



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to

NORTH WESTERN AREA PLANNING COMMITTEE

3 SEPTEMBER 2018

Application Number	FUL/MAL/17/01071
Location	Stow Maries Aerodrome Hackmans Lane Purleigh Essex
Proposal	Variation of conditions 13 & 14 on approved planning permission FUL/MAL/09/00250 (Re-instatement of airfield and erection of 2 x no. aircraft hangars to match former buildings on site)
Applicant	The Trustees Stow Maries Great War Aerodrome
Agent	TMA Chartered Surveyors
Target Decision Date	4 September 2018
Case Officer	Yee Cheung
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Member Call In by Councillor Miss S White on the grounds of public interest

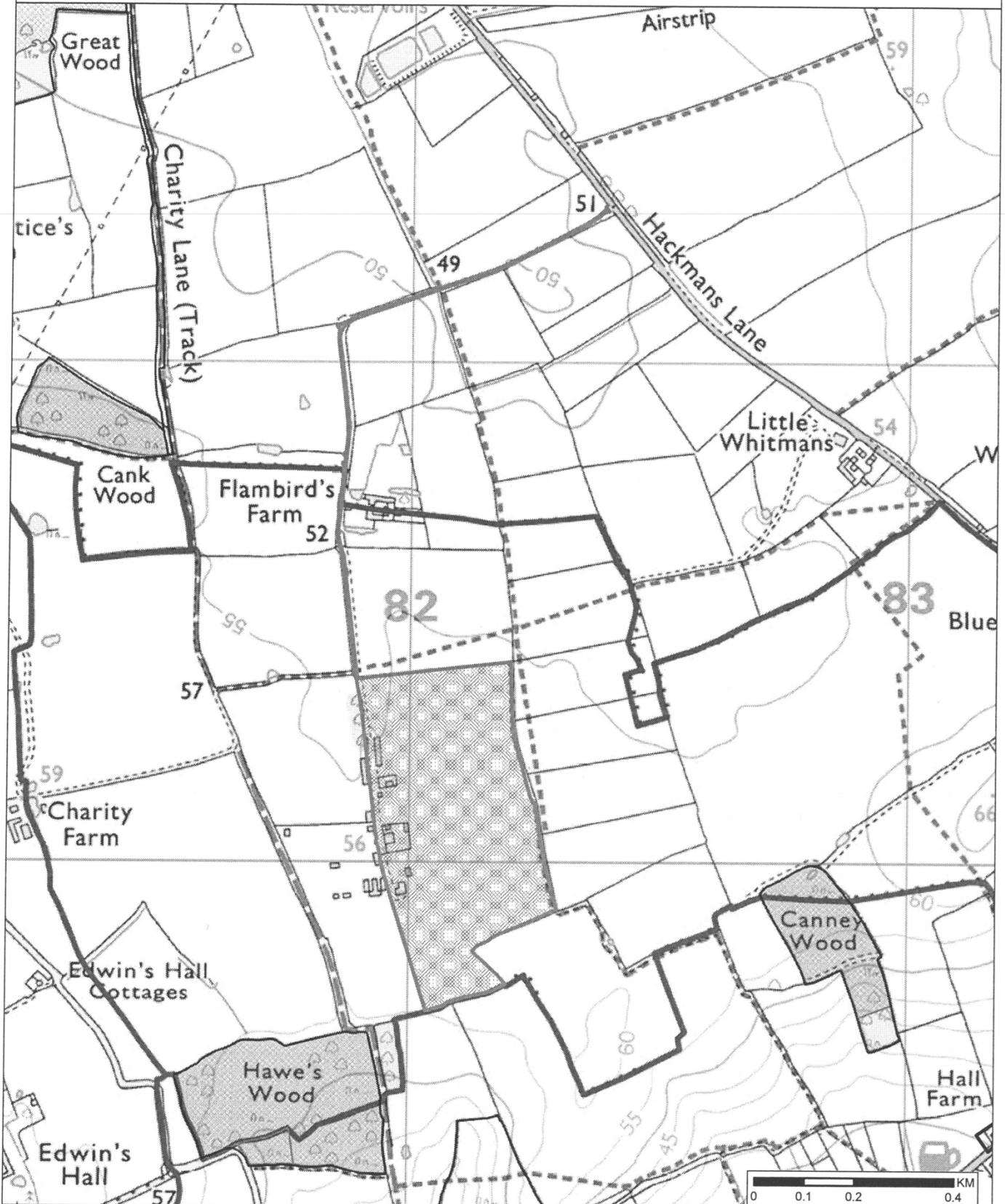
1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

Stow Maries Aerodrome, Hackmans Lane, Purleigh
 FUL/MAL/17/01071



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 Maldon District Council 100018588 2014



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Organisation: Maldon District Council

Department: Department

Comments: North West Committee

Date: 15/08/2018

MSA Number: 100018588

3. SUMMARY

3.1 **Proposal / brief overview, including any relevant background information**

- 3.1.1 The Stow Maries Great War Aerodrome (SMGWA) is located off a private track from Hackmans Lane. The aerodrome is understood to be the most complete World War 1 (WWI) aerodrome in Europe, and is therefore of outstanding architectural and historic and significance. The site is also a designated conservation area and twenty-four of the surviving buildings are Grade II* listed.
- 3.1.2 The SMGWA was purchased from the previous private owners in 2013 with funding from the National Heritage Memorial Fund and other local and national government sources. The site is now under the custodianship of Stow Maries Great War Aerodrome Trust and is open to the general public where it runs as a charitable and educational establishment.
- 3.1.3 Planning permission was granted on 15 June 2009 (reference: FUL/MAL/09/00250) for the “*Re-instatement of airfield and erection of 2 no. aircraft hangers to match former buildings on site*”. Within this decision notice, there were planning conditions imposed which restrict the use of the site. Namely these relate to hours of operation during summer both and winter months, special public events, the number of landing and taking off incidents from the site and the type of aircraft that are able to land or taking off from the site.
- 3.1.4 Planning application seeks to vary Conditions 13 and 14 that were imposed on FUL/MAL/09/00250.

Condition 13 reads:-

‘No more than 2 public events shall operate in any calendar year and such events shall not exceed 3 consecutive days. Such events shall be organised in accordance with a scheme to be submitted to and approved in writing by the local planning authority that incorporates a travel plan together with park and ride facilities’

Condition 14 reads:-

‘There shall be no more than 12 aircraft movements (take offs and landings) undertaken from the site in any 24 hour period, subject to a maximum of 74 movements (take offs and landings) undertaken in any calendar month, and subject to a maximum of 360 movements (take offs and landings) undertaken in any calendar year, unless otherwise agreed in writing with the local planning authority for the purposes of public events’

- 3.1.5 The Applicant seeks to vary the wording of Conditions 13 and 14 to read:-

Amended Condition 13 to read:-

‘No more than 4 public events which include a programme of flying displays (to be known as Special Public Flying Events) shall take place in any calendar year. Such events shall not exceed 2 consecutive days. Such events shall be organised in

accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.'

Amended Condition 14 to read:-

'There shall no more than 4,200 aircraft movements (defined as a take-off OR landing) undertaken from the site during any one calendar year (1 January - 31 December). This annual limit to be subject to a daily limit, in any 24 hour period, of 30 movements (15 take-offs and 15 landings), apart from days on which Special Public Flying Events take place when the movement limit shall be 120 movements (60 take-offs and 60 landings) unless otherwise agreed in writing with the Local Planning Authority'

- 3.1.6 For clarification, this current planning application is not a new planning application. It is an application which seeks to vary the wording to Conditions 13 and 14 of planning permission FUL/MAL/09/00250 only. The remaining conditions (2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18 and 19) of planning application FUL/MAL/09/00250 can be carried forward and re-imposed on this current application should this current application be approved. As the planning application was granted permission in 2009 it is therefore necessary to update some of the planning conditions imposed on FUL/MAL/09/00250, particularly the Development Plan Policies, and make sure each condition is 'fit for purpose' for this current planning application.
- 3.1.7 To support the variation of Conditions 13 and 14 of FUL/MAL/09/00250, the following documents were submitted to the Council for assessment:-
- Planning Statement prepared by TMA dated September 2017;
 - A Noise Impact Assessment prepared by Sharps Gayler LLP dated 20 September 2017;
 - Addendum to the Planning Statement - Economic Benefit dated June 2018;
 - Letters of Support and Recent Media Coverage from Dan Snow (An historian, television presenter, and Patron of SMGWA); An article from The Telegraph; The Times; and The Maldon & Burnham Standard;
 - Habitats Regulations Assessment Screening Report prepared by SES dated 13 April 2018;
 - A legal agreement, signed and dated, to set up Stow Maries Aerodrome Joint Consultative Committee (SMAJCC). This is discussed in Section 5.6 'Flight Control Measures' in the officer report ;
 - Reference to Appendices that were previously submitted to support planning application FUL/MAL/16/01142.

