Appeal Decision

Inquiry opened on 7 May 2008
Site visit made on 4 June 2008

by David Vickery DipT&CP MRTPI

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

The Planning Inspectorate
Temple Quay House
Bristol
Date of Decision
2008

Appeal Ref: APP/R3650/A/7/2045619
Dunsfold Park, Stovolds Hill, Cranleigh, Surrey GU8 8TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Dunsfold Park Limited against Waverley Borough Council.
- The application Ref WA/2007/0373, is dated 15 February 2007.
- The development proposed is the change of use of buildings and land at Dunsfold Park for a temporary period to 30th April 2018, to co-exist with extant temporary and permanent permissions (Duplicate Application).
- The Inquiry sat for 4 days on 7, 8, and 9 May and 3 June 2008.

Decision

1. I allow the appeal, and grant planning permission for the change of use of buildings and land at Dunsfold Park for a temporary period to 1st June 2018, to co-exist with extant temporary and permanent permissions at Dunsfold Park, Stovolds Hill, Cranleigh, Surrey GU8 8TB in accordance with the terms of the application, Ref WA/2007/0373, dated 15 February 2007, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Procedural Matter

2. At the opening of the Inquiry the Council asked me to adjourn for a day in order to allow its team time to consider various documents submitted close to the start of the Inquiry. I agreed with the appellant who said that both main parties had submitted late evidence and that the planning evidence could be heard first, thus making full use of Inquiry time. However, I accepted the Council's concern that its barrister had not been fully briefed on the late evidence and so I adjourned the Inquiry for one hour. I also asked both main parties to let me know if at any later point there were difficulties in dealing with late evidence – there were no such later indications.

Main Issues

3. There are two main issues:

   a) Whether in all the planning circumstances a temporary planning permission should in principle be granted for this proposal; and

   b) Whether the Council's suggested conditions, particularly condition 23, and any others suggested, would meet the tests set out in Circular

11/95 of being necessary and reasonable and, if so, whether they would then meet the other tests of being relevant to planning, relevant to the development to be permitted, enforceable, and precise.

Reasons

The First Issue – Temporary Permission

4. In the Development Plan the site lies within the countryside, with a small north-western part within an Area of Great Landscape Value. There is only one direct reference to the site, which is in Structure Plan policy DN9 which indicates that whilst the reopening of Dunsfold Aerodrome is not specifically prohibited the local planning authority will prepare an area action plan to consider what aviation use is considered appropriate.

5. In the Local Plan previous direct references to the site at paragraphs 7.50 to 7.55 have not been "saved" by the Secretary of State, and so are no longer part of the Development Plan. However, they merely say that a long-term plan for the site should be prepared. Policies IC2 and IC4 resist the loss of suitably located industrial and commercial land, and support the development or redevelopment of existing industrial and commercial premises respectively, subject to conditions.

6. The emerging Development Plan is at a very early stage, and the Council is still preparing its Core Strategy after its original version was withdrawn in March 2007. Its Local Development Scheme (LDS) envisages the Core Strategy being adopted around December 2010, and a Site Allocation Development Plan Document (DPD) adopted around October 2012. The Council believes that it is likely the site will be considered strategically in the Core Strategy and then, if necessary, in the subsequent Site Allocations. But it does not yet know what the future role of the site will be. The LDS does not contain any separate long-term Plan for the site.

7. Thus, the existing and emerging Development Plan contains little strategic vision for the future development of the site. I must also bear in mind that the site is in an unsustainable (in transport terms) rural location. However, there are other compelling material indications which lead me to the decision that a temporary permission should be granted for this proposal.

8. Firstly, a duplicate planning application to this proposal was granted planning permission by the Council on 11 March 2008 (WA/2007/0372). Thus, no matter what decision I make on this present proposal it already in effect has planning permission. In addition there is a permanent planning permission for the production, repair and flight testing of aircraft (WA99/1913). These, it seems to me, are relevant and powerful "fallback" positions for the appellant.

9. Secondly, the site already benefits from a number of temporary and permanent planning permissions for B1, B2 and B8 uses. In particular, one of those temporary planning permissions is similar to this proposal and does not expire until 2010 (WA/2004/0880). The Council has essentially granted a series of mainly temporary permissions on the site since 2003 in order to give itself time to prepare a coherent strategic planning policy for the site whilst still allowing

an economic use of the site and its buildings. I agree with this principle and I see clear logic in its continuation.

