

SUPPLEMENTARY INFORMATION PACK

CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

13 July 2017

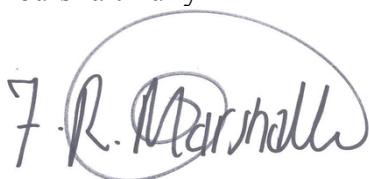
Dear Councillor

COUNCIL - THURSDAY 13 JULY 2017

Please find enclosed a Supplementary Information pack for the above meeting in relation to the following items of business:

5. **Minutes - 29 June 2017** (Pages 3 - 10)
Marked as to follow on the Agenda.
9. **Recommendations of Committees for Decision by the Council** (Pages 11 - 12)
Addendum to the report.
14. **FUL/MAL/16/01142 - Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** (Pages 13 - 18)
Members' Update detailing any further information received since the agenda was printed.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a hand-drawn oval.

Chief Executive

This page is intentionally left blank



**MINUTES of
COUNCIL EXTRAORDINARY
29 JUNE 2017**

PRESENT

Chairman	Councillor H M Bass
Vice-Chairman	Councillor N R Pudney
Councillors	Mrs B F Acevedo, J P F Archer, E L Bamford, Miss A M Beale, B S Beale MBE, R G Boyce MBE, Mrs P A Channer, CC, M F L Durham, CC, A S Fluker, Mrs B D Harker, B E Harker, M S Heard, J V Keyes, Miss M R Lewis, R Pratt, CC, S J Savage, Mrs N G F Shaughnessy, A K M St. Joseph, Mrs M E Thompson and Miss S White

208. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

He advised that if required he would adjourn the meeting between each item of business.

The Chairman informed Members that he had agreed for the Leader of the Council to address the Council and this would be after Agenda Item No. 2 - Apologies for Absence.

209. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R P F Dewick, I E Dobson, Mrs H E Elliott, P G L Elliott, M W Helm, M R Pearlman and Rev. A E J Shrimpton.

210. STATEMENT FROM THE LEADER OF THE COUNCIL

The Leader of the Council advised that he had just received an email in relation to the Council's Local Development Plan. The communication was from Planning Inspector Simon Berkley and contained some 336 points. The Leader then read out the final paragraph of the email which read as follows:

'The Council has requested that I recommend main modifications to make the plan sound and or legally compliant and capable of adoption. I conclude that with recommended main modifications set out in the appendix the Maldon District

Development Plan 2014 – 2029 satisfies the requirements of Section 20 of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.’

The Leader explained that this meant that the Inspector had found the Council’s Plan sound, it was already with the Secretary of State and a response expected very quickly.

The Leader of the Council thanked all Officers and Members for all their work in relation the Local Development Plan. He explained this was a really significant moment for the Council and set it ahead of many other authorities in the Country.

211. DISCLOSURE OF INTERESTS

Councillor S J Savage declared a non-pecuniary interest in Agenda Item 6 - FUL/MAL/17/00396 Land South of Wycke Hill and Limebrook Way Maldon as he was a single person.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council advising that there were references to the Essex Design Guide in the report on which the County Council were consulted along with other matters.

Councillors M F L Durham and R Pratt declared non-pecuniary interest in any matter involving Essex County Council as they were Members of the County Council.

The Committee received the reports of the Chief Executive and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

212. FUL/MAL/16/00150 - LAND EAST OF DRAPERS FARM, GOLDHANGER ROAD, HEYBRIDGE

Application Number	FUL/MAL/16/00150
Location	Land East of Drapers Farm, Goldhanger Road, Heybridge, Essex
Proposal	Relocation and provision of new Heybridge Swifts Football Club facilities including an all-weather pitch, practice pitch and youth team pitch. New access road, car parking, sound attenuation bund, landscaping & ancillary and associated development
Applicant	Bloor Homes Eastern
Agent	Mr Andrew Martin - Andrew Martin Planning
Target Decision Date	Time extended until - 01/07/17 by agreement
Case Officer	Mark Woodger, Principal Planner – Major Applications (Strategic Sites) TEL: 01621 875351
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005 Major Application Parish Trigger

It was noted from the Members' Update that additional letters of representation had been received. In addition, the Update advised that since publication a number of supporters / objectors had contacted the Council to advise that they wanted their letters redacted.