3.2 Conclusion

- 3.2.1 It is concluded that on planning balance, it is considered the above proposal to vary conditions 13 and 14 imposed on planning application FUL/MAL/09/00250 to increase, but continue to restrict the number of daily flight movements and flight movements on Special Public Event Days would support the rural economy in terms of rural tourism and leisure development that benefit businesses in rural areas,

communities and visitors. Further, the proposal would meet the requirement as set out in the National Planning Policy Framework (NPPF) where it supports the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural areas. Therefore the proposal would accord with Development Plan Policies, including Paragraphs 83 and 192 of the National Planning Policy Framework. The harm identified is not considered to outweigh the benefits and therefore the application is recommended for approval.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7-10 Achieving sustainable development
- 11 Presumption in favour of sustainable development
- 15 Core Planning Principles
- 38 Decision-making
- 47-50 Determining applications
- 170 Conserving and enhancing the natural environment
- 184-185 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 – Sustainable Development
- S7 – Prosperous Rural Communities
- S8 – Settlement Boundaries and the Countryside
- D1 – Design Quality and Built Environment
- D2 – Climate Change & Environmental Impact of New Development
- D3 – Conservation and Heritage Assets
- E5 – Tourism
- N2 – Natural Environment and Biodiversity
- T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The Maldon District Local Development Plan (2014 - 2029) has 14 objectives upon which all its policies are based. The three most relevant objectives to this planning application are outlined below where the Council seeks:

- to facilitate the development of appropriate rural enterprises and protect and enhance rural service provision across the District (Objective 4);
- to develop and support sustainable tourism within the District (Objective 5);
- to protect and enhance the distinctive natural, built and historic environment of the District (Objective 6).

5.1.2 There are three main considerations underlying the assessment of the proposal which should be recognised:

- The unique circumstances of this site and its national importance as a complete WW1 airfield site within this District;
- Relaxing the existing restrictions and increasing the number of aircraft landing / take-off incidents in connection with the use of the site as a 'living museum' would increase the number of visitors to the District and provide for employment opportunities; and
- The impact on the existing residential community surrounding the airstrip and in the locality of the site.

5.1.3 The above planning considerations are not dissimilar to the ones raised previously under planning application FUL/MAL/16/01142.

5.1.4 In 2016, a planning application FUL/MAL/16/01142 was submitted to the Council for consideration. The description of proposal was for the following:

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:-

- *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

- 5.1.5 The above planning application was presented to Members at the North Western Area Planning Committee on 12 June 2017 but was referred to full Council on 13 July 2017 where the officer recommendation to approve was overturned and the application refused for the following reason:

'The development would take place in a relatively quiet and tranquil rural location. The proposed significant increase in flight movements from that what is approved at this time of 360 movements per annum, to the proposed maximum of 8,000 movement per annum, is considered to result in a detrimental impact on the area and on the existing residential amenity due to a substantial increase in the number of disturbances. The proposal would significantly and unacceptably change the character of the surrounding area and therefore the development is considered to be contrary to Policies D1 and D2 of the Maldon District Local Development Plan and Paragraph 123 of the National Planning Policy Framework in that the impact of the increased flight movements would adversely affect the tranquillity of the rural area'.

- 5.1.6 The difference between the 2016 planning application and the current application is that the previous application was a full planning application which seeks to increase the number of take-offs and landings in winter and summer months and during arrangements for Special Public Event days. This includes the type of aircrafts to use the site on Special Public Event days and in the event of emergencies. That planning application did not include the two hangars. Also for that application, it was the Council's responsibility to impose conditions in relation to the access to the site, to ensure that the public footpath was not obstructed, a logbook to record all flying activities, noise recordings (making sure noise from flying aircrafts do not exceed certain decibel) and capping the number of aircraft movements to 8,000.
- 5.1.7 The current application seeks to vary conditions 13 and 14 only. As mentioned in Section 3.1.6 of the officer report, the other planning conditions imposed on FUL/MAL/09/00250 can be carried forwarded, updated and re-imposed onto this current application if necessary, should the application be approved.
- 5.1.8 It is important to note that planning application FUL/MAL/16/01142 was not refused because of the result increase in noise, but on the increased flight movements to and from the aerodrome which subsequently would result in the impact on the amenity of existing residential properties due to on the level of increase in the amount of disturbances. The current application seeks to amend Conditions 13 and 14 approved under planning application FUL/MAL/09/00250 in relation to daily flight movements and flight movements on Special Public Flying Events and will be discussed in the officer's report below. As mentioned above, the existing conditions imposed on planning application FUL/MAL/09/00250 remain extant and of effect, however as explained above, the wording of the planning conditions can and may be updated, to ensure they are fit for purpose.

5.2 The Current Situation

- 5.2.1 In the previous planning application FUL/MAL/16/01142, the following information was presented to Members at the North Western Area Planning Committee on 12 June

2017 and subsequently to Members at the Council meeting on 13 July 2017. The Officer report stated that:

'The SMGWA Trust and airfield are now run wholly as a charity and receives some national and local grant funding and financial support. Flying in and out of the site is carried out under strict Civil Aviation Authority (CAA) regulations. The airfield is under an airspace corridor used by all aircraft which are not permitted within the controlled airspace of Southend Airport or Stanstead Airport. This means that there is significant over-flying of the airfield and the adjoining areas by all types of light aircraft. Any fancy maneuvering or Aerobatics are only permitted with CAA approval.

The CAA published its policy on Consultation on Planning Applications in August 2012, whereby it will not respond to applications where it is not a statutory consultee and emphasises that in all cases Aerodrome safeguarding is the responsibility of the operator and licence holder. The CAA is a Statutory Corporation within the Department of Transport and publishes advice. This is also reflected in the Applicant's Planning Statement in Appendix 1 (FUL/MAL/16/01142) relating to the controlled airspace for Southend Airport. The Council is therefore entitled to rely on the operator (and other aircraft using the airspace in the vicinity) observing the Class D Air Space Safeguarding Classification introduced by Southend Airport in 2015.

There are currently two runways within the SMGWA airfield. Both runways are entirely grassed and can only be used by very light aircraft. The application does not propose to alter this.

The buildings at the site are being carefully restored and preserved in their World War 1 format and now house a growing collection of historic aircraft; both original and 'reproduction'. The site is being developed as a museum and educational site in order to preserve the heritage and it is envisaged that it will eventually become a significant local tourism asset for visitors. It is understood from the Applicant's submission that visitors already come to this site from all over the UK and increasingly from Europe.

It is noted that there are a few modern aircraft currently based at the site and are stored on a permanent basis. The intention of the SMGWA Trust is to encourage more original and reproduction aircraft. Such aircraft would include Sopwith Pup, Albatross D Va, Sopwith Snipe, BE 2e and Dh2. The aircraft that are permanently based or stored on site would 'fly in' and then 'fly out' and this is reflected in the proposed description of traffic movement in terms of take-offs and landings.

At present, much of the Trust's income is generated by Special Public Event Flying days when events and displays are provided on the ground and suitable aircraft are encouraged to "fly in" to the site to create interest for the public. The success of a "fly in" is entirely weather dependent and therefore, cannot be predicted in advance. If the weather is poor, there is poor visibility or the wind is 'in the wrong direction' very few aircraft can approach the airfield'.

