

Appendix 4

MEMO From Chris Shipham

To: Yee Cheung

Our ref 18/00155/ECONPL

Your ref FUL/MAL/17/01071

cc

Date 21st May 2018

Proposal:	Variation of conditions 13 and 14 on approved planning permission FUL/MAL/09/00250 (Re-instatement of airfield and erection of 2no. aircraft hangers to match former buildings on site)
Location:	Stow Maries Aerodrome Hackmans Lane Purleigh Essex (010013996794)

Further to the recent correspondence relating to this application, in particular relating to consideration of potential noise impact, I would make the following comments. This response is based upon having reviewed both the Sharps Gayler acoustic report (September 2017) and the dB Consultation Ltd acoustic report dated 22nd November 2017, together with the other written correspondence regarding this application. This includes the response of Mr Ian Haines dated 4th November and shown as a memo received by Planning on 23rd November.

Additional information from Sharps Gayler, on behalf of the applicant, was also received by Maldon District Council on 6th May. The majority of this memorandum was prepared prior to the receipt of this additional information but the extra information has been considered towards the end of this memorandum.

In drafting this memo, specific consideration has been given as to whether or not there is any need to depart from or alter the comments and findings made in Mr Haines' memo dated 4th November.

In summary, the objection from the Planning Law Practice (23rd November), and based upon the dB Consultation report (22nd November), revolves mainly around the following concerns (comments directly taken from Planning Law Practice letter in italics):

- a) *The Sharps Gayler report is based on an incorrect understanding of the number of flight movements and as such is flawed.*

The way that the Sharps Gayler report is written does seem to play down the significance of the large increase of flight movements resulting from the higher monthly and annual caps. Nevertheless, the analysis is correct in terms of the maximum increase in movements on any one day and this is the critical factor required for assessing the noise impact of the development. In the report, Sharps Gayler successfully demonstrate that noise from the proposed level of activity is not significant on a daily basis. Accordingly, total number of flights per month or year cannot be the determining factor when the daily impact has

been deemed not significant. The dB Consultation approach does not relate the increase in movements to the relevant time period.

- b) *The economic and cultural benefits of the development are not specified in the application nor is there consideration of the adverse impact that the development will have on the development of local businesses.*

These issues are not directly related to the noise assessment and are a matter for consideration and balance for the Planning Department.

- c) *The true impact of special public flying events has not been effectively evaluated.*

This is addressed in detail on pages 3-4 of Mr Haines' 4th November report. His conclusion was that the applicant understates the noise impact of these events because the Sharps Gayler report, despite accurately modelling the additional flight movements as simple arrivals and departures, fails to factor in the likelihood of different aircraft types and displays. The modelled data comes close to exceeding the lowest observed adverse effect level (LOAEL) and the additional complications of an event will almost certainly exceed this level. It therefore remains almost impossible to make an objective recommendation due to the high number of unknown variables and the lack of available data, although the additional information from Sharps Gayler in recent days has sought to further quantify such likely impact. Additional planning controls are likely necessary in relation to the special events but may have to be based on a subjective common-sense approach (such as limitation of days, number of events, flight movements, etc.) rather than any sound technical basis. The ultimate decision on this balance will fall to the Planning Authority.

- d) *The Designated Display Area (DDA) does not form part of the application, nor has it been considered in the applicant's noise assessment or my November report.*

This designation is a matter for the Civil Aviation Authority. It relates to use of airspace rather than land use and is not, in my opinion, a matter for the Local Planning Authority. The DDA can be used by aircraft that do not land at or take off from the airfield and as such does not have any direct relevance to the increase in flight movements. Wider issues concerning the operation of the DDA are best dealt with through the CAA and the airfield operator and there is a clear role for the proposed airfield consultative committee.

- e) *The modelling and noise tests used post WWII aircraft that bear no resemblance to the historical background of the museum and aerodrome and the noise measurements did not relate to affected properties.*

These points have been raised in the earlier application. Mr Haines researched and identified that noise modelling data is not available for the historic aircraft and the dataset chosen represents the best fit available. It is also more typical of visiting aircraft that will make up a large proportion of the increased movements. The noise measurements were undertaken to validate

the model and were taken in appropriate locations using the noisiest aircraft currently operating from the site. This allowed modelling for the areas around, including Stow Maries.