At the end of his presentation the Principal Planner – Major Applications (Strategic Sites) advised of an amendment to reason for refusal 5 to add in reference to Policy T2 of the proposed Local Development Plan. This was to be added on the second to last line after Policy S1 and referred to transport modes and the choice of transport.

Following the Officers' presentation an objector, Mr Patrick Forsyth (on behalf of Goldhanger Road Residents Group) and Councillor S Burwood on behalf of Heybridge Parish Council, addressed the Committee.

The Leader of the Council proposed that the Council accept the Officers' recommendation of refusal as set out in the report and amended by the Officer. This proposal was duly seconded.

A number of other Members commented on the application, raising concerns which included the proposed lighting, noise, location and removal of hedgerows and supported the recommendation of refusal. Members thanked the Principal Planner – Major Applications (Strategic Sites) for his excellent report.

The Chairman then put the proposition from the Leader of the Council which upon a vote being taken was agreed.

RESOLVED that this application be **REFUSED** for the following reasons:

- 1 The proposed site is within a sensitive rural location outside of the defined settlement boundary of Heybridge, within the open countryside, and the site is located within a Coastal Zone as defined in the Adopted Maldon Replacement Local Plan where restraint policies apply. In terms of the 2006 Maldon Landscape Character Assessment the site falls within 'D2 – Maldon Drained Estuarine Marsh' and this provides the baseline landscape character for this area, this being a drained coastal marsh landscape now isolated from tidal influences, hedgerows, isolated farmsteads and the urban / suburban influence of Maldon on eastern edges of the character area. The character area has no villages within it but is characterised by dispersed historic farmsteads and scattered agricultural buildings within an irregular field pattern. Historic footpaths and tracks link the farmlands to the main highway and the estuary. Overall this character area has a strong sense of tranquillity, particularly in areas away from Maldon / Heybridge (eastern fringe) and the main road (B1026). The provision of a football pitch and associated facilities is not connected with a coastal location and its location; siting and design would adversely affect the open, flat rural landscape of the area, its wildlife and its features. The development by reason of the associated noise, light, traffic movements would be injurious to the existing rural character and the views to the site, which are extensive in this wide flat rural landscape, affecting its intrinsic character and value. This would further be compromised by the removal of existing vegetation increasing the visibility of the development and the reliance on replacement planting would take between 10 and 15 years to establish. It would result in an urbanising form in this otherwise quiet rural area and would not represent sustainable development. The impact of this development on the adjacent Saltcote Hall, users of adjacent footpaths and

public areas, and the sea wall and estuary would be significant and to the detriment of the area. As such the adverse impacts of the development would not outweigh the benefits and the scheme is considered to be contrary to policies CC11 of the adopted Maldon District Replacement Local Plan, Policy N2 within the Proposed Local development Framework and Paragraphs 17, 109, 110, 112 and 114 of the National Planning Policy Framework.