- 5.2.2 The above have not changed apart from a new routing as shown on **APPENDIX 1** which is attached to this report to show the flight path and the aircrafts would not pass

over the Special Protected Areas or Sites of Special Scientific Interest (SSSI). If they do, the aircrafts will do so at 1,500ft (Above Mean Sea Level (AMSL)) or above.

5.3 The Airfield and Airstrip

- 5.3.1 The airfield was originally laid out during World War 1 and the layout of the runways is unchanged. The site has two short, mown grass runways and neither is suited to the prevailing winds and the practicalities of using these runways place natural safety limits on the way the airfield can be operated. The lengths of the runways are 680 metres in length x 60 metres in width (02/20 bearing) and 550 metres in length x 40 metres in width (15/33 bearing).
- 5.3.2 During the war, it was recorded that the site was not used at its operational capacity. This is a reflection of the impractical nature of the site which continues to limit its use today. Guidance for pilots approaching or leaving the airfield is strict and requires that they follow certain routes. These routes have been designed to direct aircraft away from centres of population and certain groups of dwellings. A copy of this guidance is attached as **APPENDIX 2** at the back of this report which also formed a part of the Applicant's submission under planning application: FUL/MAL/16/01142.

5.4 Flight Movements

- 5.4.1 The proposal seeks to vary Conditions 13 and 14 imposed on planning application FUL/MAL/09/00250 regarding the number of flight movements and the Special Public Flying Event days. For ease of reference, the table below shows what has been approved under FUL/MAL/09/00250, what was previously refused under FUL/MAL/16/01142, and what is proposed under this current application:

	Flight Movement	Special Event Days	Total
Approved under FUL/MAL/09/00250	12 aircraft movements (take offs and landings) undertaken from the site in any 24 hour period, subject to a maximum of 74 movements (take offs and landings) undertaken in any calendar month, and subject to a maximum of 360 movements (take offs and landings) undertaken in any calendar year	No more than 2 public events shall operate in any calendar year and such events shall not exceed 3 consecutive days.	This application was capped at 360 flight movements (take offs and landings) undertaken in any calendar year

	Flight Movement	Special Event Days	Total
Refused under FUL/MAL/16/01142	<p>In the Winter months (November to April inclusive) there shall be no more than 25 landings and 25 take-offs per day.</p> <p>In the Summer months (May to October inclusive) there shall be no more than 25 landings and 25 take-offs on weekdays</p> <p>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</p>	Special Public Event Flying days when maximum landings and take-offs are increased to 75 take-offs and 75 landings per day	<p>It was calculated that the daily flying movements (weekdays 50, summer weekends and bank holidays 100, 14 event days per annum at 150) would produce a maximum annual total of 23,800 aircraft movements for this site.</p> <p>In that application, SMGWA was prepared to accept a cap of 8,000 aircraft movements per calendar year</p>
Current proposal FUL/MAL/17/01071	There shall no more than 4,200 aircraft movements (defined as a take-off OR landing) undertaken from the site during any one calendar year (1 January - 31 December). This annual limit to be subject to a daily limit, in any 24 hour period, of 30 movements (15 take-offs and 15 landings), apart from days on which Special Public Flying Events take place	No more than 4 public events which include a programme of flying displays (to be known as Special Public Flying Events) shall take place in any calendar year. Such events shall not exceed 2 consecutive days	The current application proposes 4,200 aircraft movement per calendar year

	Flight Movement	Special Event Days	Total
	when the movement limit shall be 120 movements (60 take-offs and 60 landings)		

- 5.4.2 The current application shows that the number of flight movements when compared to the previous has been reduced from 8,000 movements (capped) to 4,200 movements (a reduction of 47.5%). The planning justification for the flying movements to be at 4,200 is that there is a need to put the aerodrome on a financially sustainable footing to allow the site to be conserved and maintained. As part of the submission (Planning Statement dated September 2017), SMGWA claims that *'they are struggling to break even financially and this will ultimately put at risk the long term management and maintenance of the site and the forward planning for the site'*. Therefore the Council would need to consider whether there is substantial harm to the asset and, if there is, whether the public benefit would outweigh that harm. This planning consideration will be addressed in the report below.

5.5 Flight Control Measures

- 5.5.1 In the previous planning application FUL/MAL/16/01142, flight control measures were discussed in the officer report which was presented to Members at the North Western Area Planning Committee and the Council:

'The Government have endorsed the use of Airport (or Aerodrome) Consultative Committees (ACC) as a means of involving the community in the operation of an aerodrome and to resolve issues of importance locally. The current Guidelines for Airport Consultative Committees published by the Department for Transport (DoT) are dated 17 April 2014. The ACC would involve users of the aerodrome, the Local Planning Authority (in this case Maldon District Council) and others with an interest, principally any other organisation representing the interests of persons concerned with the locality in which the Aerodrome is situated. A committee is made up of representative from the three categories above. The DoT Guidelines recommends that ACCs meet at least three times a year. An ACC would be set up, should the application be approved, to ensure the guidelines are adhered to'.

'The ACC would be empowered to adopt a Standard Operating Procedure (SOP) to decide on the optimum flight paths to and from Stow Maries Aerodrome to ensure the minimum of disturbance to noise sensitive properties within the locality of the Aerodrome. The ACC would also have sight of the Display Authorisation issued by the Civil Aviation Authority which controls the display line and routing of display aircraft on public event days and practice days for events'.

'In conjunction with the ACC, the SMGWA are seeking to improve procedures whereby visiting pilots obtain permission to land at Stow Maries Aerodrome. This procedure known to pilots and published in the various Flight Guides used by pilots is called Prior Permission Required (PPR). It has been acknowledged that until recently the responsibility for authorising the grant of permission to a visiting pilot

has been unorthodox and as a consequence the numbers of visiting aircraft has, on a number of occasions, exceeded the numbers specified in the 2009 planning permission. To alleviate future concerns, should the application be approved, pilots seeking permission to land, before taking off would need to telephone a dedicated aerodrome number. The responsible person at SMGWA would only grant permission after having ascertained that:-

- 1) There is a slot available in accordance with any planning permission then in force; and*
- 2) The particular pilot has examined and understands the Aerodromes Standard Operating Procedure as published in the Flight Guides used by pilots or as published online, via SMGWA's website'*

5.5.2 It is important to note that the above flight control measures were put forward in the 2016 planning application and was not featured in the 2009 planning application. In order to adhere to and provide comfort to the Council and local residents, the Applicant has submitted a signed and dated legal agreement to set up a committee in accordance with the current Guidelines for Airport Consultative Committees (ACC) published by the Department for Transport (DoT). It is understood that this committee will be known as the 'Stow Maries Aerodrome Joint Consultative Committee (SMAJCC). Having considered the tight flight control measures proposed in the earlier scheme and to be carried forward to this current application, the proposal is considered to be acceptable considering that the number of aircraft movements has now been reduced from 8,000 to 4,200 movements.

5.6 Guidance to Users of the Airfield

5.6.1 All pilots approaching the airfield receive guidance about how to approach the airfield. This guidance specifies routes in and out of the airfield to avoid flying near to centres of population and neighbouring properties. A copy of this guidance, containing the flying brief for pilots and map information is attached to the back of this report as **APPENDIX 2**. This guidance was also attached to the Planning Statement as **APPENDIX 2** in support of planning application FUL/MAL/16/01142. This guidance is intended to limit, as far as possible, planes flying over neighbouring properties.

5.6.2 It is important to note that the airfield rules do not apply to aircraft in the area which are not intending to land at the airfield. Aircraft within the general air corridor are subject to the UK Rules of the Air not to fly within 500ft of structures and people and at a maximum height of 1,500ft Above Mean Sea Level (AMSL).

5.7 Design and Impact on the Character of the Area

5.7.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

5.7.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The 2018 NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents”.

5.7.3 This principle is also set out in the approved Local Development Plan (LDP). The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency

5.7.4 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.7.5 The current application does not seek to change the design, appearance or siting of the two hangars that were approved under planning application FUL/MAL/09/00250. Each hangar would still measure approximately 37 metres in length x 27.4 metres wide with ridge height of 9 metres. The hangars would be constructed using feather edged boarding for the external walls and with a canvas and batten roof finish. As the 2009 planning application had raised no objection to the construction of the two hangars, and that there has been no material change to the site and its surrounding since the granting of that application, the two hangars can therefore be built without the need of a further application unless the Applicant does not wish to implement the hangars in accordance to plan then a fresh planning application would be required.