10. Thirdly, I consider that the tests set out in paragraph 109 of the Annex to Circular 11/95 on temporary permissions have been met. The first test concerning development plan conformity I have already considered, and the second test would be satisfied by requiring only the uses to cease. And I believe that the last test would be met by the imposition of other conditions which would achieve a satisfactory development (I deal with this later). I do not consider that the present temporary uses have been shown to be unacceptable during their operation.

11. Fourthly, this is a very substantial site with a large number of buildings (some 44,700 sq m in total), which has been used for many years for employment purposes. British Aerospace (now BAE Systems Ltd) left the site in 2000, and the appellant has continued the local employment use since then so that in September 2007 some 700 people were employed here. There is no doubt that the site forms a major employment location within the Borough, and has done so for many years.

12. Fifthly, although the site lies within the designated countryside, it is generally hidden from most public views. And, sixthly, Government advice and the Development Plan seek to balance harm to the countryside with the need for wider economic benefits. Government advice also emphasises as objectives sustainable economic growth and the re-use of existing buildings.

13. Thus, in the absence of any clear planning policy for the site and the lack of significant harm, I see no reason in principle why a further temporary permission should not now be granted in order to enable the site to have a beneficial economic use whilst the Council considers its long-term future.

14. The Core Strategy will not be adopted until late 2010 at the earliest. If, as the Council has intimated, the site is strategically identified in the Core Strategy it would still need detailed policies to be resolved either in the Site Allocations DPD or in a separate Plan or in a Supplementary Planning Document (SPD). The Site Allocations DPD is scheduled to be adopted in late 2012, and a separate Plan or SPD could take longer. After this the appellant would then need time (at least a year) to prepare, submit and have approved any necessary planning applications to comply with the new policies. So, the most optimistic estimate to resolve the planning situation permanently on the site would be around 2014, with 2016 probably being more realistic.

15. But there are two other factors I have to consider which lead me to a later date than 2016. Firstly, the Council has already granted two other significant temporary permissions on the site that end on 1st June 2018 (WA/2007/0657 and WA/2007/0930), and so I see considerable merit in all the temporary permissions having the same end date. Secondly, I am concerned at the Council's lack of progress in producing a planning policy of any kind for what is obviously a major employment site in the Borough. This poor track record gives me little confidence in the Council's ability to expeditiously produce such a policy within the timescales it is now promoting. So the "cushion" of an additional two years to 2018 would promote economic stability and also allow the Council time to properly consider its policy for the site.

16. I conclude that all the planning circumstances indicate that a further temporary permission should be granted in principle until 1st June 2018.

The Second Issue – Conditions

17. In assessing conditions, besides the tests set out in Circular 11/95 my guiding principles are that the proposal should not set a precedent which would prejudice the future consideration of the site's long-term use; that the effects of this proposal should not significantly exceed the site's historic intensities of use pending that future long-term consideration; and that any uses should, in any event, have an environmentally acceptable impact.

Restriction on night-time HGVs

18. The main issue between the two main parties at this appeal was the acceptability of condition 23 as suggested by the Council and also imposed on permission WA/2007/0372. This condition seeks to restrict night-time HGV movements between 2300 and 0600 hours to 10 at each of the two site access gates at Compass Gate and Stovolds Hill. I shall deal with this first.

19. The Development Plan sets out the basis for imposition of conditions to protect residents' amenity in Local Plan policies D1, D4, IC2 and IC4. Government advice in Planning Policy Guidance Note 24: *Planning and Noise* (PPG24) indicates that the impact of noise can be a material consideration in the determination of planning applications.

20. The appellant pointed out that neither the Council nor the Secretary of State on appeal have imposed such a condition on previous permissions, the last one of which was in November 2006 (WA/2006/1280). But I do not accept that this is a binding precedent on me for a number of reasons. First of all, this is a new planning application, and so it must be assessed on the planning circumstances that presently exist.

21. Secondly, the time period for this permission is considerably longer than for other similar permissions. The longest previous temporary permission was for about five years, whereas this one would be for 10 years, or 8 years after the expiration of the existing overall temporary permission in 2010. It seems to me a reasonable supposition that local residents might tolerate short-term night-time HGV noise in the knowledge that the Council was soon to produce its strategic planning policy for the site, but not tolerate the same noise for the longer period now envisaged without any certainty as to when the Council will actually produce its policy. The few permanent permissions for individual buildings on the site would be unlikely to individually justify this type of control.

