
Appeal Decision

Inquiry held on 17-20 September 2019

Site visit made on 18 September 2019

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Appeal Ref: APP/C2741/W/19/3223376

Land to the west of Bradley Lane, Rufforth, York

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by H Barker and Son Ltd against the decision of the City of York Council.
 - The application Ref 16/01813/FULM, dated 29 July 2016, was refused by notice dated 23 August 2018.
 - The development proposed is the erection of a poultry farm comprising 3 no poultry sheds with ancillary buildings, access road and landscaped embankments.
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Decision

1. The appeal is dismissed.

Application for Costs

2. Before the Inquiry an application for costs was made by the appellant against the Council. This was withdrawn during the Inquiry. However, an application for costs was made against York Gliding Club as an interested party during the Inquiry. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal falls under Schedule 1 to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) and as such is accompanied by an Environmental Impact Assessment in the form of an Environmental Statement (ES). The Secretary of State considered the ES was not satisfactory in terms of Schedule 4 of the EIA Regulations and a Regulation 25 request was made to ask for additional information. An addendum¹ to the ES and an updated Non-Technical Summary was submitted containing further information. I have had regard to the ES and any other relevant environmental information, and it is now considered that the ES can be regarded as satisfactory in terms of Schedule 4 of the EIA Regulations.
4. The proposal was amended during consideration by the Council from 6 to 3 poultry houses. A public re-consultation exercise was undertaken prior to the Council determining the planning application and my assessment is based upon the reduced scheme.

¹ Dated 19 August 2019, document Ref 3970-1133B Version 1

5. Following confirmation from both main parties at the Inquiry, I have used the description of development given on the Appeal Form and the Council's Decision Notice except for removing "resubmission" as this is not an act of development. This would not cause prejudice to any party.
6. Since the Council determined the planning application, the Rufforth with Knapton Neighbourhood Plan (NP) was made on 20 November 2018 and now forms part of the development plan. The following policies are said to be relevant to the appeal: RwK 11 - Community Assets and RwK16 - Small Scale Commercial Enterprise. The appellant was provided with the opportunity to address the NP both within their written evidence and at the Inquiry.
7. The Council's reason for refusal refers to paragraph 33 of the National Planning Policy Framework (the Framework). It is clear from the evidence before me and the discussions at the Inquiry that this was a typographical error, referring to the 2012 Framework. The correct paragraph reference is 104 having regard to the revised Framework. I have considered the appeal accordingly.

Main Issues

8. The site is within the Green Belt. It is agreed between the main parties that the proposal would not be inappropriate development in the Green Belt as it comprises buildings for agriculture. I agree.
9. Accordingly, the main issues are:
 - (a) the effect of the proposal on the safety of aircraft and gliders taking off and landing at Rufforth (West) Airfield; and,
 - (b) if I were to find the effect to be harmful, how would this effect the capacity to operate and maintain the airfield?

Reasons

10. Located to the west of Bradley Lane, the site comprises a medium sized arable field approximately 1.2 km to the south of the settlement of Rufforth. It has been intensively farmed and is largely devoid of any significant landscape features. To the east is the entrance to York Gliding Club (YGC) which operates from Rufforth (West) Airfield. Generally, the surrounding area is in arable and agricultural use.
11. The proposal is for a poultry farm, comprising 3 poultry houses with underground holding tanks and associated office building, feed silos and boiler house. The buildings would be set back from the road and located in the western most part of the field. The access would be taken from Bradley Lane.
12. The site would have a stocking capacity of up to 144,000 broiler chickens and the dimensions of the 3 buildings would be around 128m long, 20m wide with dual pitched roofs of around 5.5m high.

Planning Policy

13. The Council does not have an adopted local plan and relies upon saved policies YH9 and Y1 of the revoked Yorkshire and Humber Regional Spatial Strategy to define the general extent of the Green Belt. It is agreed the site is in the Green Belt and is not inappropriate development. Therefore, these policies are not relevant to the main issues.

