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## Appeal Decisions

Hearing held on 29 May 2012

Site visit made on 28 May 2012

by **B J Sims BSc CEng MICE MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 1 June 2012**

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### **Appeal A: APP/R3650/A/12/2172056**

#### **Dunsfold Park, Stovolds Hill, Cranleigh, Surrey, GU6 8TB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Dunsfold Park Limited against the decision of Waverley Borough Council.
- **Application A** Ref WA/2011/2047, dated 22 November 2011, was approved on 17 February 2012 and planning permission was granted subject to conditions.
- **Permission A** is described as resulting from an application under Section 73 to vary Conditions 8 and 11 of [planning permission] WA/2007/0372 (Change of use of land and buildings for B1, B2 and B8 uses) to facilitate additional flights and extended flying hours in connection with the 2012 Olympic Games - specifically to amend the total annual number of flights in 2012 to 6,600 (to provide an additional 1,560 aircraft movements); to extend the hours of flying to 0700 to 2100 Monday to Sunday, to allow flying later on Saturdays and during Sundays; and to remove the restriction relating to flights being associated with companies of Dunsfold Park; variations relating to extended hours and the relationship to Dunsfold Park would apply during the period 21 July to 15 August inclusive (as amplified by emails dated 09/02/2012 and 13/02/2012 and report by Bickerdike Allen Partners on Aircraft Noise received 13/02/2012).
- **Condition 1** in dispute states that: The development hereby permitted is granted for a temporary period only expiring on 31 December 2012. On or before this date, the uses shall be discontinued.
- The **Reason** for Condition 1 is: In accordance with the terms of the application and in order to retain control over the development hereby permitted in accordance with Policy C2 of the Waverley Borough Local Plan 2002.
- **Condition 8** in dispute states that: The total number of all aircraft movements (including helicopter movements) operating to and from the site shall not exceed 5,000 (excluding ATMs associated with the Air Ambulance) in the calendar year commencing 01/01/2012. This overall total shall include aircraft movements consisting of the arrival or departure of aircraft for assembly, repair or flight testing of aircraft and the arrival or departure of aircraft with equipment and parts in connection with aircraft assembly and repair work at Dunsfold Park and movements associated with the movement of staff, executives and customers of companies associated with Dunsfold Park, including movements associated with the Olympic Games. For the purposes of this permission, an aircraft (or helicopter) movement shall include a take-off or landing. Copies of the monitoring data relating to the ATMs, to include times and dates, shall be submitted on the 1<sup>st</sup> day of each calendar month to the Local Planning Authority, except in the 26 day period 21 July 2012 to 15 August 2012 inclusive when data are to be submitted on a daily basis.
- The **Reason** given for Condition 8 is: To accord with the permitted uses on the site and to control the number of aircraft movements to that which has historically taken place in the interest of protecting the amenities of local communities and to accord with Policies D1 and C2 of the Waverley Borough Local Plan 2002.
- **Condition 11** in dispute states that: Without the prior approval in writing of the Local

Planning Authority, there shall not except in the case of emergency be:

1. Any flying of aircraft except between the hours of 0730 to 1930 during the period 1 October to 31 March inclusive and between the hours of 0730 to 2030 during the period 1 April to 30 September inclusive with the exception of the period 21 July 2012 to 15 August 2012 inclusive when there shall not be any flying of aircraft except between the hours of 0700 to 2100 Monday to Friday, and 0730 to 2000 on Saturdays.
  2. Any flying of aircraft between 1500 hours on Saturdays and 0730 on Mondays with the exception of the period 21 July 2012 to 15 August 2012 inclusive when there shall be no flying of aircraft between 2000 on Saturdays and 0700 on Mondays. There shall be no flying on Sundays.
  3. Any ground running aircraft engines, apart from essential testing preliminary to flight take-off, between the hours of 18.30 and 07.30 nor between 15.00 hours on Saturdays and 07.30 on Monday.
- The **Reason** given for Condition 11 is: In order to avoid disturbance to local residents by the flying or testing of aircraft during the hours of recreation and sleep and to accord with Policies D1 and C2 of the Waverley Borough Local Plan 2002.
  - **Condition 18** in dispute states that: There shall be no more than 2,723 total road vehicular movements (excluding pedal and motor cycles) per day allowed to gain access to any part of the airfield. For the purpose of this condition, a vehicular movement shall include a movement into or out of the site. Within one month of the date of this permission a management and monitoring agreement shall be submitted to and thereafter agreed by the Local Planning Authority in writing and thereafter adhered to for the duration of the planning permission, ie to 31 December 2012. Within the terms of the management and monitoring agreement the applicant is required to set down Automatic Traffic Count systems or other appropriate devices at the vehicular accesses to the aerodrome that record and differentiate HGVs from other vehicular traffic so as to provide evidence that the requirements of this condition are being met. Copies of the monitoring data shall be submitted to the Local Planning Authority at a frequency or triggers to be agreed with the Local Planning Authority before implementation of this permission.
  - The **Reason** given for Condition 18 is: To ensure that the likely traffic generated by the existing authorised use by BAe (former occupiers of the site) is not exceeded and to accord with Policies D1 and M2 of the Waverley Borough Local Plan 2002.
  - **Condition 24** in dispute states that: Before this planning permission is implemented the Applicant shall notify the Local Planning Authority in writing specifying the date on which the Applicant intends to implement the planning permission. The development authorised by this planning permission, including the flying of any aircraft (including any helicopter) associated with the Olympic Games, shall not be carried out prior to that date.
  - The **Reason** given for Condition 24 is: In order that the planning and enforcement position is clear and to avoid ambiguity in the management of the site and to comply with Policies D1, D4, and M2 of the Waverley Borough Local Plan 2002.
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### **Appeal B: APP/R3650/A/12/2172062**