22. Thirdly, the appellant now wishes to alter the balance of the permitted uses within the buildings which would have the potential of allowing more B8 storage uses than before, at the expense of B1 or B2 uses. Both main parties accepted at the Inquiry that B8 uses have a greater likelihood of producing HGV movements. There was contradictory evidence as to the likelihood of this change in the balance of uses actually occurring, and so I can come to no firm conclusion on this point. But the important facts are that the appellant desires this flexibility and that the permission would permit it. Thus I have to take it into account as a possibility, however remote.

23. And, lastly, there is evidence that local residents' patience and tolerance of night-time HGV movements is coming to an end. There have been written and other complaints to various authorities (including the Council) about HGV movements, and these have been relatively recent in origin, although some have been before the most recent permissions. As the Council said, it has taken it a little while from the onset of the first complaints to gather evidence and to assess them; thus I do not criticise it for not having imposed a restrictive HGV condition before now.

24. I saw that there are a significant number of homes along the roads leading to both site entrances that are close to the carriageways. The roads are all relatively narrow with no footpaths (except for a short one along Stovolds Hill), and are windy and rural in nature. Some of the homes are static caravans, which are likely to be less well insulated from noise than permanent dwellings. The Stovolds Hill road involves several gradients and sharp bends, which are likely to cause noisier HGV vehicle movements.

25. The area generally has a quiet rural character, despite it being close to the Gatwick flight path. My own observations on the ground, the evidence of complaints and noise measurements, and my own experience of such matters lead me to conclude that it is highly likely that HGV and other night-time vehicle movements along these roads would be disturbing to nearby residents. The question is whether this would be of such a degree that a restrictive condition would be necessary and reasonable.

26. The evidence from the two noise experts appointed respectively by the appellant and Council was largely contradictory. Both agreed that existing night-time noise measurements would have the potential to cause sleep disturbance on Stovolds Hill, using BS 8233: 1999 as starting point. But there was direct disagreement over the measurements at Compass Gate, different views on how the measured noise surveys should be carried out, and disagreement on the resulting analysis and assessment. In summary, the Council believed its surveys showed significant sleep disturbance, and the appellant disagreed with that on the basis of its own surveys and its assessment of the Council's surveys.

27. My main concern on the noise aspect is the "sudden event" – a vehicle passing a property with a sufficiently loud noise to wake its occupants. Both main parties said that sudden loud noises occurred at present, but disagreed on the frequency and whether this was in total sufficient to cause sleep disturbance. During a 2300 hours to 0600 hours period the Council measured 23 such "events" (above 60db L_{AFmax}) at Compass Mobile Home Park and 70 "events" between 2300 and 0700 hours, whereas the appellant measured between 5 and 15 "events" between 2300 and 0700 hours; and at Stovolds Hill the Council measured up to 30 "events" between 2300 and 0600 hours and up to 60 "events" between 2300 and 0700 hours.

28. The appellant submitted a European Commission Working Group Position Paper (DLP9) on which it based a number of calculations and assessments of noise. But I do not place much weight on this Paper because it was produced to enable the Commission to consider whether to amend its Environment Noise Directive and so it is not confirmed policy. Additionally, I was told that the Paper has not been accepted either by the Government or by the British

Standards Institution as UK policy. Research into the health aspects of sleep disturbance is open to dispute amongst experts and it is not an exact science – much depends on the perception of the person affected and their existing state of health.

29. I also am doubtful about calculations resulting from this Paper (in DPL11) that seemingly show that an additional 50 HGVs and 50 cars along the rural access roads at night would not significantly increase the risk of sleep disturbance. Given that traffic counts by the appellant (DPL12) show that the maximum number of night-time HGVs using Stovolds Hill and Compass Gate were only 14 and 27 respectively, I find it difficult to believe that adding another 50 HGV movements to each of these figures would have so little effect.

30. I conclude that I cannot rely upon the expert noise evidence given at the Inquiry because so much of it was contradictory, and because the methodology of noise measurement and the assessment of the impact upon local residents were dubious. It is clear that HGVs in reasonable numbers do pass residential properties at night-time at a sufficiently loud level that could disturb occupiers' sleep patterns. There are a reasonable number of properties along both roads where this could be said to be the case, the closest of which are the western edge of the mobile homes at Compass Mobile Home Park and Stovolds Hill Cottage. I also heard first hand about the adverse effects of this from one local resident living not far from Compass Gate (Mrs Ker) who gave evidence of significant sleep disturbance due to noise and vibrations from HGVs and vans, although some of this was due to poor road maintenance.

