FARNBOROUGH AIRPORT
PLANNING APPEAL DECISION

1. Introduction

1.1 This report explains the recent decision by the Secretaries of State for Communities and Local Government, and for Transport, on the appeal against the Council’s refusal for planning permission to increase business aviation movements at Farnborough Airport. It also explains the decision made on the application for costs. Full copies of the Secretaries of State letters and the Planning Inspector’s letters are available to view on the Council’s website.

2. Planning Application and Appeal

2.1 TAG Farnborough Airport Ltd. submitted a planning application in July 2009 for the variation of condition 8 of planning permission (reference APP/P1750/A/06/2024640 issued by the Secretaries of State on 13 March 2008) to allow an increase in the total number of business aviation movements from 28,000 to a maximum of 50,000 movements per annum, including an increase in the number of business aviation movements at weekends and Bank Holidays from 5,000 to 8,900 per annum.

2.2 Planning permission was refused by the Council on 19 November 2009, contrary to officer recommendation, for the following reason:

“The proposed increase in business aviation movements at Farnborough Airport would result in an adverse impact upon the amenities of surrounding residential property, particularly with regard to increased frequency and maximum levels of noise disturbance, air quality and odour problems, and the greater risk from more movements.

It has not been satisfactorily demonstrated that the economic benefits of the proposal outweigh the adverse environmental consequences to the extent that a departure from Policy FA2.2(A) of the Rushmoor Local Plan is justified.”

2.3 TAG lodged an appeal against this decision and a public inquiry was held during May and June 2010 by an Inspector from the Planning Inspectorate. The decision on the appeal was recovered by the Secretaries of State, after considering the Inspector’s report and recommendation.
3. Appeal Decision

3.1 The decision by the Secretaries of State (SoS) was issued by letter dated 10 February 2011. In his report, the Inspector recommended that the appeal be allowed and planning permission granted, and the SoS agreed with his conclusions and recommendation.

3.2 The SoS agreed with the Inspector that the main issues in this case were noise; safety; air quality and odour; climate change; economic benefits, needs and alternatives; and human rights.

Noise

3.3 They agreed that the proposed increase in movements would conflict with the limits set out in the second part of Rushmoor Local Plan Policy FA2.2(A)(i) (i.e. more than 28,000 movements) and in that respect would represent a departure from the development plan. They also agreed with the Inspector that it is material to consider the other leg of that policy which provides that the levels of noise generated by the number of aircraft movements shall not exceed that generated by 20,000 movements per annum of aircraft similar to the mix of civil aircraft movements to and from Farnborough Airport in 1997. They also note that it is common ground between the main parties that this appeal proposal would not exceed that noise budget.

3.4 They agreed that the proposal would conflict with Policy FA2.2(C) in that the degree of harm would pass the threshold of demonstrable harm, which is a factor to be weighed in the balance.

Safety

3.5 The SoS accept that there would be some increase in third party risk, but that considerable weight should be attached to the conclusion of the Council’s consultants (ESR Technology) that such risks, though significant, are not exceptional when compared to risk encountered at other airports. Such risks, they consider, are to some degree inherent in being part of a developed society, and must be balanced against other considerations.

Air quality and odour

3.6 They conclude that there is no evidence that adverse health effects are likely to result from the proposal.
Climate change

3.7 The SoS and the Inspector believe that emissions of carbon attributable to aircraft in flight are more properly dealt with through the forthcoming EU Emission Trading System (ETS). With regard to emissions resulting from airport operations, they agree that the proposals which the airport operator is offering in the s.106 agreement and Masterplan demonstrate commitment to adopting and progressing measures in advance of regulatory requirements. They agree that the climate change issues arising have been satisfactorily addressed and do not stand in the way of permission being granted.

Economic benefits, need and alternatives

3.8 The SoS and the Inspector agree that the existing operation at Farnborough Airport makes a significant contribution to the economic well-being of Rushmoor Borough and the surrounding area; and that the appeal proposal will result in a significant increase in direct, indirect and induced employment. This, they believe, will bring clear benefits to the local economy, to which significant weight should be attached.