#### **Land at Dunsfold Park, Stovolds Hill, Cranleigh, Surrey, GU6 8TB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Dunsfold Park Limited against the decision of Waverley Borough Council.
- **Application B** Ref WA/2011/2048, dated 22 November 2011, was approved on 17 February 2012 and planning permission was granted subject to conditions.
- **Permission B** is described as resulting from an application under Section 73 to vary Conditions 7 and 11 of [planning permission] WA/2007/0373 (Change of use of land and buildings for B1, B2 and B8 uses) to facilitate additional [aircraft] flights and extended flying hours in connection with the 2012 Olympic Games - specifically to amend the total annual number of flights in 2012 to 6,600 (to provide an additional 1,560 aircraft movements), to extend the hours of flying to 0700 to 2100 Monday to Sunday,

to allow flying later on Saturdays and during Sundays; and to remove the restriction [in] relation to flights being associated with companies of Dunsfold Park; variations relating to extended hours and relationship to Dunsfold Park would apply during the period 21 July to 15 August inclusive (as amplified by emails dated 09/02/2012 and 13/02/2012 and report by Bickerdike Allen Partners on Aircraft Noise received 13/02/2012).

- **Condition 1** in dispute states that: The development hereby permitted is granted for a temporary period only expiring on 31 December 2012. On or before this date, the uses shall be discontinued.
- The **Reason** given for Condition 1 is: In accordance with the terms of the application and in order to retain control over the development hereby permitted in accordance with Policy C2 of the Waverley Borough Local Plan 2002.
- **Condition 7** in dispute states that: The total number of all aircraft movements (including helicopter movements) operating to and from the site shall not exceed 5,000 (excluding ATMs associated with the Air Ambulance) in the calendar year commencing 01/01/2012. This overall total shall include aircraft movements consisting of the arrival or departure of aircraft for assembly, repair; or flight testing of aircraft and the arrival or departure of aircraft with equipment and parts in connection with aircraft assembly and repair work at Dunsfold Park and movements associated with the movement of staff, executives and customers of companies associated with Dunsfold Park, including movements associated with the Olympic Games. For the purposes of this permission, an aircraft (or helicopter) movement shall include a take-off or landing. Copies of the monitoring data relating to the ATMs, to include times and dates, shall be submitted on the 1<sup>st</sup> day of each calendar month to the Local Planning Authority, except in the 26 day period 21 July 2012 to 15 August 2012 inclusive when data are to be submitted on a daily basis.
- The **Reason** given for Condition 7 is: To accord with the permitted uses on the site and to control the number of aircraft movements to that which has historically taken place in, the interest of protecting the amenities of local communities and to accord with Policies D1 and C2 of the Waverley Borough Local Plan 2002.
- **Condition 11** in dispute states that: Without the prior approval in writing of the Local Planning Authority, there shall not except in the case of emergency be:
  1. Any flying of aircraft except between the hours of 0730 to 1930 during the period 1 October to 31 March inclusive and between the hours of 0730 to 2030 during the period 1 April to 30 September inclusive with the exception of the period 21 July 2012 to 15 August 2012 inclusive when there shall not, be any flying of aircraft except between the hours of 0700 to 2100 Monday to Friday, and 0730 to 2000 on Saturdays.
  2. Any flying of aircraft between 1500 hours on Saturdays and 0730 on Mondays with the exception of the period 21 July 2012 to 15 August 2012 inclusive when there shall be no flying of aircraft between 2000 on Saturdays and 0700 on Mondays. There shall be no flying on Sundays.
  3. Any ground running aircraft engines, apart from essential testing preliminary to flight take-off, between the hours of 18.30 and 07.30 nor between 15.00 hours on Saturdays and 07.30 on Mondays.
- The **Reason** given for Condition 11 is: In order to avoid disturbance to local residents by the flying or testing of aircraft during the hours of recreation and sleep and to accord with Policies D1 and C2 of the Waverley Borough Local Plan 2002.
- **Condition 14** in dispute states that: There shall be no more than 2,723 total road vehicular movements (excluding pedal and motor cycles) per day allowed to gain access to any part of the airfield. For the purpose of this condition, a vehicular movement shall include a movement into or out of the site. Within one month of the date of this permission a management and monitoring agreement shall be submitted to and thereafter agreed by the Local Planning Authority in writing and thereafter adhered to for the duration of the planning permission, ie to 31 December 2012. Within the terms of the management and monitoring agreement the applicant is required to set down Automatic Traffic Count systems or other appropriate devices at the vehicular accesses to the aerodrome that record and differentiate HGVs from other vehicular traffic so as to