31. I realise that some local residents have not complained or have said they do not object, but this does not mean that a condition is not necessary or reasonable. Public acceptance or complaints by themselves do not determine planning merits or policy. But I again remind myself that some local residents are suffering from adverse noise and vibrations, and that I am not convinced by the appellant's noise evidence that there is not a significant risk of sleep disturbance.

32. On traffic generation, there has historically been an employment use of the site for many years but I was not provided with any information, despite requesting it, about past night-time HGV numbers. However, I note from the 19 April 2000 Committee Report that at that time it was said that "commercial vehicle movements are very low considering the size of the site" and that "for the past 50 years ... the use has been relatively low key." The Report stated that the then estimated number of commercial vehicle movements at the site was around 250 a week in total. This includes vans as the Report refers to "courier or post deliveries" as part of that estimate.

33. I note that the appellant's traffic count (DPL12) over three weeks shows a total of 201 night-time commercial vehicle movements (HGVs and vans) during the last week of measurements (13 - 18 May 2008) – I have excluded the middle week containing a Bank Holiday due to its low traffic flows and also the first incomplete week. And this figure is despite a missing Monday 12 May count. Thus it is likely that night-time weekly commercial traffic movements at the site are approaching the levels that were previously the total for combined night-time and day-time movements in the 2000 Report.

34. The conclusion on traffic generation that I draw from the available information is that the number of commercial vehicle movements has significantly increased since the appellant took over the site from BAE Systems. New uses since BAE Systems have left have been introduced under a multiplicity of operators. These new uses are already exceeding the site's past impact in commercial vehicle terms, and would certainly have the potential of exceeding it even more with the implementation of this permission.

35. I accept that much of the vehicle noise and vibrations comes from cars and vans and not just HGVs. But limiting HGV numbers would control what are logically the loudest, slowest and heaviest vehicles, and it could well also have some limiting effect on the number of cars driven to and from the site by HGV drivers. In all these circumstances I consider it necessary and reasonable to protect local residents' amenities from excessive levels of night-time noise and vibrations from HGVs by a restrictive condition.

36. The Council considered that 10 HGV movements per night from each of the two gates were reasonable as its traffic counts indicated that this was the maximum number at present. The appellant disputed this and its traffic counts showed a range of 0 to 14 vehicles at Stovolds Hill and 4 to 27 vehicles at Compass Gate. Because of this nightly fluctuation, I believe that a weekly limit derived from a nightly average should be set in the condition. The greatest weekly average at Stovolds Hill was 13 per night and it was 18 at Compass Gate. I was told by the appellant that there might also be seasonal fluctuations in the numbers of vehicles, but I was given no evidence to substantiate this point.

37. I consider that night-time HGV vehicle movements should not increase any further than the average numbers shown above in the appellant's traffic counts. Indeed, I believe it desirable that night-time HGV levels should be reduced as they have risen from the historic 2000 levels, thereby harming residents' living conditions.

38. On Stovolds Hill, I consider that the Council's suggestion of 10 HGV movements per night would be reasonable. However, the existing levels at Compass Gate are higher, and any restriction should reflect this, and so I consider that 15 HGV movements here would be reasonable (18 average). I use "reasonable" here in the sense that these limiting levels would strike a reasonable balance between all the above factors – particularly the protection of residents' living conditions, efficient business operation, and possible prejudice to future planning decisions on the site.

39. I emphasise that I do not regard these levels as being "set in stone" and binding on the Council's forthcoming consideration of the site's future and its uses. They are purely for the temporary period of this permission and have been set in the absence of information about the long-term future of the site; pre-2000 HGV traffic generation; existing levels of HGVs and other vehicles on the site; traffic surveys over a longer period, taking account of any seasonal variations; the environmental capacity of the access roads; and a reliable noise impact assessment.

40. PPG24 uses 2300 to 0700 hours as the period of night-time, but I agree with both main parties who considered that any limitations should run from 2300 to

0600 hours. The evidence, particularly the traffic counts, showed that businesses started operation sometime between 0600 and 0700 hours. So I consider this to be a reasonable balance between protecting residents' living conditions and permitting the businesses on the site to run their operations efficiently. A 0700 hours end to the period would be too restrictive.