- f) *A number of points raised by my November report do not appear to have been given full consideration.*

The report from dB Consultation Ltd. was issued on 22nd November 2017. Mr Haines' response was produced on 4th November and consequently did not contain reference to the content of the dB Consultation report. However, similar issues were raised by dB Consultation previously and so Mr Haines had knowledge of much of the nature of the concerns expressed when reviewing the latest Sharps Gayler report.

Drafting of Conditions / Additional Conditions

With all of the above in mind, I repeat much of Mr Haines' previous memo content regarding the conditions applied for as follow:

*"The drafting of the two varied conditions raises some immediate concerns. Condition 13 retains the requirement for the "Special Public Flying Events" to be organised in accordance with a scheme to be submitted to and approved in writing by the LPA. This has always been a flawed part of the condition and gives no indication of the scope of any such scheme, the criteria for approval, the timing and mechanism for any submission, the role of public consultation, the resourcing of the LPA consideration or the consequences of the LPA not giving approval. It also loses the existing requirement for transport planning although this could presumably be built into any requirement for approval of the event scheme. Condition 14 also provides for the 120 movements permitted for a Special Public Flying Event to be varied if agreed in writing with the LPA. Again, there is no indication of how such an agreement might function and the implications of the LPA either increasing or reducing the quota or refusing to do so. **It is recommended that the above issues are dealt with as part of any approval by means of condition or legal agreement.***

When considering the 2016 application two additional conditions were proposed to ensure the effectiveness of what is now the proposed conditions 13 and 14:

- i. *A record of all flying activity and aircraft based at the site shall be maintained by the airfield operator and made available in a suitable format for inspection and copying by the Local Planning Authority at any reasonable time. Such record shall as a minimum contain dates, times, aircraft type, description of activity including runway in use and details of any public complaint associated with the activity.*
- ii. *On the first anniversary of this approval and every two years thereafter, the applicant shall demonstrate to the satisfaction of the Local Planning Authority using actual flight records that the LOAEL of 50dB LAeq 12hr has not been exceeded at any property in the vicinity of the airfield except on "Special Public Flying Events". In the event that an exceedance is identified the applicant shall*

prepare and implement a noise reduction plan to further control the number and or type of aircraft using the airfield such that the 50dB LAeq 12hr is not exceeded at any noise sensitive property”.

Whilst I agree that these conditions would appear appropriate to apply to any new approval, I suggest that the second condition recommended is modified as follows:

- ii. On the first anniversary of this approval and every two years thereafter, the applicant shall demonstrate to the satisfaction of the Local Planning Authority, through the submission of a report from a competent person and using actual flight records, that the LOAEL of 50dB LAeq 12hr has not been exceeded at any property in the vicinity of the airfield except on “Special Public Flying Events”. In the event that an exceedance is identified the applicant shall prepare and implement a noise reduction plan to further control the number and/or type of aircraft using the airfield such that the 50dB LAeq 12hr is not exceeded at any noise sensitive property.

Returning to the issue of Special Public Flying Events, I refer to the following response from Mr Haines’ memo of 4th November (relating to the September 2017 Sharps Gayler report):

*“The report repeats the assessment for the 8 “Special Public Flying Events” with 120 permitted movements per day. Again, it concludes that this level of activity could be contained within the LOAEL threshold of 50dB. **This approach is flawed on two accounts.** Firstly, the Cessna 172 data used as a surrogate for aircraft based at Stow Maries may not be typical of the visiting aircraft during a special public flying event. Secondly, the modal split of runway use is not appropriate for a short-term evaluation of noise impact. Runways 20 and 02 appear to be preferred due to their length, prevailing wind direction and absence of obstruction on approach. Unless wind conditions change considerably during a special public flying event there is a high likelihood of all movements using a single runway, most likely 20 but potentially 02. This would give a directional focus the noise impact which cannot be averaged in the same way as normal airfield operation.*

*Without knowing how visiting aircraft types compare to the modelled data and without modelling all movements on a single runway it is not possible to accurately determine the noise impact from “Special Public Flying Events”. The consultant’s model shows that 120 movements will approach the SOAEL of 50dB at Edwins Hall and Flambirds Farm. Given the two points discussed above there is a likelihood that the SOAEL is exceeded for at least some of the 8 “Special Public Flying Events”. **Applying the PPG-N guidance, it can therefore be concluded that reasonable steps are required to manage the acoustic environment in relation to special public event flying days.** These steps could be the proposed restriction or include a further reduction in movements or control over number and duration of events. Due to the lack of noise data this then becomes a subjective judgement as to what might be a reasonable compromise – balancing short term impact on the local community with the cultural and economic benefits of the development. On that basis the proposal for 4 two-day events does not seem unreasonable although it is*

likely to give rise to objections, particularly given that events are likely to be in the summer months.