5.8 Impact on Residential Amenity

- 5.8.1 The basis of policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.8.2 The current application has been evaluated for noise impact. It is similar to the refused application FUL/MAL/16/01142 but is much simpler, seeking a lower increase in flying activity through the variation of just two of the original conditions from the current 2009 planning approval (FUL/MAL/09/00250). These changes are summarised below:

Condition 13

The proposal seeks to vary Condition 13 which controls the number and duration of public flying events. These are renamed “Special Public Flying Events” and the number permitted in any calendar year is increased from **2** to **4**. There is an attempt to balance this increase by reducing the maximum duration of these events from **3** days to **2** days. As before these events can only be organised in accordance with a scheme submitted to and approved by the Local Planning Authority (LPA).

Condition 14

The proposal seeks to vary Condition 14 which controls the maximum permitted flight movements. It clarifies that a flight movement is a landing or take off and increases the daily flight movement allowance from **12** to **30**. It removes the current cap of **74** movements per month and increases the current annual cap from **360** to **4,200**. The current planning application is replaced by a more specific allowance of **120** movements per day during the **4** “Special Public Flying Events”.

- 5.8.3 As part of the submission, a Noise Impact Assessment prepared by Sharps Gayler LLP dated 20 September 2017 was submitted in support of the application. The Environmental Health Service (EHS) has assessed this report and noted that this is a rework of the 2016 report (FUL/MAL/16/01142) to reflect the smaller increase in flying activity now sought. EHS has advised that to ensure the effectiveness of the proposal, the following condition should be imposed:-

‘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.

In pursuant to the above, 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’.

- 5.8.4 EHS agrees that the proposed variations still represent a significant increase in permitted flying activity compared with the current limitations but are considerably reduced from the failed 2016 application. The revised Noise Impact Assessment addresses the potential impact of the increased daily movements on the ambient noise levels in the area and concludes that, other than during “Special Public Flying Events”, the daily increase would be less than 4dB (Decibel).
- 5.8.5 In the revised Noise Impact Assessment, it sets out the hierarchy of national policy and practice in relation to the assessment of planning noise impact. In particular it explains the concept of “adverse effect levels” and the three-tier approach based on the Lowest Observed Adverse Effect Level (LOAEL) and the Significant Observed Adverse Effect Level (SOAEL), quoting the National Policy Statement and Planning Policy Guidance. These levels will vary depending on the situation under consideration with neither the policy or statutory guidance attempting to prescribe values. The consultant concludes that the average level (LAeqT) for LOAEL and SOAEL in relation to this development should be 50dB and 60dB respectively.
- 5.8.6 The revised Noise Impact Assessment goes on to assess the noise emission levels from aircraft movements. The consultant has used the Integrated Noise Model, an industry standard model derived from the United States Federal Aviation Administration (FAA) and which is in common use for airfield noise prediction and produces noise contours for the airfield. The output from the model demonstrates that the proposed LOAEL of 50dB is not exceeded at any noise sensitive property at 30 movements per day, and by a comfortable margin. It can therefore be concluded that no specific measures are required to manage the acoustic environment at these levels and as with the 2016 application there is no environmental health objection to this level of flying activity. EHS’s full consultation response is attached as **APPENDIX 3** in the officer report.
- 5.8.7 Based on the noise report submitted, it has concluded that the Applicant has successfully demonstrated that increasing flying activity to 30 movements per day with an annual cap of 4,200 movements will not result in noise levels that require additional planning controls. Furthermore, existing conditions controlling the number of aircraft based at the airfield, types of aircraft and types of flying activity will help to minimise the increase in absolute sound levels.
- 5.8.8 Since the first EHS consultation response received and was publicised, further concerns have been raised by the general public criticising the Council on how the Applicant’s submission was flawed and the Council has made an assessment based on incorrect information. An external consultant was appointed by the local residents and had produced a Technical Report prepared by dB Consultation Ltd dated 22 November 2018 to refute the consultation response made by EHS.
- 5.8.9 The Environment Health Services have been re-consulted and has assessed the first EHS consultation response, Technical Report by dB Consultation Ltd, Sharp Gaylers Acoustic Report, and objections raised by the Planning Law Practice (dated 23 November 2017).
- 5.8.10 In the second EHS consultation response, the service agrees with the first EHS consultation response and considers the comments made to have been fair and

reasonable and is satisfied that there is no need to depart from the comments made originally. The second consultation response from EHS is attached as **APPENDIX 4**.

5.9 Access, Parking and Highway Safety

- 5.9.1 Policy T2 of the LDP seeks to ensure that all development would provide safe access to and from the highway, including adequate visibility and junction capacity. This is also reflected policy D1 where it states that development should respect and enhance the character and local context and make a positive contribution in terms of maximising connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.9.2 It is noted that the Highway Authority did not object to the previous application for this site (FUL/MAL/16/01142). Given that this proposal is for a reduced number of take offs and landings from that application, that the applicant previously demonstrated that two vehicles can safely pass each other off the carriageway at the site access on Hackmans Lane, that existing traffic management arrangements ensure that larger vehicles do not use this access, and that traffic flow on Special Event Flying Days is suitably marshalled, the Highway Authority has raised no objection to the proposed variation of conditions 13 and 14.
- 5.9.3 In addition to the above, the Highway Authority has advised previously that there is no restriction on the number or size of the events being held at the aerodrome. There have been a number of events previously that have been open to the general public but do not relate to aircraft movements from Stow Maries; this has included Armed Forces Day and car shows. The unrestricted nature of these events, under the planning system, needs to be considered as the 'fall back' position. Whilst the concerns of the general public in relation to increase traffic movement are understood and sympathised with, it is important to note that there is no correlation that the increase in flight movements will have a correlation with the number of vehicle movements to and from the site. Furthermore, there is no evidence to show that the increase in flight movements would result in an increase in vehicles visiting the site when compared against non-flying public events.
- 5.9.4 Concerns have been raised regarding to emergency vehicles entering and leaving the site. Essex County Fire and Rescue Service has been consulted and raises no objection to the proposal.

5.10 Private Amenity Space and Landscaping

- 5.10.1 Letters of representation has been received concerning intrusion and loss of privacy to private amenity spaces of dwellings by low flying aircrafts. The flightpath of the aircraft would not be changed by this application and as such the Council considers that, on balance, the proposal would not cause demonstrable harm to such a degree as to warrant refusal. Further, this was not a reason for refusal in the previous planning application FUL/MAL/16/01142 where the number of aircraft movement was higher (8,000) than the current aircraft movement proposed in this application. It would therefore be unreasonable to introduce this in current application where the number of movement is lower (4,200).

- 5.10.2 The two grassed airstrips where aircraft currently land / take-off would be as existing and therefore would not have any impact on the landscaping of the area.

5.11 Ecology and Impact on Wildlife

- 5.11.1 The proposal to vary conditions 13 and 14 of planning application FUL/MAL/09/00250 would affect the following designated sites:-

- Crouch and 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 & marshes SPA, Ramsar and south Thames estuary & marshes SSSI;
- Thrift wood, Woodham Ferrers SSSI.

- 5.11.2 As part of this submission, a Habitats Regulations Assessment Screening Report prepared by Southern Ecological Solutions dated February 2018 was submitted to accompany the application. The Applicant has liaised with the London Southend Airport Senior Air Traffic Controller (SATCO) and it has been agreed that a new preferred routing has been agreed for aircraft routing south from, or north to SMGWA through the Southend Control Areas (CTA). It is proposed that the new routings will avoid sensitive areas to the south and east of South Woodham Ferrers up to 1km from the Crouch and Roach Estuaries SPA which are situated within the Southend Flight Control Region and Areas (Control Region (CTR) and CTA) and are therefore subject to Southend Air Traffic Control (ATC) controls and will be avoided by use of the preferred routings. This takes account of land functionally-linked to the Crouch & Roach Estuaries SPA such as Marsh Farm Country Park that are feeding areas, especially for Brent Geese. SMGWA will also be providing pilots with guidelines to flight plans to and from the site.

