek to restrict uses at BPG, in the interests of amenity, the countryside and sustainability;;
- (xxix) Neither this proposal, nor the current application for the extension of the temporary consent for ‘corporate’ events (2009 appeal) should be permitted until the LPAs are convinced that the conditional requirements of that appeal decision have been fulfilled;
- (xxx) Once a planning permission is granted (albeit with conditions) these will be ignored. The site has a poor record of compliance, and the CC will not have sufficient (tax-payers) resources to enforce conditions;
- (xxxi) There is historic and overwhelming evidence that activities at BPG cannot be controlled by planning conditions and obligations.

130. A separate letter of objection has been received from Abandon, being a local action group formulated prior to the 2009 appeal into various enforcement notices served by HDC (see paras 24-28 above). The grounds of objection include:

- (i) The application is in conflict with the intentions of the saved Local Development Plan, which states that, in relation to BPG, countryside policies should apply in this quiet rural area;
- (ii) The proposal does not protect the countryside, but will increase noise harm and loss of amenity, greatly increase traffic in rural lanes, and have a negative overall impact on local communities;
- (iii) The proposal conflicts with the intentions of HDC policies EM/16 – EM/18, in particular reference in EM/18 that ‘operation, storage, maintenance, repair, refurbishment and reconstruction of aircraft is not allowed’;
- (iv) At the 2009 planning inquiry the Inspector applied conditions to the operations at BPG with the specific aim of reducing the cumulative harm to residents. Since that time, BPG has continued to introduce new aviation uses including unlicensed aircraft breaking;
- (v) Throughout its operational history BPG has been subject to numerous planning control measures, inquiries and enforcement notices, increasing harm to residential amenity, continuing breaches, and failures in monitoring regime. Planning conditions have proved ineffective at controlling harmful uses;
- (vi) The application site is remote from any population centre or major road and serviced only by rural lanes which are narrow, poorly aligned, substandard and have a high accident rate. Even at constrained levels of activity, the development would generate an extra 1,000 extra HGV journeys per annum on country lanes with no capacity to accommodate this traffic;

2012/0091/03 (2012/CM/0005/LCC) -continued

- (vii) There is no evidence why BPG is a better location than other operational airfields, where the facilities exist to do this work and there would be genuine local employment benefit. The applicant fails justify the harm inflicted on local residents (i.e. by a national interest being satisfied at BPG);
 - (viii) The development fails any normal test of sustainability or compliance with relevant government guidance. It is unsustainable development because of the harmful impacts by way of noise, other emissions and traffic.
131. Reference is made to an article in the Leicester Mercury which refers to plans to expand this facility 'when planning permission ...is given', which is taken as a clear indication of presumption and likelihood that unauthorised development will follow in advance of any planning consent, resulting in the need to take enforcement action by the LPA, whilst inflicting harm in the meantime. It is suggested that this is taken into account as further grounds for refusal.
132. In a subsequent communication, Abandon advises that, whilst it wishes to see the application refused, in the event of a planning permission being granted, then the following conditions/obligations should be imposed on the applicant:
- The proposed use should be carried out in the hangar only;
 - The proposed use limited to normal working hours 0845 – 1700 on weekdays, and no use or activity at weekends or Bank Holidays;
 - The use shall be carried out so as to produce no audible noise outside BPG;
 - No GDPO rights to apply to the land and buildings the subject of the permission;
 - No aircraft engines to be run on the site, except when landing and to be brought to a halt at the earliest opportunity on the main runway and engines switched off. All subsequent manoeuvring by tow vehicle only;
 - No more than 3 aircraft stored or dis-assembled on the site at any one time, subject to a site log and prior warning to LCC of individual aircraft arrivals.
 - No aircraft movements in connection with the proposed use, except for those identified for scrapping;
 - Personal consent to GJD
 - Temporary permission to enable monitoring and compliance.