14. Policy RwK 11 of the NP seeks to protect community amenities. It sets out that development proposals that would result in either the loss of, or have a significant adverse effect on, an identified important community amenity will not be supported [unless it meets certain exceptions]. The policy then lists several facilities that are "*especially important to the community*". This is not a closed list. Furthermore, whilst the Gliding Club is not detailed within this list, it does have a "*special mention*" in the supporting text.
15. Given the specific wording of Policy RwK 11, whereby it sets out that it will protect identified important community amenity, and the Gliding Club is given a "*special mention*" in the supporting text, its preclusion from the "*especially important*" list does not, in its plainest terms, result in it falling outside the scope of Policy RwK 11. It is clearly within the context of the policy and the relevant supporting text that the Gliding Club can be considered as an important community amenity. This is despite the various assertions relating to the description of how the airfield is used as an open space and for agriculture in the supporting text.
16. Consequently, Policy RwK 11 of the NP is a relevant up-to-date development plan policy, and the most important policy for determining the appeal. Paragraph 11 d) of the Framework, the 'tilted balance' would not be engaged.
17. Policy RwK 16 relates to small scale commercial enterprises. Whilst there is no definition of small scale in the NP, due to its sheer size, this proposal could not be described as small in its scale. Therefore, although the residents of Rufforth with Knapton may have envisaged only small scale commercial enterprises in the countryside, the application of this policy to the appeal proposal is simply not appropriate.

Safety of aircraft and gliders

18. YGC operates from 2 runways at Rufforth (West) Airfield, an unlicensed aerodrome. Aero-tow by tug aircraft or winch launching is available from the airfield, but it appears there is a tendency to use aero-tow. The longer asphalt runway is around 1,200 m in length and is orientated 17/35 (RWY17/35) with an approximate true bearing 170°/350°. The shorter runway is about 632 m in length. This runway is orientated 05/23 (RWY 05/23), with an approximate true bearing 050°/230°, and is made up of both asphalt (approximately 358m) and grass (approximately 274m) surfaces. The grass part of the runway extends to the Bradley Lane boundary of the airfield. The development would be to the west of RWY05/23. Given its proximity, it is necessary to assess the potential effects of the development's location on aviation safety.
19. From the evidence before me, both the Council's (Dr Eddowes) and appellant's (Mr Hinchcliffe/Osprey) aviation experts accept that in normal take off and landing situations, the proposed buildings would have very little effect upon aviation safety. However, the point of dispute arises over the effect of unforeseen pre-cursor events (UPCE), for example, engine failure after take off (EFATO), undershoot or bird strike.
20. Whilst these UPCE are not influenced by the presence of the proposal, the location of the poultry sheds would remove an area of land that could be used for forced landings. This effectively would lead to a change in the obstacle environment in an area where UPCE may occur, and this could then lead to an

increased risk of the forced landing colliding with the proposal, causing serious injury or fatality. The primary concern for the Council is EFATO.

21. *Operations of airfield* - For take offs from RWY23, the weather conditions need to consist of stronger cross winds for it to be a preferable choice over the longer runway. YGC estimate it is used around 33% of the time. However, not only RWY23 itself is use for take offs, and land to both the north and south is utilised to take off in a westerly direction, with westerly take offs said to amount to around 40% according to YGC. I was presented with 3 aerial images² from YGC which detail a parallel take off run to the north and a take off route in direction 27 which crosses RWY23/05 and is used when the wind direction is WSW and WNW.
22. Dr Eddowes details in his Proof of Evidence that RWY23 would be favoured for around 54% of days, based upon past wind directions. Whilst this is higher than the estimated YGC figure, this did not take account of wind speed which forms part of the runway decision making process and was based upon past meteorological data. Despite these differing amounts of use, what is clear to me is that RWY23 is used for a fair amount of take offs; and take offs in a westerly direction occur frequently.
23. I was advised by YGC that over half of glider landings on RWY05 would pass over the proposed poultry sheds as a glider completes a downwind path turn from the north to the east. Powered aircraft would take a route just to the south of the poultry sheds in order to land on the asphalt. In normal circumstances, landings from an easterly direction are required to avoid Bradley Lane and the tall hedge, such that aircraft would remain higher in the air close to the start of the [grass] runway. In fact, YGC have such concerns over this operation, they do not allow visitors to land on RWY05.
24. *Safeguarding* - As the airfield is unlicensed, the guidance on safeguarding is limited. A safeguarding map is available on the Council's GIS system as an alert to consult YGC in the event of a planning application, and an Aerodrome Safeguarding Map (October 2001)³ came to light shortly before the Inquiry.
25. The safeguarding map from 2001 uses the application of the Civil Aviation Authority's publication on the Licensing of Aerodromes (CAP 168)⁴ obstacle limitation surfaces (OLS) to produce the map. OLS are safeguarded areas around licensed aerodromes that limit the height of development obstacles in defined areas of airspace. The purpose of the safeguarding map was to trigger a consultation on a planning application from the Council, and at 4.3 of the document, it details that in every case a detailed obstacle calculation must be undertaken by the safeguarding co-ordinator to establish whether the proposed obstacle would infringe the OLS. The appellants argue that the proposal would not penetrate the OLS set out in the safeguarding map.
26. Osprey assessed the proposal using CAP 168, utilising the safeguarding criteria for an equivalent licensed aerodrome. They considered this to be a 'worst-case' scenario. The outcome of the assessment is that the poultry sheds would not penetrate the appropriate safeguarding surfaces outlined in the CAP 168 guidance and thus would not affect safe flight operations at YGC. This is a