- 2 The proposal is considered, on balance, to have an adverse impact on protected species and wildlife habitats. It would result in a loss of biodiversity, and impact the current tranquillity of this quiet rural area to its detriment. It is not considered that the impact of the development on harm to ecology without adequate mitigation has been successfully proven and the impact is considered the impact of the development would, therefore, be contrary to Policies CC5 in the Maldon District Replacement Local Plan, Policy N2 within the Proposed Local development Framework and Paragraphs 117, 118 and 119 of the National Planning Policy Framework.
- 3 The development stands adjacent to a property at the southern edge of the site which currently enjoys a dark, quiet rural aspect. Not only does this property enjoy residential amenity from this setting, its business also benefits from this. In addition the adjacent Chigborough Lakes and Saltcote Hall carry out their own business enterprise which is dependent on peace and quiet. The establishment of a football club with associated noise, traffic and lights late into the evening would have a detrimental impact on not only enjoyed residential amenity but also on the future success of the landowners established business's. The proposals will not only change the character of the exiting land use but have a significant lasting impact on neighbouring land providing an alien landscape feature in an otherwise flat landscape including the introduction of floodlights in an intrinsically dark landscape. As such the development is considered contrary to Policy BE1 in the Maldon District Replacement Local Plan Paragraph 123 of the National Planning Policy Framework in that the impact of the use would adversely affect the tranquillity of adjacent sites, existing business uses and enjoyed amenity.
- 4 The detailed scale and appearance of the development does not response to the local surroundings nor integrate successfully with the existing character and appearance of the sensitive flat open rural landscape to its considerable and lasting detriment. As such the development is considered contrary to Policies BE1 and BE6 in the Maldon District Replacement Local Plan, Policy D1 within the Proposed Local Development Plan and Paragraphs 58 and 60 of the National Planning Policy Framework.
- 5 The location of the proposed development and the available access arrangements show that the development is predominantly reliant on the motor vehicle and given the proximity to the edge of Heybridge and the use of the development by children and youths in training facilities it is devoid of safe and attractive connections for pedestrians and cyclists other than by the vehicle highway on Goldhanger Road. There is also no available route for pedestrian and cyclists to access this site from the Scraley Road site and restricted opportunities along Goldhanger Road. As such the development is considered as contrary to Policies BE1 in the Maldon District Replacement Local Plan, Policy S1 and T2 within the Proposed Local Development Plan and Paragraph 61 of the National Planning Policy Framework.

213. FUL/MAL/16/00154 - LAND ADJACENT HEYBRIDGE SWIFTS FOOTBALL CLUB, SCRALEY ROAD, HEYBRIDGE

Application Number	FUL/MAL/16/00154
Location	Land Adjacent Heybridge Swifts Football Club Scraley Road Heybridge Essex
Proposal	Development of the existing Heybridge Swifts Football ground for 104 dwellings, public open space, landscaping, highways & ancillary and associated development. Raising of the ground level across the site by up to a maximum of 0.8m.
Applicant	Bloor Homes Eastern & Heybridge Swifts FC
Agent	Mr Andrew Martin - Andrew Martin - Planning
Target Decision Date	01/07/17 as by agreement
Case Officer	Mark Woodger, Principal Planner – Major Applications (Strategic Sites) TEL: 01621 875351
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Departure from the Local Plan Major Application Level of Public Participation Local Development Plan site allocation site S2(h)

It was noted from the Members' Update that additional letters of objection had been received.

Following the Officers' presentation Councillor Richard Perry on behalf of Heybridge Parish Council addressed the Council.

The Leader of the Council proposed that the Council accept the Officers' recommendation of refusal as set out in the report. This proposal was duly seconded.

A number of Members commented on the application, highlighting concerns raised in the report and supporting the recommendation of refusal. Members commended the Principal Planner – Major Applications (Strategic Sites) on his report.

In response to a question regarding maintaining the sporting facilities in the District, the Principal Planner – Major Applications (Strategic Sites) provided Members with further information. He explained that if the Football Club were, for example, to buy a site and build a new pitch it was unlikely that Sports England would object.

Councillor Mrs P A Channer questioned whether design could be included within or added as a reason for refusal. In response the Officer suggested that reason for refusal 1 be amended to read "The development, by virtue of its scale, mass, *design* and layout...". This amendment was supported by Members.

The Chairman then put the Leader of the Council's proposition of refusal for the reasons as set out in the report (with the suggested amendment to reason 1). Upon a vote being taken this was agreed.

RESOLVED that this application be **REFUSED** for the following reasons:

1. The development, by virtue of its scale, mass, design and layout is considered to provide for a cramped and contrived development out of character with the

surrounding area and to the detriment of this edge of open rural land setting. This is brought about by the number of dwellings as proposed, their height, scale mass and their form. The development is considered contrary to paragraphs 61 and 64 of the National Planning Policy Framework; policies BE1 and BE6 in the Adopted Maldon District Local Plan, and Policy D1, D2, and N3 within the proposed Local Development Plan.