provide evidence that the requirements of this condition are being met. Copies of the monitoring data shall be submitted to the Local Planning Authority at a frequency or triggers to be agreed with the Local Planning Authority before implementation of this permission.

- The **Reason** given for Condition 14 is: To ensure that the likely traffic generated by the existing authorised use by BAe (former occupiers of the site) is not exceeded and to accord with Policies D1 and M2 of the Waverley Borough Local Plan 2002.
  - **Condition 19** in dispute states that: Before this planning permission is implemented the Applicant shall notify the Local Planning Authority in writing specifying the date on which the Applicant intends to implement the planning permission. The development authorised by this planning permission, including the flying of any aircraft (including any helicopter) associated with the Olympic Games, shall not be carried out prior to that date.
  - The **Reason** given for Condition 19 is: In order that the planning and enforcement position is clear and to avoid ambiguity in the management of the site and to comply with Policies D1, D4, and M2 of the Waverley Borough Local Plan 2002.
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### Decisions

1. **Appeal A** is allowed and planning permission Ref WA/2011/2047, for development described in **Schedule A1** attached hereto, granted on 17 February 2012 by Waverley Borough Council, is varied by deleting Conditions 8, 11 and 24 and substituting for them the conditions set out in **Schedule A2** attached hereto.
2. **Appeal B** is allowed and planning permission Ref WA/2011/2048, for development described in **Schedule B1** attached hereto, is varied by deleting conditions 7, 11 and 19 and substituting for them the conditions set out in **Schedule B2** attached hereto.

### Application for Costs

3. At the Hearing an application for costs was made by Dunsfold Park Limited (DPL) against Waverley Borough Council (WBC). This application will be the subject of a separate Decision.

### Procedural Matters

4. It was agreed at the Hearing that no accompanied site visit was necessary as Dunsfold Park, its airfield and the surrounding villages, in particular Dunsfold, Alfold and Hascombe, could be observed adequately from public viewpoints.
5. At the Hearing it was noted, without dissent, that in the applications to WBC for development without compliance with previous conditions, the principle of the development could never have been in question and that only the conditions imposed upon it could be reviewed in line with Sub Section 73(2) of the Act. The temporary consents not to comply with the 2008 conditions for the current year are new permissions and do not affect the status of the original 2008 permissions, save in respect of any requirement to notify WBC which permission is operating.
6. By contrast, in the present appeals the whole principle of whether to allow temporary non-compliance with the 2008 permissions is for fresh review and could be reversed under Section 79(1).
7. Both appeals relate to essentially the same development, comprising the Class B industrial use of land and buildings at Dunsfold Park aerodrome until 2018,

giving rise to the same issues. In these decisions therefore the appeals are considered together.