² LE4A/B/C

³ Core Document 50

⁴ Core Document 11

similar finding to the application of the safeguarding map from 2001. However, the use of CAP 168 as the singular assessment criteria by the appellant is the subject of much debate in this appeal.

27. Firstly, CAP 168 is guidance applicable to, it seems to me, mainly commercial airfields. That is not to say it cannot be applied to unlicensed airfields or leisure airfields, as it seems to be the only guidance for drawing up safeguarding measures. Yet, this needs to be applied with caution because it does not provide specific guidance on the specialised nature of glider flying, nor appear to allow for an assessment of UPCE.
28. The British Gliding Association (BGA) within its Site Operations Manual⁵ does not object outright to the use of a CAP 168 assessment being used. However, it states at 12.4 that *"although CAP 168 is quite prescriptive of criteria and CAP 428 (Safety standards at Unlicensed Aerodromes) is well detailed, these standards may be considered as a basis from which to tailor and adapt safeguarding to your particular needs"*. It goes on to detail that *"as an airfield operator you will probably already be aware that clear airspace is critical to safe operations and that physical obstructions (obstacles) are of paramount concern. You will therefore need to assess the heights of obstacles that could cause problems at any given stage of flight. CAP 168 refers to both Take Off, Climb and Approach slope areas but it may be more appropriate to combine them as CAP 428 does. Although CAP 168 and CAP 428 refer to angled slopes for nearly all safeguarding zones this may prove too rigid and complex for unlicensed aviation sites while being difficult for the LPA to administer. In this circumstance a pragmatic decision about the likely height that will be critical in any given area should be made."* Lastly, another excerpt of relevance is *"Your procedure ought also to envisage a "worst case" scenario such as Engine Failure After Take Off or unexpected marginal weather conditions which might necessitate precautionary flying"*.
29. Fact Sheet 3 – Safeguarding your flying site, produced by the General Aviation Awareness Council (GAAC)⁶ sets out that *"although CAP 428 leaves the safeguarding parameters to the operator, it is recommended that the international standards laid down in CAP 168 are used, unless, of course, your operations require greater protection. For example, glider or microlight operations may require shallower takeoffs and/or approaches than standard"*.
30. It is worth noting that CAP 428 has been superseded by CAP 793 "Safe Operating Practices at Unlicensed Aerodromes" in 2010. Neither CAP 428 nor CAP 793 provide any detailed geometrical prescriptions for the obstacle limitation surfaces to be adopted at unlicensed aerodromes.
31. Taking all this together, whilst there has been consideration of UPCE's such as EFATO; in the main, Osprey's application of CAP 168 OLS to assess the proposal, without having regard to the BGA or GAAC guidance on the matters of specific operations at the site, has, to my mind, left the appellant's assessment upon aviation safety flawed.
32. EFATO – in the event of an EFATO, both the aero-tow plane and glider would be required to carry out a forced landing. Dr Eddowes presents quantitative evidence around the risk of an EFATO event and uses an event tree to calculate

⁵ Core Document 43

⁶ Core Document 44

the probability of EFATO leading to a fatality. The evidence and data presented is difficult to understand for all UPCE and based upon estimates. The input data is also disputed by the appellants and likened to a "house of cards", yet they do not provide any alternative data or figures, except to say it would be extremely rare. The best estimate from Dr Eddowes is that the overall rate of an EFATO leading to a requirement for forced landing at the site is around 1.02 per million take-off movements. Worst case is estimated at 1.85 per million take-off movements.