The principle reason given for these conditions is to ensure the rural tranquillity of the area and safeguard the amenities of local residents. It is also recommended that a S.106 legal agreement be required that would 'enable speedy enforcement of any breach of all these conditions', to prevent leisure and recreational flying in pursuance of extant enforcement notices; and to place a penalty clause (of £1000) for each breach of each condition, to be held for noise amelioration measures in the surrounding villages.

133. One letter of support has been received from a resident of Wigston (but also a director of a local transport business on Upper Bruntingthorpe Industrial Estate). It suggests that the proposal represents an appropriate use of an old Airfield, and that some pleasure should be drawn from experiencing the landing of a VC-10. It also promotes the opportunity for jobs and the local economy.

Assessment of Proposal

134. This proposal, like any other application, must be determined in accordance with the development plan, unless other material considerations indicate otherwise. In reaching a decision, it will be necessary to take account of current relevant Government guidance and advice, relevant statutory or non-statutory policies and make a careful assessment of all the issues involved. If any of these issues give rise to harm, it is necessary to consider whether such harm is offset by other relevant considerations (i.e. the *weight* given to each issue), or can be satisfactorily mitigated by conditions.
135. In the light of the above, it is considered that the relevant issues in this case are:
- the relationship to government guidance and development plan policies,
 - the need for the development;
 - any economic or employment benefits; and
 - the environmental impacts in regard of:
 - (i) landscape and visual impacts;
 - (ii) traffic impacts on the local road network;
 - (iii) drainage provision and the water environment.
 - (iv) noise impacts of the proposal, including the impacts from flying activities;
 - (v) safety considerations from flying activity; and
 - (vi) impact on residential amenity (including lighting, noise, pollution).

136. In reaching a decision on the submitted application, Members should be mindful of the (lawful) 'fall-back' situation at BPG, which is the reason for setting out the extent of planning history and existing uses earlier in this report. The decision should be reached in the context of the current permitted uses on the site.

Development Plan and Policy

137. In terms of the presumption in favour of sustainable development (NPPF), Government policy seeks to ensure 'the right development in the right place at the right time'; it emphasises the need to balance the economic, social and environmental considerations of the development. The application site forms a small part of a much larger 'brownfield' site, albeit subject to restrictive policy objectives in the Local Plan. On the other hand, the site is remote from major settlements and not in a sustainable transport location.
138. The development would assist in the meeting the objectives in PPS10 for waste management development *in principle*, in that it would optimise the amount of a particular source of 'waste' that is being re-used and recycled (i.e. aircraft parts,

components) and more generally scrap metals. However, once again the site is remote from overall sources of waste and does not provide a sustainable transport location.

139. The main policies relevant to this application are set out in the adopted Waste Development Framework, and *significant weight* should be attached to them. In terms of the locational policies for (non-strategic) new waste management proposals, the site is not well placed and this countryside location has the lowest priority in Policy WCS4. On the other hand, in the context of criteria in Policy WCS5 (Countryside), the particular waste operation must, by practical necessity, be conducted in close vicinity to an airfield facility (i.e. not within an urban area). Therefore, it is necessary to consider the 'need' for the development and the landscape impacts
140. In terms of the recently adopted Core Strategy for Harborough District, again the site is not well placed in principle, being remote from larger settlements and transport services (Policy CS5). In the context of Policy CS7, it is considered that this development, whilst providing a source of employment, is not essential to the retention and viability of existing rural services and land businesses on the site (i.e. those which have a lawful presence at BPG). New development in the countryside should be strictly controlled, and normally limited in this particular location (Policy CS17).
141. Whilst significant weight should be given to the policies of the newly adopted Core Strategy, they should be applied in the context of the extant (saved) policies of the HDLP for BPG itself, which (it can be argued) still carry important weight, if not similar weight. Policy EM/17 accepts 'modest' new employment development on hard surfaces and buildings within BPG, where noise levels are acceptable in terms of residential amenity, albeit where *no aircraft activity* is involved, and subject to acceptable environmental impacts (see below). The current proposal could be found acceptable on this basis, as recommended by HDC.
142. Whilst the 'saved' policies provide for limited aircraft activity in respect of the Aircraft Museum on site, they seek to restrict strictly any further aircraft activity (i.e. flying, storage, maintenance, repair, refurbishment and reconstruction of aircraft) to the main hangar, and subject to infrequent levels and sociable hours. Hence, aviation use not resisted *per se*, but subject to strict constraints on the use.
143. Clearly, the current proposal does not include the existing hangar (which is now given over to other permitted use), but the application site was identified for aircraft storage in the originally adopted HDLP (Area D). Again, whilst the Museum aircraft storage use has been transferred (in lawful terms) to another part of the site, the current proposal might be considered acceptable in the context of Policy EM/18, if the frequency of flights, times of operations and noise levels from activities do not give rise to unacceptable impacts on residents in the area.

