



Fact Sheet 8 Planning Conditions

Planning conditions may be attached to the grant of planning permission. Paragraph 55 of the 2018 National Planning Policy Framework (NPPF) states *'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'*

The use of planning conditions may make an otherwise unacceptable scheme acceptable and avoid the need to appeal against refusal of an application.

The planning authority might consider the following potential conditions:

1. **Temporary permissions**, for a number years to gauge accurately the impact of an operation which may prove difficult to justify long term investment but it may be the only way to appease local concern.
2. **Restrictions on the number of movements**. It is much better to have an annual limit as opposed to a daily/weekly/monthly limit which is far less flexible and does not allow for the weather dependent nature of flying. It would be helpful to allow for special events, such as "fly-ins", being in addition to this.
3. **Restrictions on the number and times of "touch and go" movements**. This type of condition is less common as each element is usually just treated as one movement, so the overall figures need to take this element into account. The reason it is sometimes imposed is because such movements can be more intrusive on the locality. Normally they relate to flying schools and clubs.
4. **Restrictions on the number of days flying**. As above, it is much better to have an annual limit for example, 200 days per annum, as opposed to a daily/weekly/monthly limit as this builds in flexibility.
5. **Restrictions on time of activity**. Some conditions restrict flying times to specific hours, and some refer to one hour before sunrise and one hour after sunset - which is better as it allows for seasonal variations and builds in flexibility. The condition should always make an exception for emergency landings and business flights arriving later. This type of condition could also impose different hours of operation at weekends and Bank Holidays to suit local needs.
6. **Restrictions on aircraft or engine type**- this would have to have very strong justification so as to be 'reasonable'.
7. **Restrictions by maximum total permitted weight of an aircraft**. Seeking the imposition of this condition would be based on the belief that increased weight leads to increased noise. This is not always true and such a condition therefore needs to be treated with caution.



8. **Restrictions on activities undertaken**, for example that the site shall not be used for parachuting, public displays or as a flying school. It is also possible to restrict aerobatic activity within a specified distance of the airfield perimeter but only by reference to the take-off / landing of aircraft used for that purpose.
9. **Restriction on the number of aero-tow launches** per day and on the power of towing aircraft (in gliding cases). As with 7 above, more power does not necessarily mean more noise.
10. **Take-off and landing directions** to be controlled by reference to the preferred runway with restrictions on use of alternative runways except when wind, weather or other conditions make use of the other runway advisable on safety grounds.
11. **Restrictions on ancillary maintenance and storage**, for example within approved or existing buildings and hangars and subject to noise attenuation measures if deemed necessary.

When discussing conditions be aware of the implications of agreeing certain restrictions. It is easy to get carried away with the goal of achieving a planning permission at all costs but end up with it being so tightly regulated it becomes financially or operationally unviable.

Another control available to planning authorities is a legal agreement under S106 of the Planning Act 1990. However, this can only cover matters which are inappropriate as planning conditions (i.e. do not satisfy the requirements of paragraph 55 of the NPPF as set out above). A S106 Agreement runs with the land and will normally only be appropriate in association with large, complex sites. A good example of an aviation related S106 obligation would be contributions per movement to some sort of community fund – e.g. for noise insulation at a large airport.

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*This is one of a series of Fact Sheets available from the GAAC.
The planning system is not straightforward. Local policies and concerns vary across the country and as each airfield is unique, interaction with the planning system needs to be tailored to fit. If your airfield has a particular issue or if you would like further information, please contact the above address or see our website at www.gaac.org.uk*