2. The development as proposed forms a hard built edge immediately next to the eastern and southern boundaries of the site, which represent the boundaries to open countryside beyond the site. This is considered to materially affect the character of this area to its considerable detriment contrary to paragraphs 61, 109 and 118 of the National Planning Policy Framework; policies BE1, BE6 and CC6 of the Adopted Maldon District Local Plan policy N2 of the proposed Local Development Plan.
3. The development as permitted makes no provision on site for a designated Local Equipped Area for Play (LEAP) relying on land outside the ownership for provision of the same. As such the layout as proposed would have no areas for play and recreation to the detriment of the health and well-being of residents. This is considered contrary to Policy N3 in the proposed Local development Plan, as well as Paragraph 69 in the National Planning Policy Framework.
4. The development as proposed has failed to show in detailed terms how a housing development on this site can enable the associated relocation of the new football ground and be viable in terms of affordable housing provision and to show how the applied for 30% affordable housing contribution can be achieved. As such the development is considered contrary to paragraph 173 of the National Planning Policy Framework; contrary to Policy H9 in the Adopted Maldon District Local Plan, and Policy H1 of the proposed Local Development Plan.
5. The development as proposed shows no formal connection by way of a legal agreement to link the re-development of this existing sports site to the phasing and delivery of the development it enables, that is to say a replacement football facility and associated facilities. Without it the retention of a sporting facility to house Heybridge Swifts cannot be demonstrated and secured by any legal means. As such the development if approved would result in the avoidable loss of an existing sports facility with its alternative location not being safeguarded. Therefore the development would be contrary to paragraph 74 of the National Planning Policy Framework; Policy REC in the Adopted Maldon District Local Plan, and Policy N3 of the proposed Local Development Plan.

214. FUL/MAL/17/00396 - LAND SOUTH OF WYCKE HILL AND LIMEBROOK WAY, MALDON

Application Number	FUL/MAL/17/00396
Location	Land South Of Wycke Hill And Limebrook Way Maldon Essex
Proposal	Variation of condition 27 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)
Applicant	CEG and landowners
Agent	Michael Carpenter - Code Development Planners Ltd
Target Decision Date	3 August 2017
Case Officer	Mark Woodger, Principal Planner – Major Applications (Strategic Sites) TEL: 01621 875351
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan Member Call In – Councillor M S Heard

It was noted from the Members' Update that an amendment to paragraph 3.1.5 was detailed along with a revision to the proposed condition for approval.

The Principal Planner – Major Applications (Strategic Sites) presented the report and advised that if Members' were mindful to approve the application that in addition to the condition detailed the other previous conditions would be reissued but a change to the Section 106 agreement was not required.

The Leader of the Council proposed that the Officers' recommendation of approval subject to conditions be agreed. This proposal was duly seconded.

Councillor M S Heard advised the Council that he had called in this application as he felt it should be debated by the Council given that it was previously a decision taken by the Council to approve the previous mix of housing. He highlighted his concerns regarding the proposed reduction in one bedroom accommodation.

In response to a number of questions, the Officer outlined that the change to a higher number of two bedroomed houses removed a large amount of dead space required with one bedroom flats e.g. stairwells etc. Members were advised that the proposal was twice the number of one bedroom dwellings that the Strategic Housing Market Assessment identified there was a demand for.

Following further discussion the Chairman put the proposal for approval to the vote. Upon a vote being taken the Officers' recommendation was agreed.

RESOLVED that planning permission be **GRANTED** for this Section 73 application and that condition 27, as attached to approved application FUL/MAL/14/01103, be amended to read:

That planning permission be granted for this Section 73 Application and that condition 27, as attached to approved application FUL/MAL/14/01103, be amended to read:

27. CONDITION

The development shall be carried out in accordance with the private market housing mix as stated below:

Beds	Type	Percentage	Number
1	Flats	Minimum (min.) 3.4	24
2	Houses, Bungalows, Flats	Maximum (max.) 26.6	186
3	Houses	No less than 35	245 min.
4+	Houses	No more than 35	245 max.