Landscape and visual impacts

144. The application site, including the storage building which forms part of this proposal, is contained within the overall BPG site and entirely screened by mature tall tree belts and landscape bund from 'external' view. The visual impact of the de-commissioning activities are confined to 'internal' viewed within the wider BPG cartilage, albeit there are open views across the flattish topography of this broad area. Whilst the image of substantial aircraft (e.g. 747s) does have a significant impact form within the site, especially the stripped 'carcasses' of planes, their presence does not impinge on the wider landscape within this countryside location. As such, it is considered that the development does not conflict with the intentions of Policy WDC5(iii); similarly, it does not conflict with *this element* of Policy CS/17 of HDC Core Strategy.

Traffic impacts

145. As submitted originally, it has been calculated that traffic generation from the proposed use would be as little as 18 HGV movements per month, which included the dispatch of parts/components, and removal of 'scrapped' airframes. Whilst the actual number of movements will depend on the actual level of use, this is dictated largely by the weight of the planes passing through the operation. Hence, if the use is restricted in accordance with the applicant's most recent suggestions, then it seems unlikely that the overall traffic generation will change significantly from the original estimate.
146. Concerns have been expressed about the generation of (additional) HGV traffic through the local villages, but these are all subject to a cordon of 7.5t ones weight restriction that embraces the local road network between the A426; A4304 and A5199. The only authorised route for HGVs servicing the BPG site is Bath Lane, leading eastwards from the main entrance to connect with the A5199 at Shearsby, thence to the main road network in Leicestershire. A secondary HGV link (i.e. not subject to the weight limit) serves the Bruntingthorpe Industrial Estate. via Walton New Road and Mere Lane. Of course, there is no such access restriction on light goods vehicles, vans and cars.
147. No separate traffic assessment has been submitted, but given the relatively small scale in overall movements, this seems reasonable. For instance, when the DC approved the application for the car auctions at BPG (ref 2010/1089/03), the accompanying transport assessment indicated such use could generate 150 trips per day, out of a total of some 1200+ trips to the overall site per day (of which there are some 160 HGV trips).
148. Whilst identifying the unsustainable location of BPG in terms of transport policies and objectives, the CHA has no objections to this scale of additional traffic in the context of existing uses on the site, subject to a condition relating to the provision of adequate off-street parking provision and a routeing agreement for all vehicles greater than 7.5 tonnes. The latter could be dealt with adequately by condition On this basis, the development accords with the intentions of Policy WDC10 of the WLP and Policy TR/3 of the saved HDLP.

Drainage impacts

149. The importance of satisfactory drainage facilities to serve this development has been identified, particularly given the need to safeguard unsuitable discharges into the River Swift catchment area. The original drainage solution was found to lack the necessary robustness. However, now that the EA has specified improvements and a stringent operating regime, and this has been installed, then there are no grounds to resist the development on the basis of surface water drainage. In this respect the development conforms with the requirements of Policy WDC8, subject to a requirement to monitor and maintain the system accordingly.