- 5.11.3 Natural England (NE) who previously objected the previous scheme FUL/MAL/16/01142 has now re-assessed this submission and considers that the proposed aircraft movements will not be likely to have a significant effect on the identified designated sites and has raised no objection; this conclusion has been reached on the basis of the proposed mitigation (new routing), providing pilots with guidelines regarding flight plans to route flights away from designated SPA and SSSI sites and on the basis that the agreement between SMGWA and Southend Airport is upheld.

5.13 Legal Agreement

- 5.13.1 As part of the application, the Applicant (Stow Maries Great War Aerodrome Ltd - 'the Owner') has submitted a signed and dated legal agreement for a Stow Maries Aerodrome Joint Consultative Committee (SMAJCC) to be formed. The legal agreement states that within two months of the date of the issue of a planning consent, the owner of the site shall identify in consultation with the Council (taking into account any responses made by the Council 'Maldon District Council') the interested

organisations who are to be represented on the SMAJCC; and establish the SMAJCC in accordance with current Department of Transport (DoT) Guidelines on Aerodrome Consultative Committees (ACC).

- 5.13.2 The legal agreement states that the SMAJCC would comprise of a Chairman, Vice-Chairman, and Secretary; two representatives of the Owner; Three representatives of the users of the aerodrome; two representatives of the Council; and one representative of each of interested organisations.
- 5.13.3 The Owner and SMAJCC will adopt a Standard Operating Procedure (SOP) to optimise flight paths and other procedures to minimise aircraft noise disturbance from flight operations at the Aerodrome as so far as it reasonably practicable. The Owner and SMAJCC will also adopt a procedure requiring visiting pilots to obtain a briefing before flights which will more effectively control the flight paths to be used by visiting pilots which will provide for the banning from use of the Aerodrome of pilots who do not comply with the adopted procedure.
- 5.13.4 The Owner and SMAJCC will adopt a similar procedure for home-based and display pilots to comply with Standard Operating Procedures (SOP) which will provide for the banning of pilots who do not comply with the adopted procedure.

5.14 Background Planning History of the Site

- 5.14.1 Planning permission was approved in 2009 (reference FUL/MAL/09/00250) for the proposal to re-instate the airfield and erection of two aircraft hangers to match former buildings on the site. This application was approved on 15 June 2009.
- 5.14.2 As mentioned in Paragraph 3.1.6 above in the officer report this current planning application is not a new planning application. It is an extant planning application which seeks to vary the wording to Conditions 13 and 14 only, Conditions: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18 and 19 of planning application FUL/MAL/09/00250 can be carried forward, updated and re-imposed on this current application should this current application be approved. Updating the 2009 planning conditions would be necessary to ensure that they meet the six tests and that each condition is 'fit for purpose' for this current planning application.
- 5.14.3 Condition 2 of FUL/MAL/09/00250 states:-
 - ‘ This permission relates to the amended drawing Nos 08/1002/31, 08/1002/22, 08/1002/30 which are attached to and form part of this permission ’.*
- 5.14.4 This condition makes reference to the previous plans submitted. This condition will be updated should the application be approved to include recent plans and documents submitted in support of the application. (A re-written version would become Condition 1).
- 5.14.5 Condition 3 of FUL/MAL/09/00250 states:-

‘The permission hereby granted is for the application as amended by the letter dated 26th May 2009’.

5.14.6 This condition refers to a letter which formed a part of the 2009 application submission and it refers to the condition of the airstrip (grass runway) and the type of aircraft that could land and take-off from the site; restriction of aircraft movements during the day and in winter and summer months; details that SMGWA are flying in accordance with CAA regulations; the number of aircraft movements (720 maximum in a calendar year); and ground contamination, if when and found, during the construction of the two hangars.

5.14.7 The details contained within this letter dated 26 May 2009 are out of date and some are incorrect. Therefore this condition has been deleted as it would be unreasonable for the Council to impose this condition if the information cannot be complied with. Also, the details contained within the letter are either addressed in officer report or covered by conditions 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 by this current proposal should the application be approved.

5.14.8 Condition 4 of FUL/MAL/09/00250 states:-

‘The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application, unless otherwise agreed in writing by the local planning authority’.

5.14.9 This condition relates to the two hangars that have not been constructed on site. The 2009 application is extant and therefore the Applicant can construct the hangars without further submission of an application. (This condition would now become Condition 2).

5.14.10 Condition 5 of FUL/MAL/09/00250 states:-

‘ The development hereby permitted shall be carried out in complete accordance with the approved drawings and application documents which are attached to and form part of this permission and the submitted detailed specifications unless otherwise agreed in writing by the local planning authority’.

5.14.11 This condition relates to the design, appearance and siting of the two hangers. This condition has been deleted and is included as part of Condition 1. Condition 1 will refer to the plans that were approved under planning application FUL/MAL/09/00250.

5.14.12 Condition 6 of FUL/MAL/09/00250 states:-

‘ No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents, the owner of the site or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the agreed programme of works’

5.14.13 This condition relates to the groundwork for the two hangars. Condition 6 of FUL/MAL/09/00250 was not clear and this current planning application would give the Council the opportunity to strengthen this condition and make it relevant to the development should the application be approved. It is noted that this condition has not been discharged and therefore would require the submission of details prior to the

commencement of work for the construction of these structures. (A re-written version of this condition would now become Condition 3.)

5.14.14 Condition 7 of FUL/MAL/09/00250 states:

‘A written log of all movements from the airfield shall be kept and made available to the local planning authority for inspection upon request and copying upon request’

5.14.15 This condition should be updated as advised by the Environmental Health Services and imposed onto this current application. (A re-written version of this condition would now become Condition 4.)

5.14.15 Condition 8 of FUL/MAL/09/00250 states:-

‘There shall be no more than 15 aircraft in a flight worthy condition kept at the site at any one time unless otherwise agreed in writing by the Local Planning Authority’.

5.14.16 This condition can be carried forward and appended onto this current application should the application be approved. (This condition would now become Condition 5.)

5.14.17 Condition 9 of FUL/MAL/09/00250 states:-

‘The type of aircraft using the airstrip for take-off and landing purposes shall be limited to fixed wing, single propeller driven aircraft unless otherwise agreed in writing by the local planning authority’.

5.14.18 This condition can be carried forward and appended onto this current application should the application be approved. (This condition would now become Condition 6.)

5.14.19 Condition 10 of FUL/MAL/09/00250 states:-

‘No helicopters (unless in the event of an emergency), microlights, gliders or hot air balloons shall be flown or land upon the site’.

5.14.20 This condition can be carried forward and appended onto this current application should the application be approved. (This condition would now become Condition 7.)

5.14.21 Condition 11 of FUL/MAL/09/00250 states:

Aircraft shall only take off or land at the site during the following hours:-

- *October to March (inclusive) - 08.00 hours to sunset or 20.00 hours, whichever is the earlier*
- *April to September (inclusive) - 08.00 hours to 20.00 hours*

5.14.22 This condition can be carried forward and appended onto this current application should the application be approved. (This condition would now become Condition 8)

5.14.23 Condition 12 of FUL/MAL/09/00250 states:

‘No flying school activities or other training flights shall operate from the site’

5.14.24 This condition can be carried forward and appended onto this current application should the application be approved. (This condition would now become Condition 9.)

5.14.25 Condition 15 of FUL/MAL/09/00250 states:

‘No charter or fare paying flights shall operate from the airfield’.

5.14.26 This condition can be carried forward and appended onto this current application should the application be approved. (This condition would now become Condition 12.)