33. There are existing obstacles in the area, being overhead power cables to the south and the tree line to the south west of the appeal site. Dr Eddowes sets out that the probability of a successful safe forced landing of both aircraft in an aerotow launch would be substantially reduced for the proposed future obstacle environment⁷. The appellants dispute this point, detailing that whilst the aero-tow plane would be required to land close to the appeal site in the event of an EFATO because its gliding capabilities are small; a glider could glide for a much greater amount of time, resulting in there being more options for its forced landing.
34. Whilst I have some sympathy with the appellants' argument, and I note that RWY23W would only be used when conditions were such that the climb rate would be steeper; it is important to note that the descent rate would also be steeper. Furthermore, when accounting for the 'startle factor' and awaiting the aero-tow pilots' choice of direction, I am not convinced that a glider would have sufficient capacity to glide further afield.
35. Departures from RWY23W do not always take place from the runway and the departure track is decided based on the prevailing surface wind conditions and to negate as much as possible the crosswind component effects to flight operations. This reduces the possibility of over flying the proposed structures in every westerly take off. Yet, when taking off from RWY23W, it is possible that crosswinds could take the glider over the buildings owing to the wind direction and the climb direction does not always follow a straight line like the runway; it is a dynamic, 3D environment.
36. Furthermore, whilst Osprey recommend that YGC should make pilots aware of the proposal as an obstruction outside of the airfield perimeter (that may be considered as a potential hazard in the event of an EFATO), I do not understand how this would help to avoid a collision should an EFATO occur.
37. Therefore, despite all these various circumstances and the objections to the input data for the calculations; based upon what I have heard and seen, it is obvious that placing a building where there is not currently a building would increase the obstacle environment when taking off from a westerly direction in the event of an EFATO. This is to such an extent that if there was an EFATO, however rare that may be, there would be a considerable increased adverse risk that aircraft or gliders would collide with the proposal.
38. Dr Eddowes applies the possibility of a 50:50 chance of achieving a successful forced landing for the proposed future environment and estimates a best estimate for the overall probability of fatality for that case to be 0.51 per million take-off movements, and a worst case estimate of 1.85 per million take-off movements. Again, this figure is contested by the appellants, but they

⁷ 2.2.9 Proof of Evidence

- present no alternative, save to say it could be as low as 0.2 per million take-off movements.
39. Applying a possibility of a 50:50 chance of achieving a successful forced landing does seem pessimistic, particularly given the accident data presented by YGC in which it appears all the forced landings were successful with no fatalities. On the other hand, Dr Eddowes⁸ sets out that it is recommended practice in safety assessment to use precaution in the face of uncertainty⁹. Furthermore, the incidents that have happened at YGC have not collided with a building as there were areas in which a forced landing could take place safely.
40. Thus, having regard to these matters, and the lack of evidence from the appellant to counter the 50:50 assumption, I find it reasonable to err on the side of caution and agree with the Council, particularly owing to the severity of the consequences of an unsuccessful forced landing, i.e. a fatality.
41. *Undershoot* - this occurs when the aircraft coming into land does not make the runway, and lands before it. It was clear at the Inquiry that Dr Eddowes does not consider undershoot to be a principal concern. Perhaps this is because there is only a small amount of landings (estimated at around 14% of the time with only 55% of approaches flying directly over the proposal) that take place on RWY05 and it is not used by visiting aircraft.
42. A glider undershoot rate of 10 per million movements is estimated by Dr Eddowes. The way in which he has calculated the probability of an undershoot event occurring, and the probability of collisions with the proposal was the subject of much discussion. Dr Eddowes used data collected from a previous study at an airfield in Portmoak. Whilst Portmoak is in Scotland with an entirely different set of meteorological and geographical circumstances to Rufforth (West) Airfield, based upon what I heard, it was the best data available to Dr Eddowes. On this basis, the Portmoak data is of some relevance, but this is to be applied with caution.
43. The probability of collision with the proposed poultry farm during undershoot on landing is estimated to be 0.22 to 0.4 per million movements, with a best estimate of 0.31 per million landing movements.
44. In arriving at this estimate, Dr Eddowes places a limited reliance upon pilot avoidance to provide a significant risk mitigation in the event of an undershoot. Mr Hinchcliffe disagrees with this viewpoint, and I heard evidence from both parties on the matter of how much of an 'expert' each witness was, along with their past aviation experience. Mr Hinchcliffe has significant flying experience and, on this matter alone, placing limited reliance upon pilot avoidance seems a little overzealous given a pilot's instinct to preserve his/her life.
45. I was presented with evidence from YGC of previous undershoot events at other locations around the airfield and Captain Wrigley recalled an incident involving himself where he undershot RWY05 and landed in the appeal site, some 20 years ago.
46. Osprey set out that as the proposed development has a height of <7m, for this to pose a hazard to an undershooting aircraft, the aircraft would be in an