3.9 They state that Farnborough Airport is well placed to serve the business aviation sector (with its important contribution to economic prosperity and national and local income) with high quality airfield and terminal facilities. The existence of Farnborough Airport provides a significant asset to the locality and the sub-region, and supports the intentions of Rushmoor Local Plan Review to promote and encourage a buoyant and diverse local economy.

Human Rights

3.10 The SoS agree with the Inspector that the degree of infringement of human rights which the appeal proposal might potentially generate would not be disproportionate and would be capable of being outweighed by the resulting economic and employment benefits.

Other Matters

3.11 The SoS agree with the Inspector that the impact of the proposal on the local road network would be negligible, taking into account the mitigation provided through the travel plan and off site contributions secured in the S.106 agreement.

3.12 They also agree that there would be no reason to refuse permission on grounds of harm to biodiversity; and that, in arriving at the overall balance, little weight should be given to the prospect of property prices being adversely affected.

Conditions and Obligations

3.13 The Inspector, following detailed discussions at the Inquiry, recommended a list of conditions to attach to a new permission, which the SoS have supported. They also consider the terms of the new S.106 Agreement, concluded during the Inquiry on 29 June 2010, are fairly and proportionally related to the development proposed, and accord with guidance.
Conclusion

3.14 Although the SoS conclude that the appeal proposal would conflict with the development plan by leading to a moderate degree of harm in respect of increased noise, they consider that, by providing significant employment benefits, it would also firmly support the aims of the development plan to promote and encourage a buoyant and diverse economy. They see this as an important material consideration and consider that it outweighs the moderate harm identified in respect of noise.

3.15 The SoS accept that there would be some increase in third party risk arising from the increased activity, but they do not consider that such risk would be exceptional. They also consider that the climate change issues arising from the proposal will be satisfactorily addressed through the EU ETS in due course.

3.16 Overall, the SoS consider that, to the extent that the proposals are in conflict with the development plan, this is outweighed by material considerations in favour of the proposal.

4. Application for Costs

4.1 In dealing with the application from the appellant for a full award of costs against the Council, the Secretary of State for Communities and Local Government reminded the parties that they are normally expected to meet their own expenses, and costs are awarded only on grounds of “unreasonable behaviour” resulting in unnecessary expense.

4.2 Having considered all the evidence, including the Inspector’s report on the costs application and advice in Circular 03/09, the SoS agreed with the Inspector and accepts his recommendation. He decided that a full award of costs, on grounds of “unreasonable behaviour” is not justified in the particular circumstances, and the application is therefore refused.

4.3 In determining the appeal proposal, the Inspector points out that this was a balanced judgement; weighing the moderate increase in noise against the economic and employment benefits. He accepted that the professional and technical advice to the members was that the proposal should be allowed and that refusal would be hard to defend at Inquiry.

4.4 The Inspector commented: “It does not seem to me unreasonable for a committee of non-specialist members to conclude that an increase in flights of some 78% would cause a significant increase in noise disturbance………………It has to be acknowledged that the response to the proposal to increase the number of flights was overwhelmingly negative amongst those most directly affected.”
4.5 The Inspector noted that the Council gave early notice that it would not be pursuing the issues of safety or odour at the Inquiry. He accepts that these were matters that would have influenced the committee’s assessment of the balance, which were then subsequently withdrawn. He concluded that the Council’s witnesses prepared and presented cogent evidence in support of the Council’s position to the Inquiry and, whilst the Inspector came to a different conclusion, he does not consider that the Council behaved unreasonably, and so recommended that no award of costs be made. The SoS agreed.

5.0 Recommendation

5.1 It is recommended that the report be **NOTED**

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BACKGROUND PAPERS
Planning application reference 09/00313/REVPP
Planning appeal reference APP/P1750/A/09/2118357