Other conditions

41. I have previously dealt with the temporary permission condition.

42. I agree that the exact uses of the site should be set out, with reference to the appellant's floorspace schedule, and that other possible uses of the site should be restricted. This is necessary in order to clarify exactly what is permitted, to prevent excessive noise and disturbance to local residents, and because of the unsustainable transport location of the site. However, I will use an adapted version of the condition imposed on the 2006 permission (WA/2006/1280) which is clearer, more precise in what it is directed towards, and so more enforceable.

43. The site is presently managed by a single company, and the appellant intends this to continue. There are other suggested conditions limiting vehicle movements, business floorspace uses, aircraft numbers, and staff numbers and these need to be effectively controlled on a day-to-day basis within what is a very large and sprawling site with many buildings and occupiers. This control is needed because the site lies in a rural area with nearby residential occupiers, has only two access points, has different and diverse uses and occupiers, and has a number of potentially noisy uses – thus any adverse environmental effects could quickly have a substantial impact.

44. Therefore, I consider it necessary and reasonable to impose a condition requiring the site to be effectively managed. And as the appellant intends this to be achieved by a single management company or entity then that is what the condition should say. Given all this, I do not consider that the restriction would be unreasonable. Should the situation change, then an application could be made to vary the condition to cater for two or more site management systems, and these may need to be subject to some form of legal arrangement or agreement. So there should be no discretion (as suggested) for the Council to vary this requirement without a formal planning application.

45. A limit of 1,350 employees has been previously set because of the rural location of the site and its unsustainable transport location and the impact of road traffic on local residents' amenities. That level has been based on the highest number of staff who have worked on the site (although it includes 24-hour shift working). Thus I agree that the condition and employee level is both reasonable and necessary.

46. The Council suggested, in effect, removing permitted development rights to add new buildings or structures. As this is only a temporary permission and the site lies in the countryside where new buildings could be unacceptable, I agree that this is necessary.

47. As the proposal is a change of use and permitted development rights for extensions and alterations have been removed, I see no necessity for an

archaeological "watching brief" on any ground disturbance. I note that the condition was not imposed on the 2006 permission for a similar reason.

48. A large number of conditions I consider are necessary for the protection of local residents' living conditions (noise and disturbance). I deal with these next.

49. I agree that no aircraft should be flown to or from the site except by employees or customers of businesses operating there in order to keep the number of aircraft to historic levels. I accept that aircraft movements should be limited. The figure of 5,000 such movements (and the equal split of it between various activities) is necessary and, although it is based upon a lower level than was historically the case, it has caused the appellant no past problems.

50. Similarly, I find that limiting the size (tonnage) of planes able to land at the airfield to be necessary. The limit of 70 metric tonnes is based upon the largest plane said historically to have used the airfield – a Lockheed Hercules (C130) and so is a reasonable level to be set. For similar reasons, the provision of mufflers or silencers to engines and an acoustically deadened test area for engine testing are required. However, requiring the test area to be designed "to the satisfaction" of the Council is too imprecise (paragraph 32 of the Annex to Circular 11/95) – instead a scheme should be submitted to and approved in writing by Local Planning Authority prior to use. And requiring "every practicable step and precaution to ensure the least possible nuisance from noise from any other operations" would be too vague and give too little idea of what is expected to be done or achieved.

51. I agree that the suggested condition limiting the hours of the flying of aircraft is necessary. The suggested hours and days are reasonable. In the same way, limiting to 2 hours the ground testing of engines; requiring new plant, machinery and equipment and their buildings to be acoustically deadened; machinery/plant not increasing the background noise level at the nearest noise sensitive property; restricting the use of loudspeakers etc. except in emergencies or as a warning are reasonable and necessary. I will combine some of the suggested plant/machinery noise conditions to achieve the same result.

52. An overall traffic total would ensure that the traffic generated by the proposal would not exceed past levels. I am satisfied that 2,273 movements per day is a reasonable figure and is based on the best available information of past traffic generation. This is necessary not only to protect residents' living conditions, but also to prevent the operations at the site increasing beyond previous levels in an unsustainable location and prejudicing the Council's future planning policy for the site. I agree that a traffic monitoring method is necessary for enforcement purposes.