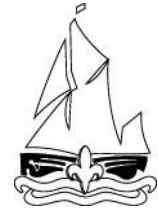
REASON To ensure that the housing mix deliveries a mix in accordance with Garden Suburb principles as detailed in the endorsed South Maldon Garden Suburb Strategic Masterplan Framework, policy H2 of the Maldon District Submission Local Development Plan and the NPPF and PPG.

In all other respects the conditions as attached to the original approval of planning permission shall remain as agreed and be added to the decision notice.

There being no further items of business the Chairman closed the meeting at 8.45 pm.

H M BASS
CHAIRMAN

CIRCULATED AT
THE MEETING



REPORT of CHIEF EXECUTIVE

to
COUNCIL
13 JULY 2017

ADDENDUM

AGENDA ITEM NO. 9 RECOMMENDATIONS OF COMMITTEES FOR DECISION BY THE COUNCIL

Section 4 - Planning and Licensing Committee – 13 June 2017

Please note that the following recommendation was omitted from the report in error.

5.2 MINUTE 142 – COUNCIL CONSTITUTION – PLANNING APPLICATIONS FOR DEVELOPMENT OF STRATEGIC INTEREST

5.2.1 Minute Extract:

The Committee considered the report of the Chief Executive seeking Members' consideration of a revision to the Area Planning Committee Terms of Reference.

The report set out two proposed revisions to the Provisos to the Terms of Reference of the Area Planning Committees including arrangements for convening extraordinary meeting of the Council and variations to planning obligations.

5.2.2 Committee recommendations

- (i) that the Council agrees that the following wording be inserted at the end of Proviso 5 within the Terms of Reference of the Area Planning Committees:

For the purposes of this proviso 5 “applications for development of strategic interest” shall include all applications establishing or varying the principle of development but shall not include variations to conditions or the approval of reserved matters unless in accordance with a decision of the Council or at the discretion of the Director of Planning and Regulatory Services. In all other respects, the existing provisions of the Scheme of Delegation will apply.

- (ii) that the Council agrees that the following additional provision is included in the Scheme of Delegation to Officers:

In consultation with a legal advisor, the determination of requests for the variation of a Section 106 Planning Obligation provided that the approved principle of development is unaffected and that the variation does not affect the securing of the payment of monies to the Council.

This page is intentionally left blank

**CIRCULATED AT
THE MEETING**



**REPORT of
CHIEF EXECUTIVE**

to
COUNCIL
13 JULY 2017

MEMBERS' UPDATE

AGENDA ITEM NO. 14

Application Number	FUL/MAL/16/01142
Location	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
Proposal	<p>Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take-offs and landings, and arrangements for Special Public Event days. The arrangements to be as follows:</p> <ul style="list-style-type: none"> • The airstrip to be used by fixed wing and propeller driven aircraft; helicopters, apart from emergency services machines, may only use the site in the event of emergency or during Public Event days • Take-offs and landings only after 08.00 hours and no later than either 20.00 hours, or sunset whichever is earlier • In the Winter months (November to April inclusive) there shall be no more than 25 landings and 25 take-offs per day • In the Summer months (May to October inclusive) there shall be no more than 25 landings and 25 take-offs on weekdays • In the Summer months (May to October inclusive) there shall be a maximum of 50 landings and take-offs per day at weekends and bank holidays apart from Special Public Event Flying days when maximum landings and take-offs are increased to 75 take-offs and 75 landings per day
Applicant	The Trustees - Stow Maries Great War Aerodrome Trust
Agent	Ms Sarah Threlfall - TMA Chartered Surveyors
Target Decision Date	24.01.2017
Case Officer	Yee Cheung, Tel: 01621 876220
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Major Application Member Call In

ADDITIONAL INFORMATION

Issues Relating to Section 106 (S.106)

The Council has been in discussion with the applicant in relation to the S. 106 agreement. The Council's legal advice is that an additional heads of terms should be added to include a

dispute resolution clause in relation to the Consultative Committee. It is also considered appropriate to define a 'Special Events' within the S.106 as this will relate directly to the Consultative Committee; although this would not need to be a heads of terms.