Noise impacts

150. In submitting this proposal, the applicant relies on existing noise controls over other activities on the BPG site, specifically the Noise Management Plan, CNL, and diary system established through the 2009 appeal decision. The CNL imposes a limit of 40dB(A) $LA_{eq, 10min}$ in respect of *certain activities* on the BPG site, when measured at any location in any village outside the site.

151. However, earlier appeal decisions have concluded that local communities should not be inflicted by a material increase in noise levels, over and above lawful uses. There have been concerns that the agreed noise regime has not been effective in controlling noise impacts, albeit from a limited number of individuals in the surrounding communities. It is accepted that the establishment of appropriate noise monitoring equipment has been subject of some lengthy delay, impacting on the determination of the current application to renew the 2009 consent.

152. No separate noise assessment has been carried out with respect to the proposed de-commissioning of aircraft, which given the actual location and nature of the development (even in the open) should not give rise to unreasonable noise levels outside the site. The suggestion that this current proposal can be controlled by the same regime as the 2009 'agreement' seems reasonable, and the same requirement can be imposed independently in any relevant planning consent.

153. In reaching this view some weight is given to the noise levels arising from extant lawful activities on the site; the complexity of segregating actual levels of noise from individual uses on the site; and that during the period when this particular (as yet unauthorised) use has been carried out, there have been no recorded complaints against the (ground based) activities.

154. Advice from the DC's EHO suggests that, if the development is approved, a separate restriction on noise limits may offer no additional beneficial control above conditions that could restrict the nature and level of activity, hours of use, number and times of flight arrivals, etc. There does not appear to be any prescriptive noise limit that can be placed on the flying in and landing of jet planes for the purposes of the 'scrapping' operations.

155. Therefore, subject to appropriate conditions outlined above, it is considered that there is no sustainable reason to resist the development from a noise aspect, and that the development accords with the intentions of Policy WDC8 in this regard. Also it would meet the general criteria in para 123 of the NPPF, which states that decision should avoid noise from giving significant adverse impacts on health and quality of life; mitigate and reduce other adverse impacts arising from noise (inter alia: by using conditions).

Air safety considerations

156. Understandably, concerns have been raised about the safety (to local villages) of aircraft movements into BPG, and some recent experiences from larger planes (civil and military) have given rise to 'unusual' flying activity in the area. On request, the applicant has provided details of the safety measures at the site:

- Approved by HM Customs and Excise (since 1989) for long term parking and storage of >8000kg planes, subject to minimum 31 days stop-over;
- Flight plans are filed with the relevant authorities prior to movement of all large aircraft;
- Alternative emergency arrangements with other airports, in case of poor weather or unforeseen incidents;
- Notice to airmen of any 'abnormal' flight in the locality;
- Radar supervision from EMIA and Coventry, until visual approach to BPG, where there is a dedicated aviation frequency, manned 24/7;
- Own emergency fire vehicles, manned by experience crew, from rotas at East Midlands, Coventry, Heathrow, and Birmingham airports;. A good water supply is available on site;
- Experienced crews delivering the large aircraft; and
- Ground handling equipment to move and service the aircraft and crew after landing.

157. As explained above, the air space above BPG is 'Class G' uncontrolled, but given that the CAA and any civil airports have no stated concerns regarding flight activity in the area, it would not be reasonable to sustain an objection to the proposed development on grounds of air safety issues. The development has negligible impact on airspace capacity, especially if the number and frequency of flights is limited to a strict minimum.

Flying Activity and Residential Amenity

158. The extent of existing flying activity at BPG is explained above, including the element of uncertainty over the lawfulness of all such current activities and uses. On the whole, this is a matter for HDC as the relevant local planning authority. What seems clear is that only two planning permissions (i.e. 1984 Museum and 2000 Lightning Group) which provide for related aviation uses. The former allows for incidental arrivals, whilst the latter (and one-off open days) allow for ground based engine running.