In considering control of noise from "Special Public Flying Events" it should be noted that there will be additional noise from display aircraft. In particular, objectors have previously focussed on noise from aerobatics. Planning controls do not extend to aircraft once in the air or to visiting or overflying aircraft that do not land at the airfield. However, the Civil Aviation Authority places tight controls on air displays through CAP403. These controls include significant restrictions on the number of display items making displays of more than a few hours very unlikely".

I concur with Mr Haines' comments regarding these events and his subsequent comments that *"The balance of probability is that these (Special Public Flying Events) do warrant some form of planning control to put in place reasonable measures to mitigate the noise impact on the local area. Uncertainty around what visiting aircraft might attend the events and runway use prevent an objective recommendation on what might be reasonable. This becomes a subjective judgement which should balance the relatively short-term potential for noise against the economic and cultural benefits".*

Consequently it is for the Planning Authority to determine, given all other factors, the acceptability of the proposed application based upon the relatively unquantified impact that may occur on the proposed Special Public Flying events. It should be noted that Sharps Gayler have sought to address the potential impact of such events with their submission in recent days.

Of course, another option that the Planning Authority may wish to consider would be the granting of temporary permission to allow the proposed changes to take place and be reviewed at a subsequent date, potentially supported by a monitoring/validation report from a specialist acoustic consultant based upon the impact of the proposed Special Public Flying events. There may be difficulty in undertaking this because of the potential for challenge over choice of consultant, findings of such a report, etc. Likewise, were consideration to be given to the conditioning of monitoring of such issues by this Department, there would also be potential for challenge over methodologies chosen, findings of any report, etc. For this reason there is no perfect solution to selecting the option of a temporary permission. However, the Planning Authority and residents may find it more palatable to grant such a temporary permission with the ability to review matters at a later date.

If choosing to grant what has been requested by the applicant, temporary or otherwise (because this is an application, not for a new approval, but for the alteration of conditions 13 and 14 alone) it will be for the Planning Authority to determine whether additional conditions are capable of being inserted such as those recommended above.

Summary

The comments contained within Mr Haines memo of 4th November to the Planning Department appear to have been fair and reasonable. I am satisfied that there is no need to depart from those made by him.

Additional information has been provided to this Department from Sharps Gayler (issued by Sharps Gayler on 25th April but not received at MDC until 6th May). This information seeks to clarify several points, including the justification for the runway usage assumptions made in their modelling. They have also provided some additional modelling based upon further "worst case" scenarios specifically relating to special public flying events but also re-modelling based upon 4200 movements during an eight month (March-October) period. They suggest that the additional modelling further reinforces the findings of their earlier report, and that they have added some quantification to the likely impact from Special Public Flying Events.

The additional information, in particular relating to Special Public Flying Events, reinforces the comments made by Mr Haines previously, that control over such events is likely to be suitable via limitation on event numbers, number of days and number of flight movements. I also remain of the opinion that what has been applied for in this application is acceptable, and that the restrictions suggested for special public flying events are appropriate, although it remains a matter for the Planning Department to determine their overall satisfaction with the proposal when recommending a decision.

In summary, if the Planning Authority are minded to grant permission requested, it is recommend that the following conditions are applied:

CONDITIONS

- i. A record of all flying activity and aircraft based at the site shall be maintained by the airfield operator and made available in a suitable format for inspection and copying by the Local Planning Authority at any reasonable time. Such record shall as a minimum contain dates, times, aircraft type, description of activity including runway in use and details of any public complaint associated with the activity.
- ii. On the first anniversary of this approval and every two years thereafter, the applicant shall demonstrate to the satisfaction of the Local Planning Authority, through the submission of a report from a competent person and using actual flight records, that the LOAEL of 50dB LAeq 12hr has not been exceeded at any property in the vicinity of the airfield except on "Special Public Flying Events". In the event that an exceedance is identified the applicant shall prepare and implement a noise reduction plan to further control the number and/or type of aircraft using the airfield such that the 50dB LAeq 12hr is not exceeded at any noise sensitive property.

INFORMATIVES

None.

Chris Shipham
Environmental Protection Team Leader