### **Planning Background**

8. Following the submission to Waverley Borough Council (WBC) in 2007 of duplicate applications by Dunsfold Park Limited (DPL), Permission Ref WA/2007/0372 was granted by WBC and Permission Ref WA/2007/0373 was granted at appeal<sup>1</sup>, both in 2008. Although not identical, both those permissions allow a range of Class B uses of the land and aerodrome, subject to the same limit of 5000 air traffic movements (ATMs) a year, half related to aviation and half to the other permitted uses of Dunsfold Park. No ATMs are allowed on weekdays before 0730hrs or after 1930hrs from October to March and 2030 from April to September and none after 1500hrs on Saturdays and none on Sundays.
9. In a more recent appeal dismissal, dated 5 April 2012<sup>2</sup>, a refusal by WBC to grant a Certificate of Lawful Use or Development (LDC) was upheld with respect to unrestricted flying at Dunsfold Park aerodrome. That decision is currently the subject of challenge in the High Court and DPL maintain that both 2008 permissions are neither necessary nor implemented. DPL has made Applications A and B and pursued the present Appeals A and B without prejudice to the outcome of that ongoing dispute. Similarly, that matter has no bearing on the determination of Appeals A and B.

### **The Variations Sought and Allowed**

10. Notwithstanding the overall figure of 6600 ATMs quoted in the development description, it was clarified at the Hearing that in practice DPL seeks an additional 1560 ATMs in 2012, to accommodate extra flights connected with the Olympic Games between 21 July and 15 August 2012 (the Olympic Period), and for flying hours to be temporarily increased over the same period to 0700hrs to 2100hrs seven days a week. For weekdays, that is from 30 minutes earlier in the mornings and for an hour later in the evenings than permitted under the 2008 permissions and WBC has permitted that weekday time variation.
11. However, WBC has continued to limit weekend flying to 0730hrs until 2000hrs on Saturdays with no flying on Sundays, as compared with the weekend flying hours allowed under the 2008 permissions from 0730hrs until 1500hrs on Saturdays only.
12. WBC has also refused to allow any extra ATMs on grounds that sufficient capacity exists based on past numbers of ATMs actually occurring.

### **Main Issues**

13. Bearing in mind that, as noted above, in the present Section 79 appeals, the proposed variations fall to be reconsidered in their entirety, the main issues for consideration in both appeals are:
  - 13.1 the effect on residents in the area surrounding the aerodrome of aircraft noise and disturbance generated by the additional proposed ATMs and

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<sup>1</sup> Appeal Ref APP/R3650/A/7/2045619

<sup>2</sup> Appeal Ref APP/R3650/X/11/2160100

extended flying hours, with respect to disputed Conditions 11 of Permissions A and B (Conditions A11 and B11),

- 13.2 the degree of importance to be attached to the Olympic Games as a World sporting event and its implications for the national and local economy,
- 13.3 whether the total number of ATMs permitted during the calendar year 2012 should be increased to accommodate the additional flights sought, with respect to disputed Condition 8 of Permission A and Condition 7 of Permission B (Conditions A8 and B7), and
- 13.4 the terms for the commencement and duration of the permissions with respect to disputed Conditions 1, 18 and 24 of Permission A and Conditions 1, 14 and 19 of Permission B (Conditions A1, A18, A24, B1, B14 and B19).

## **Reasons**

### ***Planning Policy***

14. Since the appeals were submitted, the National Planning Policy Framework (the Framework) has come into effect, replacing former Planning Policy Statements. The Hearing Statements were prepared and the Hearing conducted with reference to the Framework, including its relationship to locally adopted planning policy.
15. The new Framework first reiterates, at paragraph 11, the legal requirement that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. The development plan provisions of most relevance in this case are contained in saved Policies D1 and C2 of the adopted Waverley Borough Local Plan of 2002 (WBLP). Together, these policies provide that development should not significantly harm the amenities of occupiers or the environment of the countryside beyond the Green Belt, which will be protected for its own sake.
16. The Framework at paragraph 14 sets out a presumption in favour of sustainable development to be applied as a material consideration in support of approving, without delay, any proposal that accords with the development plan. Paragraph 17 includes the core principles, on one hand, to make every effort proactively to drive sustainable economic development and, on the other, to seek a good standard of amenity for existing occupiers of land and buildings and to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. Framework paragraphs 19 and 21 state that the planning system should ensure support for economic growth and existing businesses including by flexible working practices and without investment being over-burdened by planning restrictions.
17. Regarding noise, the Framework at paragraph 123 states, with reference to the Noise Policy Statement for England, that planning decisions should aim to avoid noise from new development giving rise to significant adverse impact on health and quality of life and should protect areas that have remained undisturbed, including by the use of planning conditions. At the same time, paragraph 123 recognises that development will often create some noise and states that existing businesses wanting to develop should not have unreasonable

restrictions put on them because of changes in nearby land uses since they were established.