5.14.27 Condition 16 of FUL/MAL/09/00250 states:

‘An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing from the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (a) a survey of the extent, scale and nature of contamination;*
- (b) an assessment of the potential risks to human health, property, controlled waters and the environment;*
- (c) an appraisal of the remedial options, and proposal of preferred option(s)’.*

5.14.28 Condition 17 of FUL/MAL/09/00250 states:-

‘A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation’

5.14.29 Condition 18 of FUL/MAL/09/00250 states:

‘The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of the commencement of the remediation schemes works. Following completion of measures identified in the approved remediation scheme a verification report (as referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to approval in writing of the Local Planning Authority’

5.14.30 Condition 19 of FUL/MAL/09/00250 states:

'In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 16 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17 which is subject to the approval in writing of the Local Planning Authority'

5.14.31 Conditions 16, 17, 18 and 19 of FUL/MAL/09/00250 relate to contamination and remediation of the site for the two hangars. These conditions were unclear and this current planning application would give the Council the opportunity to strengthen this condition and make it relevant to the development should the application be approved. It is noted that these conditions have not been discharged and therefore would require the submission of details prior to the commencement of work for the construction of these structures. Therefore it would be reasonable for the Council to append these conditions onto this current application should the application be approved. (These conditions have now become Conditions 13, 14, 15 and 16).

5.15 Other Material Considerations

5.15.1 Economic

5.15.1.1 As a part of the submission, an addendum to the Planning Statement - Economic Benefit dated June 2018 was submitted in support of the application. Within this statement, it states that the aerodrome is operated as an historic memorial site by a Board of Trustees with five employees (mostly part time) and approximately 150 volunteers. Most of the income for the site is in the form of grants from national and local bodies and donations with a relatively small amount of operational income.

5.15.1.2 The proposal to increase the number of flights permitted in and out of the aerodrome serves two key aims both of which will add to operational income of the site.

- To improve the experience offered to aerodrome visitors thereby increasing visitor interest and ultimately increasing numbers; and
- To increase operational revenue directly relating to flying

5.15.1.3 In terms of visitor benefits, it estimated that increased flights could help to increase visitor numbers by between 30% and 50%. Visitors currently pay an entry fee which ranges from £8 for adults, £6 for concessions and £2.50 for children over nine with various discounts and options available. Visitors would also have the opportunity to spend money in the café and in the museum shop.

5.15.1.4 With the regard to the Special Public Event days, these attract visitors by road and also by vintage aeroplanes. In the Planning Statement, it claims that Special Public Flying Events generate profit of around £2,500 per day. However, since these events are highly weather dependent not more than five days in one year are included. Such events would generate approximately £12,500 income before VAT.

5.15.5 Letters of representation have been received raising issues with the significance attributed to the financial benefits to the aerodrome from the proposed development by the Council when coming to the decision to recommend the granting of planning permission. The Council has a policy (Policy E5 of the LDP) that supports the principle of proposals that contribute to the growth of local tourism.

5.15.2 Financial Impact of Additional Flights

5.15.2.1 As part of the submission, the Applicant has provided account details to show an improving trading position as visitor numbers increase due to significant increases in advertising and the construction of the new museum. Aviation income from the increased flight movement would increase the existing revenue.

5.15.2.2 Stow Maries Great War Aerodrome currently has a trading gross profit of around £118,000. It is estimated that the economic impact of the proposed increase in the number of flights has the potential to add between £28,500 and £35,500 (before VAT). This arises from around £10,500 for special flying events and £18,000-£25,000 for direct aviation activity.

5.15.2.3 It is expected that the increase in flying will have a considerable positive impact on the number of visitors to the site increasing trading gross profit through general ticket sales and spending in the shop and café. A 30% increase in annual visitor numbers is forecast if additional flying is permitted. It is considered that aviation income from increased additional flight movements would represent a significant year on year regular income for this historic, unique heritage site. Without this income the future viability of the aerodrome could be significantly impaired.

5.15.3 Conservation Area and Listed Buildings

5.15.3.1 The issues regarding the impact of the development proposal on the Grade II* listed building and the designated conservation area have been taken into account. The proposal itself, by varying planning conditions 13 and 14 of FUL/MAL/09/00250 does not have an impact on the site or harm any historic fabric of listed buildings within the vicinity of the site.

5.15.3.2 The planning permission also includes the construction of two hangers which were given consent under the 2009 application and are currently extant. The design, appearance and siting of these structures have not changed and therefore the impact on the conservation and listed buildings within the vicinity of the site would not be adversely affected by this change to the conditions of that permission.

5.15.4 Breach of Conditions

5.15.4.1 It is noted that concerns have been raised with regards to the number of aircrafts flying in and out of the site and that the Applicant is in breach of planning conditions imposed under planning application FUL/MAL/09/00250. This is not a material consideration of any demonstrable weight when determining this application.

5.15.5 Impact on the Vineyards

5.15.5.1 A letter of representation, prepared collectively, by vineyard owners at Clayhill, Crouch Ridge, Great Whitman's, Martin's Lane and New Hall, was received by the Council and raised concerns in relation to the impact of the development on the wine region area 'Crouch Valley'. This is due to the noise and disturbance from aircraft movements and the impact on the enjoyment of the visitors to the vineyards. As explained in the officer's report it is not considered that the proposed development would have an evidential impact on the amenity of the residential occupiers in close proximity to the aerodrome. It is considered that the amenity level for an individual in their home would be higher than that of a visitor to an attraction even if this was a vineyard where the owner may consider that their customers experience may be noise sensitive. Therefore, there is no evidence, taking into account the officer's report that the proposal would result in a level of noise and disturbance that would prejudice the wine region.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/09/00050** – Change of use of Buildings 3 & 4 to workshop and ancillary office accommodation (B1 use). Approved 27.05.09.
- **FUL/MAL/09/00237** – Emergency services access way. Approved: 22.05.2009.
- **FUL/MAL/09/00239** – Renovation of building 15 for visitor centre & museum including re-roofing. Approved: 26.03.2009.
- **FUL/MAL/09/00250** – Re-instatement of airfield and erection of aircraft hanger. Approved: 15.06.2009.
- **CON/MAL/09/00251** – Demolition of dwelling and grain store in order to erect 2 no. aircraft hangers. Approved: 22.05.2009.
- **FUL/MAL/09/00252** – Conversion of former MT building and cart shed to B1 business use and model flying club accommodation. Approved: 29.05.2009.
- **FUL/MAL/09/00300** – Proposed Aircraft Hanger. Approved: 12.06.2009.
- **FUL/MAL/09/00413** - Construction of 3 ponds and related access-ways. Approved: 10.07.2009.
- **FUL/MAL/09/00696** - Renovation of former pilots ready rooms and erection of 2no. wind socks. Approved: 06.10.2009.
- **FUL/MAL/09/00699** - New and replacement huts for WW1 Museum. Approved: 06.10.2009.
- **FUL/MAL/11/00429** - Erection of temporary aircraft hangar. Approved: 28.09.2011.
- **FUL/MAL/14/00574** - Retrospective application for erection of temporary hanger (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014.

- **LBC/MAL/14/00575** - Retrospective application for erection of temporary hanger (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014.
 - **LBC/MAL/15/00830** - Proposed alterations to reinstate the existing brick pier to the West elevation of the MT shed to match the existing adjacent exactly and to install additional wind bracing to the metal rafters of the MT shed to provide lateral support to the roof and the gable walls. Proposed reinstatement of existing slate cat-slide roof to the South end of the West elevation of the RE workshop. Approved: 09.11.2015.
 - **LBC/MAL/15/00832** - Proposed works for the careful demolition of the existing non-original timber framed and corrugated iron clad cart lodge to the North of the MT Shed. Approved: 09.11.2015.
 - **FUL/MAL/16/00306** - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016.
 - **LBC/MAL/16/00307** - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016.
 - **FUL/MAL/16/01142** - 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:
 - 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
- Refused: 27 July 2017.
- **LBC/MAL/16/01143** - Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome. Approved: 20.07.2017.
 - **LBC/MAL/16/01155** - Proposed works to the existing officers mess building to carefully remove the existing decayed asbestos roof covering and replace with a profiled cement fibre board to match the existing profile: works to the south elevation to infill existing enlarged openings to install new doors,

windows and entrance canopy to reinstate the facade to the original appearance. Approved: 20.12.2016.