⁸ 3.3.5 Proof of Evidence

⁹ Core Document 35 Reducing risks, protecting people, HSE's decision-making process, Health & Safety Executive, 2001

already very low and potentially dangerous situation given the distance of the development from the airfield boundary.

47. Owing to the location and height of the buildings, the appellants' conclusion is not unreasonable; particularly considering the height of the hedge at Bradley Lane, and the requirement to clear both the hedge and Bradley Lane in a normal landing situation, such that it would be expected that a glider would land further east on the runway in order to avoid the hedge and road. Furthermore, only YGC members would perform this landing and would be well aware of the obstacle. Additionally, there is space to the north and south of the buildings where one could land without colliding with the proposal.
48. Therefore, even though the construction of the buildings would remove an area of land where a forced landing could take place, based upon the evidence submitted by the appellants, I think it is reasonable to assume that the probability of a collision is less than Dr Eddowes' assessment; and on this basis, I do not consider this increase in risk to gliders from an undershoot to be adverse.
49. *Bird strike* – Both Dr Eddowes and Mr Hinchcliffe do not consider that the proposal would give rise to a substantial increase in bird strike, although Dr Eddowes sets out it may lead to some increase in risk. The proposal includes landscaped bunds to the front and sides of the building in order to ameliorate their appearance in the rural area. The type of landscaping proposed would be found locally and I do not consider that the planting of additional trees would necessarily result in a significant increase in risk to bird strike, despite the asserted gull problem by YGC.
50. Gulls could roost in the bushes and trees already surrounding the airfield. The planting of landscaping may result in a limited increase in bird numbers, but the species proposed to be planted appears to be relatively small. Furthermore, the aircraft would not be travelling at a high speed when near the appeal site given the aircraft would have just taken off and be coming into land. Therefore, if there was a bird strike, it may not have such a dire consequence as if one were travelling at a higher speed. Thus, it is reasonable to conclude that the planting of landscaping would not result in such a significant increased risk of bird strike with gliders or aircraft as to be considered adverse.
51. *Turbulence* – YGC assert that turbulence from the buildings would at times make flying too hazardous, and even under less challenging weather conditions, flights would be restricted to more experienced pilots. Dr Eddowes sets out¹⁰ evidence there may be some additional risk to operations associated with turbulence impacts, but real and severe impacts are likely to be quite uncommon. Mr Hinchcliffe does not believe that turbulence from the buildings would be significant given their location would be under and in the lee of the existing tall trees to the west. Based upon the accounts from both main parties' experts; and the relatively low height of the proposal and its location close to the trees, I do not believe that turbulence arising from the location of the buildings would result in a substantially adverse effect to gliders and aircraft.
52. *Risk significance* – Dr Eddowes uses criteria identified by the Health and Safety Executive (HSE) as a basis for assessing risk significance along with CAP 760

¹⁰ 5.9.4-5.9.7 1 Aviation Safeguarding Assessment, EAS/P1135/R1/Issue 1, November 2017.

guidance¹¹ and Department for Transport Public Safety Zones (PSZ). Using the HSE criteria approach is not disputed by the appellant but the assumptions and premises behind the estimate numbers for the HSE criteria are considered inappropriate as detailed above. The approach to using HSE criteria was applied in a previous appeal decision¹². Therefore, I am content to use the guidance in the HSE criteria to assess risk significance together with the CAP 760 guidance.