18. Framework paragraph 215 states that due weight may be given to relevant local policies adopted before 2004 according to their degree of consistency with the Framework. The aim of the WBLP of preventing significant harm to amenity is not much different from the test of avoiding significant adverse impact within Framework paragraph 123. However, the requirement to protect of the countryside for its own sake, reflecting former national advice, has given way to the test in Framework paragraph 17 simply to recognise its intrinsic character and beauty. Whilst the WBLP remains statutory policy, in the latter respect particularly the Framework carries the greater weight.
19. Taken together therefore, the WBLP and the Framework establish a material imperative that the temporary developments proposed in these appeals should be allowed, especially if they would provide economic or other benefit, unless they are properly judged to be rendered unsustainable by overriding adverse impacts on the amenity of surrounding communities, recognising the intrinsic rural character of the area.
20. This judgement should be informed by current Government policy in The Future of Air Transport White Paper of 2003 (ATWP). This recognises the important contribution to business aviation capacity made by small airports in the South East and seeks the best use of existing airport facilities within a balanced strategy including minimising impact on residents and the natural environment. The ATWP reviews the accepted methodologies for aircraft noise measurement and mapping. These nominate a day-time equivalent continuous noise level of 57dBALeq16hr as marking the approximate onset of significant community annoyance, with 63dBALeq for moderate and 69dBALeq for high disturbance.
21. Further in terms of Government policy, Dunsfold Park is designated an Olympic Co-ordinated Airport with flight slots allocated by Regulation totalling 76 each weekday and 74 on Saturdays and Sundays, with 6 per hour from 0900 to 2000, 4 per hour from 0800 to 0900 and 3 per hour from 0700 to 0800 and 2000 to 2100, reducing to 2 for the first and last hours at weekends.

**Noise and Disturbance – Conditions A11 and B11**

22. It is the unchallenged evidence of DPL that, in the worst case, a maximum of 13 dwellings would fall within the 57dBA noise contour around the main Dunsfold Park runway if all of the proposed additional ATMs in the Olympic Period took place along the main flight path.
23. There are several reasons why this worst case is unlikely to be realised. The practicalities of booking and allocation mean that not all the slots will be taken up; many of the aircraft would be relatively small business jets or helicopters making a curved approach rather than following the main flight path; noise exposure is determined over a 92-day Summer period assuming maximum permitted ATMs and is likely to be an over-estimate in relation to the shorter 26-day Olympic Period; and there are few slots in the earliest and latest proposed flying hours. Furthermore, the noise impact of aircraft would be mitigated in practice by the implementation by pilots of established Noise Abatement Routes and Procedures, whereby flying over residential areas is avoided as far as possible. These mitigating factors can be expected to reduce substantially the number of properties subjected to the level of noise

established as marking the onset of significant community annoyance, even on Sundays.

24. That is not to say that residents in surrounding rural communities would not be disturbed by flying outside the currently permitted hours. Clearly, noise levels close to the 57dBA threshold could be experienced for some distance outside the contour. Weekday ambient noise levels are said to be around 50dBA with values between 44dBA and 48dBA claimed for weekends, suggesting increases in the order of 7dBA during the week and up to 13 dBA on Sundays. No direct parallel can be drawn with industrial noise where an increase of over 5dBLeq is regarded as noticeable and over 10dBALeq as likely to give rise to complaint. However, these figures provide an indication of potential disturbance due to the proposed extra ATMs, even where technical thresholds of equivalent continuous noise are hardly breached.
25. Currently no more than an average 16 ATMs are permitted per day at Dunsfold Park but with none on Sundays, compared with over 76 per weekday and 74 on Saturdays and Sundays proposed for the Olympic Period. Given the generally undisturbed rural character of the area, especially on Sundays in Summer when residents are accustomed enjoying the outdoors with no commercial flying taking place at all, it follows that additional flying would be noticeable and potentially disturbing. It is reasonable to conclude that the result would be a degree of adverse impact on local communities, notwithstanding that there is no objection to the appeal proposals by the WBC Environmental Health Officer, and no evidence of harm to health. Whether that impact would be significant in terms of national and local policy is a matter of judgement.
26. Strictly in relation to Government guidance on air transport in the ATWP, the increase in noise levels would not amount to significant adverse impact on any local community over the short timescale of the development proposed. However, with respect to the WBLP read with the Framework, the degree of disturbance likely to occur on Sundays and on Saturdays after 1500hrs over the four weekends concerned, counts against the appeals, although the effect on amenity of the extended flying hours on weekday mornings and evening would be insignificant.