- **FUL/MAL/17/01120** - Retention of temporary hanger for display, storage and maintenance of historic aircraft. Approved: 10.01.2018.
- **LBC/MAL/17/01121** - Retention of temporary hanger for display, storage and maintenance of historic aircraft. Grant Listed Building Consent: 10.01.2018.
- **FUL/MAL/17/01456** - Proposed change of use from vacant building to B1 office use, stabilisation works, replacement metal framed windows and demolition of existing non-original timber framed extension. Approved: 13.02.2018.
- **LBC/MAL/17/01457** - Proposed change of use from vacant building to B1 office use, stabilisation works, replacement metal framed windows and demolition of existing non-original timber framed extension. Grant Listed Building Consent: 13.02.2018.
- **FUL/MAL/18/00337** - Removal of conditions 2, 3, 4, 5 & 6 on approved planning permission FUL/MAL/16/00306 (Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop). Approved: 14.06.2018.
- **LBC/MAL/18/00413** - Structural stabilisation works to buildings 29, 31, 32, 33, 33A and 34 replacement and repair of existing timber windows and doors. Grant Listed Building Consent: 12.06.2018.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Cold Norton Parish Council	No objection to the variation to the planning conditions	Noted
Purleigh Parish Council	Object: <ul style="list-style-type: none"> • Harms the amenities of nearby properties • Flight number is too high • Intensification of the site • Impact on nature and public safety 	Noted

Name of Parish / Town Council	Comment	Officer Response
Stow Maries Parish Council	<ul style="list-style-type: none"> • The Council should refuse to determine this application as it is similar to the previous scheme • The scheme proposes a significant increase in flight movement again similar to the previous scheme FUL/MAL/16/01142 • Harmful to the amenities of local residents, businesses, and the countryside • Not convinced that extra flights are financially necessary • Impact on footpath • The Noise Report is incorrect and flawed • Impact on wildlife • Inadequate access / egress arrangements 	Noted
North Fambridge Parish Council	The benefits, we believe would outweigh the harm. Averaged out there would be just 6 flights a day throughout the year and in reality they can only operate in favourable weather. The new cap should be more than sufficient.	Noted.

Neighbouring Councils' Responses

Name of Parish / Town Council	Comment	Officer Response
Southend-on-Sea Borough Council	The proposal is not too dissimilar to the planning application for the expansion of Southend Airport. Refer to the S106 agreement which includes detailed operational controls to mitigate any potential adverse impacts.	Noted.

Name of Parish / Town Council	Comment	Officer Response
Chelmsford Borough Council	No objection to the proposal.	Noted.
Danbury Parish Council	No comments received at the time of writing this report.	Any comments will be reported on the Members' Update
South Woodham Town Council	No comments received at the time of writing this report.	Any comments will be reported on the Members' Update
Woodham Ferrers and Bicknacre Parish Council	No comments received at the time of writing this report.	Any comments will be reported on the Members' Update

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways England (Developments Affecting Trunk Roads and Special Roads)	No objection to the application.	Noted.
Essex County Council (ECC) Highways	No objection subject to conditions regarding the site access to Hackmans Lane and public rights of way footpaths not to be obstructed.	Noted. As this planning application seeks to vary conditions 13 and 14 of FUL/MAL/09/00250, it would be unreasonable for these conditions to be imposed onto this current application.
National Air Traffic Services (NATS)	The proposed development has been examined from a technical safeguarding aspect and does not conflict with NATS safeguarding criteria.	Noted.
London Southend Airport (SA)	Support, however from an Air Traffic Control (ATC) perspective SA would require a review of the letter of agreement to take into account the changes, this would cover key items such as circuit pattern and entry / exit procedures.	Noted.
Essex County Fire and Rescue	No objection to the proposal.	Noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Sustainable Drainage Systems (SUDs) Team (consulted as the site area was over 1 hectare)	These conditions do not relate to surface water drainage and therefore they have no comments on the application	Noted.
Historic England	Historic England supports the application on heritage grounds	Noted.
Forestry Commission (FC)	The only concerns FC would have would be if the application was likely to impact on the Hawes Wood. LPA should refer to the Standing Advice prepared jointly by Natural England and the Forestry Commission.	Noted. Natural England has been consulted and raises no objection to the proposal.
Natural England (NE)	Having reviewed additional information submitted by the Applicant NE considers that there will be no significant adverse impacts on designated sites. If the height requirement for flights through the CTR (i.e. if below 1500ft) and / or if directed over sensitive SPA areas changes then a further assessment would be required.	Noted. This advice will be included in the informative should the application be approved.
RAF Wattisham	No comments received at the time of writing this report.	Any comments will be reported on the Members' Update.
Civil Aviation Authority (CAA)	No comments received at the time of writing this report.	Any comments will be reported on the Members' Update.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	The proposal will not cause harm to the significance or setting of any of the grade II* listed buildings or the conservation at Stow	Noted in the report.

Name of Internal Consultee	Comment	Officer Response
	Maries Aerodrome	
Environmental Health Services (EHS)	<p>The Applicant has demonstrated that the increase in flying activity will not result in noise levels that would require additional planning controls.</p> <p>EHS has made rebuttal comments to letters of representation received objecting to the proposal</p>	<p>Noted. Need to make a planning balance regarding the short-term potential for noise against economic and cultural benefits for the District.</p> <p>The EHS comments are attached as APPENDICES 3 and 4 in the officer report</p>
Economic Development Team	No objection to the proposal as it would attract and increase in tourism to the District.	Noted.

7.4 Representations received from Interested Parties

- 7.4.1 18 letters were received **objecting** to the application from and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
The planes being flown are not Great War biplanes but more modern aircraft, where do these fit in to the ethos of a Great War aerodrome?	Noted. Some of the aircrafts to land and take-off from the site are listed in Section 5.2.1.
Safety concerns due to low flying aircraft over the village, already breaching existing conditions	Noted. The safety concerns are addressed in Section 5.2.1. The current application seeks to increase aircraft movements to 4,200.
Increased noise levels, from already disturbing levels	Noted. This is addressed in Section 5.8 of the report.
Lack of communication with local residents	Noted. The Council has advertised the proposal, sent out neighbour notification letters, and displayed site notices to ensure that the local residents are aware of this planning application.
Concerns over nuisance to livestock, wildlife, and horses	Noted. This is addressed in Section 5.11 of the report.
Concerns regarding noise and air pollution by low flying aircrafts	Noted. This is addressed in Section 5.8 of the report.
It will impact adversely on the 'Wine Tourism Area' – Clayhill, Crouch Ridge, Great Whitman's, Martin's Lane and New Hall Vineyards	Noted. This is addressed in Section 5.15 of the report.

Objection Comment	Officer Response
Impact on the access point to the site – There should be no access onto Crows Lane	Noted. This application relates to Conditions 13 and 14 of planning application FUL/MAL/09/00250 only and does not relate to traffic or access to the site.
How will the Applicant deal with additional traffic for event days?	Noted. This application relates to Conditions 13 and 14 of planning application FUL/MAL/09/00250 only and does not relate to traffic or access to the site. This also is discussed in Section 5.9 of the report.
Aircrafts flying low is intrusive and result in loss of privacy	Noted.
4200 flights per calendar year is still too much	Noted. This is addressed in Sections 5.4 and 5.8 of the report.
Concern over flight path to the site	Noted. This is addressed in Section 5.3 of the report.
Concerns over emergency vehicles accessing the site	Noted. This is addressed in Section 5.9 of the report.
Concerns that this will become a creation of a full commercial airfield with permanent flying displays by thousands of aircrafts having no historical relevance to the site.	Noted. Due to the size and nature of the airstrips, the site cannot accommodate large aircrafts or will the site become a full commercial airfield.
The proposal would be contrary to Development Plan Policies	Noted. This is addressed in Section 3.2 of the report.
SMGWA has contradicted itself in relation to the viability of the site where previously 8000 movements were proposed and now 4200 is proposed	Noted. The economic side of the aerodrome is addressed in Section 5.15 of the report.
The noise report submitted is flawed	Noted. This is addressed in Section 5.8 of the report.

7.4.1.1 In addition to the above, a letter dated 17 December 2017 from The Planning Law Practice objecting to the planning to vary conditions 13 and 14 of planning application FUL/MAL/09/00250. The letter references a High Court case where the Judge said that these words ‘*without prior consent in writing of the LPA*’ and that the words ‘*offend against the rule of law. This is because the public, and not only the parties to the particular planning permission concerned, are entitled to know in public documents what planning permission relates to a given development, and what therefore is permitted and what is not. The tailpiece in question leaves wholly uncertain for example who is to grant the variation, according to what criteria which may be non-existent or at least unpublished and secret*’.