Issues Relating to Conditions

Since the publication of the report, a number of concerns have been raised by the members of the public regarding the visibility splay as stated in Condition 4 – the Applicant has stated during the application process and in response to these concerns that they were able to meet this requirement as the land is in the control of the Highway Authority. However, due to the doubt raised, it is considered reasonable to amend Condition 4 to a Grampian Condition, in the interest of proper planning. Furthermore, it has been noted that condition 6 has been amended for clarity and that there is a typographical error in condition 12.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED (PAGES 115 – 128)

7.4 Representations received from Interested Parties (pages 118 – 128)

Since the publication of the report, further letters of **objection** were received from:-

- Jane Fleming, Great Whitmans Farmhouse Hackmans Lane Purleigh dated 6 July 2017
- Mark Nowers, RSPB, Brantham Mill Industrial Estate, Brantham, Manningtree dated 20 Junr 2017
- Mrs Claire Thorogood, Scarr Cottage, Woodham Road, Stow Maries dated 19 June 2017
- Roy N Martin, Scarr Cottage, Woodham Road, Stow Maries dated 7 July 2017
- Trevor and Gill Crosby, Hackmans Lane Purleigh Chelmsford Essex dated 6 July 2017
- Jane Fleming, Great Whitmans Farmhouse Hackmans Lane Purleigh dated 12 July 2017

The Reasons for Objection are listed below:-

- Aircrafts would have an impact on birds nesting.
- Any increases or expansion on site would hugely impact on the locality.
- Most letters of support do not live in the area.
- The application and the Stow Maries Aerodrome Business Plan (2015-2019) move away from the original aim to preserve the site.
- Increase in flight display in unsympathetic and have an impact on residential properties.
- Becoming a full commercial facility.
- The airfield does not control land on which to provide splays of any sort. The road, the land and the hedgerows are not in the ownership of the airfield and visibility splays are not therefore a deliverable feature on the part of the Applicant.
- Crows Lane is inappropriate for larger vehicles.

- Trevor and Gill Crosby writes to clarify the access arrangements that Stow Maries Great War Aerodrome (SMGWA) enjoy over their private road Flambirds Chase by written legal agreement.
- Concerns raised regarding to the SMGWA Display Area
- Need to clarify what is a ‘Special Flying Event’ and ‘Special Public Event Flying Day’

7.2 Statutory Consultees and Other Organisations (pages 117 – 118)

Natural England (NE)

Since the publication of the report, Natural England has responded to the consultation. A summary of their comments follows:

Natural England is a non-department public body purpose of which is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Aircraft flight patterns have the potential to cause disturbance to notified bird populations at sensitive times of year. The NE note that the proposal is for a relatively small total number of flights (although the percentage increase is significant), the submission does not provide information on the flight routes, and altitudes, both of which have a bearing on the significance of any impacts. Without the following information Natural England is unable to determine the significance of the potential impact and the scope of mitigation:-

- Habitats Regulations Assessment, with in-combination assessment of all relevant local plans, other airports for cumulative impact, and housing increases etc. which can increase disturbance to birds and increase in air pollution;
- Details of where air crafts will fly, and at what height;
- Air quality assessment from the increase in use, in-combination effects and potential impact to the nearby designated sites.

Therefore, at this time it is not possible for Natural England to assess the potential effects on:

- Crouch & Roach Estuaries (Mid-Essex Coast Phase 3) Special Protection Area (SPA), Ramsar, and Site of Special Scientific Interest (SSSI).
- Blackwater Estuary (Mid-Essex Coast Phase 4) SPA, Ramsar and SSSI.
- Benfleet And Southend Marshes SPA, Ramsar and SSSI.
- Colne Estuary (Mid-Essex Coast Phase 2) SPA, Ramsar and SSSI.
- Thames Estuary & Marshes SPA, Ramsar, and South Thames Estuary & Marshes SSSI.
- Thrift Wood, Woodham Ferrers SSSI

Natural England has advised that they would wish to re-consulted once the above information has been received by the Applicant.

Natural England has advised that should the Council be minded to grant planning permission contrary to the advice above, it is required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, the Council has taken account of Natural England's advice.