### ***Importance of the Olympic Games***

27. There is no dispute that the London Olympic Games 2012 is a World event of exceptional national sporting and economic importance, strongly supported by the Government, including by way of special arrangements for air transport.
28. Some 10,000 ATMs are anticipated throughout the controlled air space of South Eastern England during the Olympic Period and slots are allocated to facilitate a sufficient number of flights to be booked at designated airports including Dunsfold.
29. WBC does not regard Dunsfold Park as an airport in the accepted sense due to its several flying restrictions. WBC also questions the need for the additional ATMs and flying hours in view of the capacity of other larger airports, such as Farnborough, because the number of slots allocated appears to be well in excess of the maximum total need predicted. However, the formal designation of Dunsfold Park as an Olympic Co-ordinated Airport with up to 76 slots per day allocated by Regulation speaks for itself as to its status as an airport, and it is evident that slot allocation has been carefully calculated to provide



opportunities for the necessary flights to and from airports suitable to customers, taking account of the requirements and practicalities of air traffic control.

30. With regard to Sunday flights, it stands to reason that, with Olympic events programmed for every day of the Games including Sundays, and the likely need for competitors, media personnel and their connections to travel on the days before and after their fixtures of interest, that Sundays are just as important to Olympics-related flights as weekdays.
31. WBC also considers any potential economic benefit of the proposed temporary developments to be transient and irrelevant to the Borough. That disregards substantial predicted short-term job creation alongside extra business for DPL and its tenants as well as other local businesses and hotels. Dunsfold Park, with its long, hard-surfaced runway and associated facilities, appears well-placed to make use of this opportunity but could be impeded by weekend flying restrictions. Even if the immediate benefits are seen as being of minor significance, it is to be anticipated that the high-profile exposure of local facilities in connection with international Olympics-related business will have a longer-term spin-off benefit for the District and the wider economy.
32. These considerations amount to a substantial planning need for the proposed developments to be weighed against any disadvantage.

***Number of additional ATMs – Conditions A8 and B7***

33. DPL does not currently make use of its permitted 5000 ATMs per year and, based on actual records, there is sufficient spare capacity to accommodate the additional flights sought in the appeals without any increase in the overall total. It is not appropriate, however, for new temporary permissions to constrain the legitimate operation of DPL, whether under the 2008 permissions or any other established use. Accordingly, it is necessary to replace Conditions A8 and B7 with new conditions separating the established permitted ATMs related to the Class B uses of Dunsfold Park from those required for the Olympic Period.
34. It was conceded by DPL and agreed without prejudice by WBC at the Hearing that 4580 ATMs would be an appropriate proportion for the year 2012 excluding the Olympic Period and that the 1560 ATMs sought in the appeal to include those associated with the Olympic Games, should be allocated expressly for the Olympic Period. This approach addresses local concern that any spare capacity could be carried forward without justification.

***Other Conditions***

***Conditions A1 and B1 and A18 and B14,***

35. Even though the permitted non-compliance is restricted to the Olympic Period, the permissions are primarily for Class B industrial uses and the practical approach is to grant them with respect to the 2012 calendar year. Given these permissions have no effect on the status of the 2008 permissions, it is not necessary to vary the end date of 31 December 2012 in any of these conditions.

***Conditions A24 and B19***

36. Again, as the two disputed permissions are expressly for Class B industrial uses and merely allow temporary non-compliance with flying restrictions imposed in

2008, Conditions A24 and B19 cannot properly require notification or discontinuation of the Class B uses. A requirement to notify commencement is only necessary to distinguish under which of the two permissions the Olympic Period flying is operating, for the avoidance of doubt with respect to enforcement. It is sufficient to return Conditions A24 and B19 to the simpler wording of the equivalent conditions of the 2008 permissions.

**Further Material Considerations**

37. These decisions take into account every matter raised both at the Hearing and in writing, for and against the proposed temporary additional flying at Dunsfold Park, including all the concerns expressed by several Parish Councils and the Airport Action Group.
38. One further concern relates to potential road traffic generation due to the additional flights on the rural road system. However, WBC raises no objection on this ground and it is likely that many local transfer journeys would be by helicopter or light aircraft within the imposed ATM limit. On the available evidence, road traffic generation over the Olympic period would not be excessive.