159. It also seems clear that flights in and out of BPG for trips wholly *incidental* to approved activities and uses are allowed (but specifically excluded for corporate events by ENs 102 and 103), but by definition these would only be light aircraft. Therefore the current proposal would introduce a limited number of flights for large planes into the site, which impact on residential amenity must be considered. If it is restricted to a maximum of one landing per week within 'sociable' hours, and no more than 30 total per annum, then such impacts might be considered acceptable, in terms of Policy WCS5.

Need or Justification

160. Given the locational and countryside policy objectives applying to this site (as explained in paras. 139 – 141 above), it is necessary to consider any special justification for this development in this location. It is recognised that 'end-of-life' aircraft given rise to 'exceptional' circumstances, in that they cannot be treated other than on a suitable 'airfield'. Also the use requires specialist waste management skills and procedures. This lucrative economic opportunity is leading to a growth in such waste activities. On balance, the proposed development meets an 'overriding need' in terms of Policy WDC5.

161. It is understood that the original operator GJD may not continue to carry out the de-commissioning activities on BPG, and that another company might operate this business opportunity. In the context of (para 93 of) Circular 11/95, a personal consent would be justified only in 'exceptional' circumstances, and not normally restricted to any one company; it is the land use that is relevant to planning considerations. Hence, a restriction to GJD would be unreasonable, especially as separate controls exist through the EA permitting regime to ensure 'suitability' of the operator (e.g. in transfer of any permit). Similarly, it would be wrong to impose commercial constraints without good reason.

162. The NPPF places emphasis on promotion of economic growth and employment opportunities (para 18) and including in rural areas (para 28), albeit on the basis of sustainable development. The ministerial statement on securing economic growth and jobs (March 2011) remains extant, and particular weight should be given to such matters, albeit again in the context of sustainable development objectives.

Other considerations

163. A number of additional concerns have been raised by objectors which should be addressed. One such matter relates to suggested alternative locations for the proposed use. Firstly, the current application should be judged on its merits, and only where the impacts are found unacceptable or cannot be mitigated, should it be necessary to consider more suitable locations. Clearly, the de-commissioning of aircraft is restricted to generally 'remote' locations, because of the requirement to receive a plane. There are a limited number of other dispersed airfields around the country where this activity would be possible, and they do not appear to exhibit any exceptional sustainable or employment options. Little or no weight should be attached to this matter.

164. In terms of any polluting implications from (aviation) fuel and vehicle emissions in the locality, it is not likely that such impacts would have any measurable or permanent adverse effects on the local area or communities.

Conclusions

165. On the basis of all the above considerations, it is considered that a decision on this proposal is not clear-cut; it is necessary to find a balance between economic growth with the protection and enhancement of the environment. In the context of the relevant policies for this rural area, in principle the application site is not in a sustainable location, and there is a assumption against unwarranted development in the countryside. However, BPG is a brownfield site with quite extensive, long-established commercial uses, and there is a justification for this particular form of waste management use on the application site, which meets the criteria in Policy WDC5. On balance, it is considered that the development can be accepted on the site, *so long as* the scale and nature of activities can be appropriately restricted.
166. In terms of the various impacts of the proposal, there are no unacceptable landscape impacts; the limited traffic impacts do not justify refusal; drainage matters are dealt with satisfactorily by conditions; noise levels arising from the development should not be unreasonable; and there is no sustainable reason for objection on (to control and monitor the actual vehicular movements at the site access on grounds of air safety. In overall terms, *if the proposed use is strictly controlled*, it would accord with the objectives of Policies WCS5; WDC8 and WDC10. Additionally, the development does give rise to employment opportunities and has economic and waste hierarchy benefits, to which some weight must be given.
167. There is evidence of non-compliance (enforcement) and history of retrospective planning applications on the site, but planning permission should not be refused on the basis of some assumed future discretions. However, the applicant has offered the possibility of a temporary planning permission (adequate precedent at BPG), in which time it would be possible to monitor both the impacts of the development and robustness of any conditions.
168. On balance, it is recommended that planning permission be granted, subject to a two year temporary consent (i.e. from the date of submission, as the use has been on-going in the meantime) and conditions that limit:
- The area on which the operations (including parking of planes) can take place;
 - The number of aircraft on the site at any one time
 - The maximum number and tonnage of aircraft that can be processed in any year;
 - The times and frequency of landings of aircraft;
 - The hours of operation on the site;
 - Noise levels in accordance with the CNL condition (2009 appeal);
 - HGV routeing via Bath Lane.