ADDITIONAL INFORMATION

In support of the planning application, the Applicant confirms the following in an email correspondence dated 4 July 2017:

The Trust has no desire to have helicopters, gliders or microlights. Also would like to highlight the following points:-

- The type of aircraft using the airstrip for landing and take-off purposes shall be limited to fixed wing, single propeller driven aircraft
- No microlights, gliders or hot air balloons shall be flown from or land upon the site, except in an emergency.
- Helicopters, apart from emergency services or military machines, may only use the site in the event of emergency or during Public Event Flying days

In addition to the above, the Applicant has submitted a further report in response to an additional report by dB Consultation Ltd dated 30 June 2017 regarding to noise generated by the aerodrome, prepared by K J Gaylor dated 10 July 2017 on 11 July 2017 in support of the planning application.

The report has raised concerns regarding the following:-

- The report failed to determine the impact in worst case scenarios for the noise sensitive receptors;
- The basis and conclusions of the Sharps Gayler report are incorrect because they were founded upon obvious misinterpretations of the number of flight movements allowed under existing conditions 13 and 14;
- It has failed to assess the true changes in flight numbers, the proposed increase in flight movement numbers is from 360 to approx. 24,000 per annum, nearly 67 times greater, which is inconsistent with the reasons given by the applicant for increasing flight movements;
- The report has not considered Event days or defined the term 'Event' day and has claimed *'they will not materially affect prevailing noise emission level and impact'*;
- The report was based upon a sound testing flight pattern from a post-World War One aircraft that emit considerably lower noise than aircraft of the period that would use the airfield;
- The conclusions drawn from Consultant's assigned LOAEL (Lowest Observed Adverse Effect Level) and SOAEL (Significant Observed Adverse Effect Level) sound levels were based against unrealistic low ambient sound measurements - dBC has ambient / background sound data available for Woodham Road, Stow Maries which is more appropriate and relevant to flight patterns practiced by the airfield;

- The tested flights were measured to the west of airfield (above areas in the Chelmsford district), a considerable distance from Stow Maries;
- The aircraft description, in the application, has been changed from single engine aircraft, allowing for example twin-engine aircraft which may amplify the impact

The content of the report submitted has been considered by the Environmental Health Team and will be discussed at the meeting.

RECOMMENDATION (PAGE 1) AND PROPOSED CONDITIONS INCLUDING HEADS OF TERMS OF SECTION 106 AGREEMENT (PAGES 128 - 131)

Due to the recent consultation response by Natural England, it is proposed that the recommended that the recommendation be amended as follows:

That the Chief Executive be authorised to GRANT planning permission subject to the submission of additional information requested by Natural England, the applicant entering in to a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligation and conditions as detailed within Section 9 of the report, those detailed below and any new conditions recommended by Natural England pursuant to the additional information.

Heads of Terms of Section 106 Agreement (page 128)

E Dispute resolution clause.

Conditions (pages 128 – 131)

It is recommended that Conditions 4, 6 and 12 contained within the Officer’s report are amended to read:

Condition 4

~~The site access on Hackmans Lane at its centre line shall retain a clear to ground~~ Prior to the flight movements hereby permitted, a visibility splay with dimensions of 2.4 metres by 180 metres in each direction, as measured from and along the nearside edge of the carriageway shall be provided. Such vehicular visibility splays shall ~~retained and~~ remain free of any obstruction ~~at all times in perpetuity~~.

Condition 6

The airstrip is only to be used by fixed wing, single propeller driven aircraft. Gliders and Helicopters, other than emergency service or military aircraft, shall not be permitted to use the airfield except in emergencies or during “Special Flying Event ~~days~~”. No microlights or hot air balloons shall be flown from or land upon the site, except in an emergency.

Condition 12

Notwithstanding the limitation imposed through Condition **810**, during the Summer months of May to October inclusive there shall be no more than 4 “Special Flying Events”. No “Special Flying Events” may last more than three days. During any “Special Flying Events” there shall be no more than 75 landings and 75 take offs per day or a total of ~~150300~~ landings and ~~150300~~ take offs during the entire “Special Flying Event”.