**Overall Conclusions**

39. As a final judgement, taking account of WBLP Policies D1 and C2 in the light of the Framework as whole, the degree of importance to be attached to the Olympic Games as a World sporting event and its potential benefits for the local and national economy are sufficient to outweigh the adverse effects of disturbance to local communities on Saturdays and Sundays for the relatively short Olympic Period covering only four weekends.
40. For the reasons given above, it is concluded that both appeals should succeed. Permission A is varied by deleting disputed Conditions A8, A11 and A24. Permission B is varied by deleting Conditions B7, B11 and B19 and other conditions are substituted for each.

*B J Sims*

Inspector

## **SCHEDULE A1**

### **DESCRIPTION OF DEVELOPMENT A**

The development permitted is described as resulting from an application under Section 73 [of the Act] to vary Conditions 8 and 11 of [planning permission] WA/2007/0372 (Change of use of land and buildings for B1, B2 and B8 uses) to facilitate additional flights and extended flying hours in connection with the 2012 Olympic Games - specifically to amend the total annual number of flights in 2012 to 6,600 (to provide an additional 1,560 aircraft movements); to extend the hours of flying to 0700 to 2100 Monday to Sunday, to allow flying later on Saturdays and during Sundays; and to remove the restriction relating to flights being associated with companies of Dunsfold Park; variations relating to extended hours and the relationship to Dunsfold Park would apply during the period 21 July to 15 August inclusive (as amplified by emails dated 09/02/2012 and 13/02/2012 and report by Bickerdike Allen Partners on Aircraft Noise received 13/02/2012).

## **SCHEDULE A2**

### **CONDITIONS SUBSTITUTED FOR CONDITIONS [8, 11 and 24] OF PLANNING PERMISSION WA/2011/2047**

#### **Condition 8**

The total number of all aircraft movements (including helicopter movements) operating to and from the site shall not exceed 4580 (excluding ATMs associated with the Air Ambulance) in the calendar year commencing 01/01/2012 but excluding the Olympic Period from 21/07/2012 to 15/08/2012. This overall total shall include aircraft movements consisting of the arrival or departure of aircraft for assembly, repair or flight testing of aircraft and the arrival or departure of aircraft with equipment and parts in connection with aircraft assembly and repair work at Dunsfold Park and movements associated with the movement of staff, executives and customers of companies associated with Dunsfold Park.

During the Olympic Period 21 July 2012 to 15 August 2012 inclusive, the total number of all aircraft movements (including helicopter movements) operating to and from the site shall not exceed 1560 (excluding ATMs associated with the Air Ambulance). This overall total shall include aircraft movements consisting of the arrival or departure of aircraft for assembly, repair or flight testing of aircraft and the arrival or departure of aircraft with equipment and parts in connection with aircraft assembly and repair work at Dunsfold Park and movements associated with the movement of staff, executives and customers of companies associated with Dunsfold Park, and including movements associated with the Olympic Games.

For the purposes of this permission, an aircraft (or helicopter) movement shall include a take-off or landing. Copies of the monitoring data relating to the ATMs, to include times and dates, shall be submitted on the 1<sup>st</sup> day of each calendar month to the Local Planning Authority, except in the 26 day Olympic Period 21 July 2012 to 15 August 2012 inclusive when data are to be submitted on a daily basis.

### **Condition 11**

Without the prior approval in writing of the Local Planning Authority, there shall not except in the case of emergency be:

1. Any flying of aircraft except between the hours of 0730 to 1930 during the period 1 October to 31 March inclusive and between the hours of 0730 to 2030 during the period 1 April to 30 September inclusive with the exception of the Olympic Period 21 July 2012 to 15 August 2012 inclusive when there shall not be any flying of aircraft except between the hours of 0700 to 2100 Monday to Sunday.
2. Any flying of aircraft between 1500 hours on Saturdays and 0730 on Mondays with the exception of the Olympic Period 21 July 2012 to 15 August 2012 inclusive.
3. Any ground running aircraft engines, apart from essential testing preliminary to flight take-off, between the hours of 18.30 and 07.30 nor between 15.00 hours on Saturdays and 07.30 on Mondays.

### **Condition 24**

Before this planning permission is implemented the Applicant shall notify the Local Planning Authority in writing specifying the date on which the Applicant intends to implement the planning permission.