53. In terms of the PSZ approach, this appears to be similar to the HSE guidance, but as it relates to development within PSZ that surround civil airports to protect people on the ground, its relevance in this appeal is limited.
54. HSE guidance on individual risk tolerability in relation to new development is:
a) development giving rise to new fatality risks below the level of 1 in a million per annum can generally be regarded as broadly acceptable;
b) developments giving rise to new fatality risks between 1 and 10 in a million per year should be scrutinised more closely on a case-by-case basis; and,
c) developments giving rise to new fatality risks above 10 in a million (1 in 100,000) per annum are not normally permitted.
55. The CAP 760 guidance characterises risk by looking at the severity of an event occurring, i.e. the consequence and the probability of the event. These are then combined into a tolerability matrix. The appellant has used this in their *City of York Council Aviation Report Review*¹³ and found the probability of events, both EFATO and undershoot to be remote. Whilst the severity if the event was significant, combined with the remote possibility, the outcome was acceptable when applied to the tolerability matrix. However, the data used by Osprey in that assessment¹⁴ were associated with all types of glider accidents/incidents, not limited to the scenarios of concern, which is primarily EFATO.
56. Dr Eddowes presents a risk estimate comparison for the proposed and existing. From the evidence presented at the Inquiry, it appears that despite the appellants' contentions with the data used, it is perhaps the best available data in the circumstances. The outcome of this is that the location of the poultry sheds would lead to around a (best estimate) 20% additional risk of fatality, or 50% worst case. This accounts for both EFATO and undershoot. When this is applied to Rufforth (West) Airfield, it is estimated that the increase in the annual average fatality risk for glider operations arising from the proposal would be 1.3 in 100,000 per annum. This would exceed the HSE criteria. The average annual risk to the typical aerotow pilot would be 0.87 in 10,000 per annum. This is below the HSE upper limit of tolerability, but with the range that requires scrutiny.
57. Whilst the outcome of this data is reliant upon the higher possibility of collision in an undershoot scenario, of which I have found the increase in risk to not be adverse; it is very clear to me that if the poultry sheds are erected, the risk to anyone using RWY23W in the event of an EFATO occurring would considerably increase. Indeed, the increase in risk to the aerotow pilot requires scrutiny, even if it is not in the '*not normally permitted*' HSE category.

¹¹ Core Document 17 Civil Aviation Authority CAP 760 Guidance on the Conduct of Hazard Identification, Risk Assessment and the Production of Safety Cases

¹² Core Document 26 APP/J3720/A/13/2207830

¹³ Core Document 33

¹⁴ 2.5 Core Document 33

58. Put simply, the buildings would remove a sizable amount of area in which a forced landing by both aero-tow plane and glider could take place at the end of the runway. Thus, despite the assertions over the 'house of cards' data, I feel I must too apply the precautionary principle and err on the side of caution, notably, as I have described earlier, given the severity of the consequences of a collision.
59. Consequently, I consider that the proposal would result in a harmful increase in risk to the safety of aircraft and gliders taking off from Rufforth (West) Airfield.

Capacity to operate and maintain the airfield

60. Policy RwK 11 sets out that development proposals that would result in either the loss of, or have a significant adverse effect on, an identified important community amenity will not be supported. As none of the exceptions set out in RwK 11 have been met, the test in this appeal is whether the harmful increase in risk to the safety of aircraft and gliders taking off from Rufforth (West) Airfield would amount to a significant adverse effect upon YGC.
61. YGC currently manages an efficient and safe operation, and I agree with the appellants that safe flying is the responsibility of the person who volunteers to take flight. Nevertheless, YGC set out that as a minimum, the erection of the buildings would cause it to substantially amend its established operating practices and under many circumstances, it would preclude use of RWY05 and RWY23.
62. YGC state this is because certain aircraft would have to cease using RWY23 for departures and RWY05 for landings, and that there may be issues with visiting aircraft departing the airfield in certain weather conditions. YGC's income is derived from a variety of sources, with aerotowing of gliders accounting for around £90,000 out of £98,000 income accrued from flying activities last year. Whilst the total income was much more, at around £167,000; YGC assert that any reduction in income from aerotowing would prove "disastrous".
63. I have very little information from the Council on this matter, nor the appellant. However, the evidence presented from YGC on this matter of income is not disputed. Therefore, in the absence of any other evidence to demonstrate that the harmful increase in risk from the proposal would not have an adverse effect upon the operation and viability of the community amenity, I must find that the proposal would have a significant adverse upon the capacity to operate and maintain Rufforth (West) Airfield.
64. As this is a community amenity protected by Policy RwK11 if the NP, and national policy places an emphasis upon recognising the importance of maintaining a national network of general aviation airfields; the proposal would be contrary to Policy RwK11 of the NP and paragraph 104 f) of the Framework.