53. As this is a change of use application and permitted development rights for new buildings have been removed, I see no need for a condition to deal with any contamination that might be found. I note that this condition was not imposed on the 2006 permission for a similar reason.

54. Conditions about open storage limiting it to specified areas and to 2 metres in height are necessary to protect the appearance of this largely open area and not increase the perceived man-made intrusion. For a similar visual reason, a condition regulating artificial lighting is also necessary.

55. As there is a similar duplicate planning permission, it is necessary for the Council to know for enforcement purposes exactly which permission the appellant has implemented. Therefore a condition requiring notification of its implementation to the Council is needed.

56. I have taken account of all other matters before me, but I have found no other evidence that would outweigh the main considerations that have led me to my decision.

57. For the reasons given above I conclude that the appeal should be allowed.

David Vickery

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Wald	Counsel, instructed by Mr T Smith, a solicitor with the Council.
He called:	
Mr A Bandosz BA (Hons) MSc DipUPI MRTPI	Associate Planner, Howard Hutton and Associates, 6 Riverview, Walnut Tree Close, Guildford, Surrey GU1 4UX.
Mr J Seller BSc MSc	Managing Director, John Seller Associates Ltd, 41 Marlowes, Hemel Hempstead, Herts. HP1 1LD.

FOR THE APPELLANT:

Mr D Holgate QC	Counsel, instructed by Mr A Arrick of Roger Tym & Partners.
He called:	
Mr A Arrick BA DipTP MRTPI MRICS	Partner, Roger Tym & Partners, Fairfax House, 15 Fulwood Place, London WC1V 6HU.
Mr P Gray BSc (Hons) MIA	Associate Director, The Equus Partnership, Park House, Greenhill Crescent, Watford, Herts. WD18 8PH.

INTERESTED PERSONS:

Mrs B Ames	Local resident, Greenacre, Stovolds Hill, Cranleigh, Surrey, GU6 8LE.
Mr A Ground	Chairman of Dunsfold Parish Council, The Old Rectory, Church Green, Dunsfold, Surrey GU8 4LT.
Mrs K Ker	Local resident, Brockhurst Farm, Dunsfold Road, Alfold, Surrey GU6 8JB.

DOCUMENTS

1 The Council's letters of notification of the Inquiry.
2 Lists of those attending the Inquiry.
3 Statement and Appendix of Mr Ground.
4 Statement and Appendix of Mrs Ames.

Council's Documents

WBC1 Letter dated 15 March 2008 from Mr & Mrs Parker.
WBC2 November 2007 Compass Gate traffic counts.
WBC3 November 2007 Stovolds Hill traffic counts.
WBC4 Newspaper article on HGV objections.
WBC5 December 2007 Local Development Scheme.
WBC6 BAA Gatwick noise frequently asked questions.
WBC7 Suggested conditions 23 and 24.
WBC8 Email dated 27 February 2008 from the Traffic Commissioner.
WBC9 Letter dated 21 May 2008 from Mr Bandosz.

WBC10 Extract from BRE report and Dose Effect relationship.

Appellant's Documents

DPL1 Vicarage Gate Limited v First Secretary of State and the Royal Borough of Kensington and Chelsea CO/10355/2005.
DPL2 Minutes of the Alford Parish Council Meeting of 31 July 2007.
DPL3 Extracts from BS 8233: 1999.
DPL4 Tenancy schedule as at February 2007.
DPL5 Letter dated 11 December 2007 from the Traffic Commissioner.
DPL6 Letter dated 8 May 2008 from Cranleigh Freight Services.
DPL7 Tenancy schedule as at February 2007, with existing maximum night-time HGV movements.
DPL8 Extracts from a report on Health Effect Based Noise Assessment Methods Review by the National Physical Laboratory (CMAM 16).
DPL9 Extracts from a Position Paper on DOSE-Effect Relationships for Night Time Noise by the European Commission Working Group on Health and Socio-Economic Aspects, dated 11 November 2004.
DPL10 Letter dated 23 May 2008 from Mr Arrick.
DPL11 Technical Note from Mr Gray.
DPL12 Technical Note 42 Entrance Counts.

Schedule of conditions to Appeal Ref: APP/R3650/A/7/2045619 (WA/2007/0373) - Dunsfold Park, Stovolds Hill, Cranleigh, Surrey GU8 8TB

1) The development hereby permitted is granted for a temporary period only expiring on 1st June 2018. On or before this date, the uses shall be discontinued.