2012/0091/03 (2012/CM/0005/LCC) -continued

Recommendation

- A. Permit, subject to the conditions set out in the appendix.
- B. As required by the Town and Country Planning (General Development Procedure) Order 2010 (as amended) a summary of the:
- (i) Policies and proposals in the development plan which are relevant to the decision, as follows:
- Policies EM/16; EM/17; EM/18; EM/19; EM/20; EM/21 and TR/3 of the Harborough Local Plan (2001)*
- Policies CS1; CS5; CS7 and CS17 of the Harborough District Council Core Strategy (2011)*
- Policies WLP7 of the Waste Local Plan (2002)*
- Policies WCS3; WCS4; WCS5; WDC5; WDC8 and WCS10 of the Waste Development Framework Core Strategy and Development Control Policies Document (2009)*
- (ii) Reasons for the grant of planning permission as set out in paras 166 – 167 of the conclusions above.

2012/0091/03 (2012/CM/0005/LCC) -continued

Permit subject to the following conditions:

1. This permission is limited to the period expiring on 31st December 2013. Prior to the expiry of that period the use hereby permitted shall cease and all plant, machinery, equipment, structure, vehicles, planes and parts thereof, and materials associated with the approved operations on site shall be removed, unless in the meantime a further planning permission has been granted in writing by the County Planning Authority.

Scope of the permission

2. Unless required by the terms of conditions set out below, the development hereby permitted shall be carried out strictly in accordance with the details contained in the submitted plans and supporting statements, including the following drawing and documents:
 - a) the planning application form (dated 9th December 2011);
 - b) the Planning, Design & Access Statement (dated December 2011);
 - c) the Supplementary Design and Access Statement (dated Jan 2012);
 - d) the Waste Disposal Methodology (B3 Appendix C);
 - e) the accompanying application plans and drawings BAM 291-26-1-1 (site location plan), BAM 291-26-1-2 (site boundary including proposed building within site); BAM 261-26-1-3 (building plan and elevations); aircraft recycling map (B1A Appendix A);
 - f) the drainage arrangement proposal dated 9th March 2012.
3. The use hereby permitted shall be limited strictly to those areas identified in red on the approved plans referred to in condition no 3 above. No additional areas of the Bruntingthorpe Proving Ground site shall be used for the purposes set out in this permission, including any ancillary storage of aircraft, or parts thereof, awaiting de-commissioning or subsequent disposal.
4. Details of the siting, design, intensity and light spread of any lighting installations on the application site shall be submitted to and approved by the County Solicitor within 2 months of the date of this consent. All lighting facilities shall be installed in accordance with such prior approval.

Limitations on use and working method

5. The maximum number of aircraft that can be de-commissioned and or dismantled in any calendar year (i.e. including any aircraft from which parts and components are removed) shall be limited to the following;
 - 12 no. 747s or other planes of sub 180 tonnes operating empty weight; or
 - 20 no. sub 70 tonnes operating empty weight; or
 - 30 no sub 5 tonnes operating empty weight.

In any circumstances, no more than 2000 tonnes per annum operating empty weight of aircraft will be processed or in any way de-commissioned during any calendar year.