## **SCHEDULE B1**

### **DESCRIPTION OF DEVELOPMENT B**

The development permitted is described as resulting from an application under Section 73 [of the Act] to vary Conditions 7 and 11 of [planning permission] WA/2007/0373 (Change of use of land and buildings for B1, B2 and B8 uses) to facilitate additional [aircraft] flights and extended flying hours in connection with the 2012 Olympic Games - specifically to amend the total annual number of flights in 2012 to 6,600 (to provide an additional 1,560 aircraft movements), to extend the hours of flying to 0700 to 2100 Monday to Sunday, to allow flying later on Saturdays and during Sundays; and to remove the restriction [in] relation to flights being associated with companies of Dunsfold Park; variations relating to extended hours and relationship to Dunsfold Park would apply during the period 21 July to 15 August inclusive (as amplified by emails dated 09/02/2012 and 13/02/2012 and report by Bickerdike Allen Partners on Aircraft Noise received 13/02/2012)

## **SCHEDULE B2**

### **CONDITIONS SUBSTITUTED FOR CONDITIONS [] OF PLANNING PERMISSION WA/2011/2048**

#### **Condition 7**

The total number of all aircraft movements (including helicopter movements) operating to and from the site shall not exceed 4580 (excluding ATMs associated with the Air Ambulance) in the calendar year commencing 01/01/2012 but excluding the Olympic Period from 21/07/2012 to 15/08/2012. This overall total shall include aircraft movements consisting of the arrival or departure of aircraft for assembly, repair or flight testing of aircraft and the arrival or departure of aircraft with equipment and parts in connection with aircraft assembly and repair work at Dunsfold Park and movements associated with the movement of staff, executives and customers of companies associated with Dunsfold Park

During the Olympic Period 21 July 2012 to 15 August 2012 inclusive, the total number of all aircraft movements (including helicopter movements) operating to and from the site shall not exceed 1560 (excluding ATMs associated with the Air Ambulance). This overall total shall include aircraft movements consisting of the arrival or departure of aircraft for assembly, repair or flight testing of aircraft and the arrival or departure of aircraft with equipment and parts in connection with aircraft assembly and repair work at Dunsfold Park and movements associated with the movement of staff, executives and customers of companies associated with Dunsfold Park, including movements associated with the Olympic Games.

For the purposes of this permission, an aircraft (or helicopter) movement shall include a take-off or landing. Copies of the monitoring data relating to the ATMs, to include times and dates, shall be submitted on the 1<sup>st</sup> day of each calendar month to the Local Planning Authority, except in the 26 day Olympic Period 21 July 2012 to 15 August 2012 inclusive when data are to be submitted on a daily basis.

### **Condition 11**

Without the prior approval in writing of the Local Planning Authority, there shall not except in the case of emergency be:

1. Any flying of aircraft except between the hours of 0730 to 1930 during the period 1 October to 31 March inclusive and between the hours of 0730 to 2030 during the period 1 April to 30 September inclusive with the exception of the Olympic Period 21 July 2012 to 15 August 2012 inclusive when there shall not be any flying of aircraft except between the hours of 0700 to 2100 Monday to Sunday.
2. Any flying of aircraft between 1500 hours on Saturdays and 0730 on Mondays with the exception of the Olympic Period 21 July 2012 to 15 August 2012 inclusive.
3. Any ground running aircraft engines, apart from essential testing preliminary to flight take-off, between the hours of 18.30 and 07.30 nor between 15.00 hours on Saturdays and 07.30 on Mondays.

### **Condition 19**

Before this planning permission is implemented the Applicant shall notify the Local Planning Authority in writing specifying the date on which the Applicant intends to implement the planning permission.

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr J Steel	of Queens Council
Mr S Whale	of Counsel
Mr G Forristal	Dunsfold Park Limited
Mr P Dines	Gerald Eve
BA DipSurv MRTPI MRICS	
Mr J Charles	Bickerdike Allen Partners
Mr L Major	Aero Service UK Limited
Mr J McAllister	Dunsfold Park Limited

### **FOR WAVERLEY BOROUGH COUNCIL:**

Mr I Ellis BA MRTPI	Southern Planning Practice
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### **INTERESTED PERSONS:**

Mr C Orange	Chair, Hascombe Parish Council
Mr A Ground	Chair, Dunsfold Parish Council
Mr F Gray	Chair, Stop Dunsfold Airport Action Group

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 List of persons attending
- 2 Additional Appendices to Hearing statement
- 3 Letter from Mr Major