The Planning Balance

65. There would be benefits from the proposal, both locally and to the national economy, in the short term with construction activity and over the long term with the operation of the scheme in respect of food supply, security and local supply chains. The appellants claim the proposal would represent around a £2 million investment in construction costs, over the six month build period, supporting 25 full time equivalent (FTE) jobs and for those elements sourced

locally, the construction would be around £270,000 in labour costs and some £370,000 on supplies.

66. During the operational phase, the annual feed requirement would be around 4,212 tonnes, at a cost of about £1.18 million, comprising 70% wheat grown locally. The scheme will support the supply chain and local agriculture, and 2.5 FTE posts would be created as new positions. It would also support other existing jobs, for example, area manager, poultry collectors, supplies, etc.
67. Having regard to the Framework, which supports a prosperous rural economy by enabling the sustainable growth and expansion of all business in rural areas, I attach considerable weight to the benefits.
68. I also understand that new trees, new agricultural practices or buildings, whether or not they needed planning permission, may increase risk to aircraft and gliders. However, I am not considering these potential other things, and have based my assessment of the appeal upon the evidence before me in coming to my conclusions. This argument is of little weight.
69. Considerable weight is placed upon the benefits and I recognise that the subject matter of this appeal is unusual. Nevertheless, the conclusion based upon the evidence I have is that there would be a harmful increase in risk to the safety of aircraft and gliders taking off from Rufforth (West) Airfield in the event of an EFATO.
70. Whilst this is limited to those who choose to participate in the activity, which it must be said comes with its own inherent risks; siting the poultry sheds where they are proposed to be would lead to an increase in the risk of fatality because the buildings would remove an area of land where one could undertake a forced landing.
71. When applied to the relevant planning policy, and based upon the undisputed evidence presented from YGC, this increased risk factor, on the balance of probabilities, is likely to have a significant adverse effect upon YGC as a community amenity. This would conflict with the development plan and the Framework, and on balance, it would outweigh the considerable benefits.

Other Matters

72. There is a high level of objection to the proposal from interested parties. Whilst I have had regard to these, as I am dismissing the appeal, it is not necessary to consider the matters raised any further.

Conclusion

73. For the reasons set out above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR

APPEARANCES

For the Local Planning Authority:

Mr J Easton of Counsel	Instructed by the Legal Services Department for the City of York Council
He called	
Dr M Eddowes	Eddowes Aviation Safety Ltd
MA DPhil	
Mr T Goodall	Senior Planning Officer, City of York Council
MA MRTPI	

For the Appellant:

Mr D Hardy	Instructed by H Barker and Son
He called	
Mr R Hinchcliffe	Senior Airspace Consultant, Osprey Consulting Services Ltd
BSc (Eng) MBA MRaES	
Mr P Leeming	Associate, Partner, Carter Jonas LLP
BA (Hons) BTP MRTPI	

Interested Parties:

Captain A Wrigley JP BSc	York Gliding Club, objecting to the proposal
MPhil DHyp CBiol FRAeS AIL	
Mr L Chicot Dip TP MRTPI	Acting on behalf of York Gliding Club
Ms J Wright	Rufforth with Knapton Parish Councillor, objecting to the proposal
Mr N Myers	Local resident objecting to the proposal
Mr R Cook	Local resident objecting to the proposal
Mr N Howard	Local resident objecting to the proposal
Mr G Mathers	Local resident objecting to the proposal
Ms C Druce	Local resident objecting to the proposal

INQUIRY DOCUMENTS

LE1	Accident report (AAIB Bulletin 3/2019 G-BUGT EW/G2018/12/02)
LE2A/B	Email chain regarding copy of Safeguarding Map
LE3	List of undershoot incidents at Rufforth (West)
LE4A/B/C	Aerial images of flights paths supplied by York Gliding Centre
LE5	Response to Mr Howard from H Barker and Son
LE6	Captain A Wrigley evidence
LE7	Mr L Chicot evidence
LE8	Osprey Rebuttal Proof of Evidence (19 September 2019)
LE9	Operational Observation Report (27 June 2019)
CD54	The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013