2012/0091/03 (2012/CM/0005/LCC) -continued

6. A diary record (i.e. date, time of day and identity number) of all aircraft that enter the Bruntingthorpe Proving Ground (BPG) for the purposes of de-commissioning shall be kept by the applicant and disclosed to the County Planning Authority on request.
7. No more than 4 aircraft or airframes shall be stored on the application site at any one time, whether awaiting de-commissioning or in the process of being dismantled or stripped of parts and components.
8. At least 5 working days advance notice shall be given to the County Planning Authority of the landing and/or arrival of all aircraft entering the BPG site for the purposes of de-commissioning under the provisions of this planning permission.
9. All landing of aircraft referred to in condition no 7 above shall take place between 0800 – 1700 hrs on Mondays – Fridays. No such landings shall take place at weekends or on a Public or Statutory Bank Holiday. Only one such landing shall take place during any week (i.e. between 0800 hrs on Monday and 1700 hrs on the following Friday).
10. No operations related to the use hereby permitted (including movement of vehicles, delivery and removal of materials and equipment) shall be carried out within the permission area except between 0700 - 1800 hours Monday – Saturdays. No activities shall be carried out on Sundays, Public or Bank Holidays.

Noise

11. The noise emission level arising from the aircraft de-commissioning activities at the site in connection with the use hereby permitted (save for aircraft landings) shall not exceed 40dB(A) LAeq 10min (free field) when measured or determined in accordance with BS7445 part 1 paragraph 5.3.3 of Annex 3 at any location in any village outside the site.

Transport

12. The on-site parking areas indicated on plan B1A Appendix A submitted on 24th February 2012 shall be made available for employees vehicle parking in connection with the approved use, and kept free from obstruction for such purposes during the lifetime of this consent.
13. All HGV movements (i.e. over 7.5 tonnes gross laden weight) shall arrive at or depart the application site via the Bath Lane entrance/egress to BPG and Bath Lane only, approaching and leaving this entrance from the junction of Bath Lane and A5199.

2012/0091/03 (2012/CM/0005/LCC) -continued

Drainage

14. The surface water drainage facilities identified on the approved plans shall be retained and maintained in a satisfactory operational condition for the life of this consent. All drainage and handling of liquid wastes on the site shall be carried out in full accordance with the operational procedures and practices set out in the drainage arrangement proposal document dated 9th March 2012.

Reasons

1. The application site lies within a rural location where it is intended that the scale and nature of any new development should be strictly controlled. This consent is granted because of the particular circumstances relating to waste management activities on the site. Furthermore, it is considered necessary to assess the impacts on the surrounding locality in the context of the conditions set out below. (Policies WCS5, WDC5 and WDC8 of the Waste Core Strategy)
2. For the avoidance of doubt and to ensure a satisfactory form of development.
3. To ensure that the scale and nature of approved waste operations remains appropriate to this location and is compatible with other uses on the BPG site in terms of overall environmental impacts. (Policies WCS5 and WDC8 of the Waste Core Strategy and Policy EM/17 of the Harborough District Local Plan)
- 5&7
4. To safeguard the amenities of this rural location. (Policy WDC8 of the Waste Core Strategy)
- 6&8 To enable the County Planning Authority to monitor satisfactorily the approved development during the period of this temporary. (Policy WDC8 of the Waste Core Strategy)
- 9,10 To safeguard the amenities of the locality in the context of the impacts from the approved use and any other activities on the BPG site. (Policies WCS5 and WDC8 of the Waste Core Strategy and Policy EM/17 of the Harborough District Local Plan)
- &11.
12. To ensure that proper adequate on site parking facilities are available to serve the development.
13. In the interests of highway safety and to safeguard the amenities of local communities. (Policy WDC10 of the Waste Core Strategy and Policy TR/3 of the Harborough District Local Plan)
14. To safeguard the water environment and the ecological interests of the River Swift catchment area. (Policy WDC8 of the Waste Core Strategy)

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the following applications.

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Young People's Service and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the County Council's Human Resources Department if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"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."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.