2) The use of the site shall be limited (but without restriction of the Use Classes Order 1987 or any order revoking, re-enacting or modifying that Order) to those uses set out in the application schedule ("Schedule of Buildings, floor areas and uses" dated 16 February 2007), the application documents and the submitted plans, and may not be used for any other purpose or other ancillary uses not specified in the said schedule without the prior permission in writing from the Local Planning Authority.

3) The site shall be managed by a single company or entity as set out in the application and accompanying documents.

4) No more than 1,350 employees, including contract and other staff, shall work at the application site, except with the prior written approval of the Local Planning Authority.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extension or alteration to an industrial building or warehouse under Class A of Part 8 of Schedule 2 shall be carried out.

6) No aircraft shall be flown to or from the site except by employees of the firms operating at the site and customers of companies associated with Dunsfold Park.

7) Except with the prior written approval of the Local Planning Authority, the total number of aircraft movements (including helicopter movements) operating to and from the site shall not exceed 5,000 in any calendar year. Within this overall total of 5,000 movements the number of 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 shall not exceed 2,500 movements annually. Within the overall total of 5,000 movements, the number of movements associated with the movement of staff, executives and customers of companies associated with Dunsfold Park shall not exceed 2,500 movements annually. For the purposes of this permission, an aircraft (or helicopter) movement shall include a take-off or landing.

8) No aircraft exceeding an unladen weight of 70 metric tonnes shall land at or take off from the site.

9) Mufflers or silencers of adequate size shall be provided for and used in connection with all aircraft being tested at the aerodrome. The location of

the test area and the design and location of such mufflers or silencers shall be submitted to and approved in writing by the Local Planning Authority prior to their use.

10) Except with the prior approval in writing of the Local Planning Authority, the ground running of aircraft engines, which shall at all times be muffled, shall not be carried out for a total period exceeding 2 hours in any one day, with the exception of ground running in connection with the essential testing and manoeuvring of aircraft immediately prior to or following a flying operation.

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

a) Any flying of aircraft except between the hours of 0730 to 1930 during the period 1st October to 31st March inclusive and between the hours of 0730 to 2030 during the period 1st April to 30th September inclusive.
b) Any flying of aircraft between 1500 hours on Saturdays and 0730 on Mondays
c) Any ground running aircraft engines, apart from essential testing preliminary to flight take-off, between the hours of 1830 and 0730 nor between 1500 hours on Saturdays and 0730 on Mondays

12) Before any external plant and/or machinery (including dust or fume extraction, filtration equipment, air conditioning, heating, ventilation or refrigeration equipment) is used by any of the buildings, it shall be attenuated in a way which will minimise transmission of air and structure borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority. Such equipment shall be installed, maintained and operated in a manner which prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

13) No loudspeaker, tannoy, sirens, public address system shall be used and be audible beyond the site boundaries except in an emergency or explosive/pyrotechnic device shall be used so as to be audible beyond the site boundaries unless prior permission in writing has been obtained from the Local Planning Authority.

14) 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. Before the implementation of this permission a management and monitoring scheme shall be agreed with the Local Planning Authority and thereafter adhered to for the duration of the planning permission, i.e. to 1st June 2018. As part of this scheme the management company or entity shall 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 the implementation of this permission.

15) No materials including products or parts, crates, packing materials or waste pursuant to this permission shall be stacked or stored on the site except in the buildings or in the areas shown on the permitted plans except as has been permitted in the enforcement notice planning appeal ref: APP/R3650/C/04/1153471 dated 13th February 2005.

16) Materials stored in the open in accordance with the condition above shall not exceed 2 metres in height above ground level.

17) There shall be no floodlighting or any other external lighting on the site other than:

a) As required in the interests of health and safety or
b) Security lighting controlled by movement sensor.

18) HGV movements to and from the site shall not exceed 10 average movements per night each calendar week at the main access point to the site at Stovolds Hill and 15 average movements per night each calendar week at the main access point to the site at Compass Gate between the hours of 2300 hours and 0600 hours. An HGV for the purpose of this condition is to mean a goods vehicle connected with any trade or business used on the road with a gross plated weight of more than 7.5 tonnes and a gross plated unladen weight of 3.5 tonnes.

19) The applicant shall notify in writing to the Local Planning Authority the commencement and implementation of this permission.