7.4.1.2 The comments above have been noted and the conditions imposed on this current application does not contain the words ‘*without prior consent in writing of the LPA*’ except for conditions 3, 13, 14, 15 and 16 where the conditions relate to archaeology and contamination of the two hangars which was approved under planning permission

FUL/MAL/09/00250. These conditions require details to be submitted and agreed by the Council prior to commencement of work.

- 7.4.2 119 letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Noted in the officer report
The noise report was conducted meticulously and in an impartial manner	Noted in the officer report
The report is clear which area must be avoided and not flown over	Noted in the officer report
Current approved movement levels severely restrict the ability to which this experience can be enjoyed by the growing number of visitors	Noted in the officer report
Increase in visitors and landing fee would improve the facilities on site	Noted in the officer report
Modest increase in movements would not have impact on the surrounding area	Noted in the officer report
If the aerodrome cannot become financially viable it will close and the asset will be lost and Maldon will be a lesser place	Noted in the officer report
The aerodrome offers many benefits to the community and educates young people, schools and future generations	Noted in the officer report
It will bring more visitors and help to further support local businesses	Noted in the officer report
The size and physical layout of the grass aerodrome is finite and therefore self-limiting so it could only ever be used by light aircraft and vintage types	Noted in the officer report
The aerodrome is enjoyed by the population locally, nationally and internationally	Noted in the officer report
The surface and length of the grass airstrip at Stow Maries inherently precludes the use of any larger aircraft than the vintage and light aircraft so there is no danger of it being a commercial operation	Noted in the officer report
Aircrafts flying 'in' and 'out' of the site is governed by weather conditions	Noted in the officer report
Many people gain huge enjoyment from air shows and their contribution can enhance historical knowledge and activities of the museum and aviation	Noted in the officer report
The restoration and on-going maintenance of the site is an expensive and historically crucial activity and visitors are vital for its funding	Noted in the officer report

Supporting Comment	Noted in the officer report
A great deal of time and effort has gone into safeguarding this site	Noted in the officer report
Educational and generates work	Noted in the officer report
Stow Maries is an asset and is exceptionally unique for Britain's aviation heritage.	Noted in the officer report
Road noise is so much more inconvenient than the occasional aircraft movement	Noted in the officer report
It will not turn into another Stanstead Airport due to the scale and nature of the site and surroundings	Noted in the officer report

7.4.3 Three letters were received **commenting** on the application. The comments have been summarised in the table below:

Comment	Officer Response
Supports the planning application	Noted.
No evidence to suggest that the reduction in flights from 8000 to 4200 would not have detrimental impact on the area.	Noted. This is addressed in Section 5.8 and the comments from Environmental Health Service are attached as APPENDICES 3 and 4 in the officer report.
The aerodrome is repeatedly in breach of the planning conditions imposed.	
The safety of display flying at low height would impact on residents, wildlife, footpath and bridleway users.	Noted. This is addressed in Section 5.11 of the report.

8. **PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

HEADS OF TERMS OF SECTION 106 AGREEMENT WILL INCLUDE THE FOLLOWING

- A requirement to set up a Stow Maries Aerodrome Joint Consultative Committee (SMAJCC) within two months of the date of the issue of a planning consent.
- A requirement for the owner of the site to identify in consultation with the Council (taking into account any responses made by the Council 'Maldon District Council') the interested organisations who are to be represented on the SMAJCC; and establish the SMAJCC in accordance with current Department of Transport (DoT) Guidelines on Aerodrome Consultative Committees (ACC). The SMAJCC shall comprise of a Chairman, vice-Chairman, and Secretary; two representatives of the Owner; Three representatives of the users of the aerodrome; two representatives of the Council; and one representative of each of interested organisations.

- A requirement for the Owner and SMAJCC to adopt a procedure Standard Operating Procedure (SOP) to optimise flight paths and other procedures to minimise aircraft noise disturbance from flight operations at the Aerodrome as so far as it reasonably practicable. The Owner and SMAJCC will also adopt a procedure requiring visiting pilots to obtain a briefing before flights which will more effectively control the flight paths to be used by visiting pilots and which will provide for the banning from use of the Aerodrome by pilots who do not comply with the adopted procedure.
- A requirement for the Owner and SMAJCC to adopt a similar procedure for home-based and display pilots to comply with Standard Operating Procedures (SOP) which will provide for the banning of pilots who do not comply with the adopted procedure.

PROPOSED CONDITIONS

- 1 The development shall be carried out in accordance with the following approved plans and documents: Drawing Nos 08/1002/31, 08/1002/22 and 08/1002/30 that are attached to planning application FUL/MAL/09/00250; Location Plan: TMA/734/01 Revision B; Noise Impact Assessment dated 20 September 2017; and Habitat Regulations Assessment Screening Report dated 13 April 2018.
REASON To ensure that the development is carried out in accordance with the details approved.
- 2 The external surfaces of the two hangers hereby approved shall be constructed of materials and finish as detailed on Drawing Nos 08/1002/31, 08/1002/22 and 08/1002/30 as submitted with planning application FUL/MAL/09/00250.
REASON To ensure the external appearance of the development is appropriate to the conservation area in accordance with policy D3 of the Maldon District Local Development Plan.
- 3 No development related to the construction of the hangers approved by the permission, including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents, the owner of the site or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the agreed programme of works.
REASON To protect the site which is of archaeological interest in accordance with policy D3 of the Maldon District Local Development Plan.
- 4 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.
In pursuant to the above, 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.

REASON To allow the activity at the site to be monitored, to protect the amenities of the occupants of nearby dwellings and the amenity of the countryside in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 5 There shall be no more than 15 aircraft in a flight worthy condition kept at the site at any one time.

REASON To ensure that the intensification of activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 6 The type of aircraft using the airstrip for take-off and landing purposes shall be limited to fixed wing, single propeller driven aircraft.

REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 7 No helicopters (unless in the event of an emergency), microlights, gliders or hot air balloons shall be flown or land upon the site.

REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 8 Aircraft shall only take off or land at the site during the following hours:-

- October to March (inclusive) - 08.00 hours to sunset or 20.00 hours, whichever is the earlier
- April to September (inclusive) - 08.00 hours to 20.00 hours

REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 9 No flying school activities or other training flights shall operate from the site.

REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 10 No more than 4 public events which include a programme of flying displays (to be known as 'Special Public Flying Events') shall take place in any calendar year. Such events shall not exceed 2 consecutive days. Such events shall be organised in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 11 There shall no more than 4,200 aircraft movements (defined as a take-off OR landing) undertaken from the site during any one calendar year (1 January - 31 December). This annual limit to be subject to a daily limit, in any 24 hour period, of 30 movements (15 take-offs and 15 landings), apart from days on

which Special Public Flying Events take place when the movement limit shall be 120 movements (60 take-offs and 60 landings).

REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 12 No charter or fare paying flights shall operate from the airfield.

REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 13 An investigation and risk assessment, in addition to any assessment provided with the planning application in relation to the hangers, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing from the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (a) a survey of the extent, scale and nature of contamination;
- (b) an assessment of the potential risks to human health, property, controlled waters and the environment;
- (c) an appraisal of the remedial options, and proposal of preferred option(s).

REASON To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.

- 14 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority prior to the construction of the hangers. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.

- 15 The approved remediation scheme must be carried out in accordance with its terms prior to the construction of the hangers other than required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of the commencement of the remediation schemes works. Following completion of measures identified in the approved remediation scheme a verification report (also known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to approval in writing of the Local Planning Authority.
- REASON To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.

- 16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation a verification report must be prepared in accordance with the requirements of condition 15, for approval in writing of the Local Planning Authority.
- REASON To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.

INFORMATIVES

Highway

The site access on Hackmans Lane at its centre line shall retain a clear to ground 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. Such vehicular visibility splays shall remain free of any obstruction at all times.

The public's rights and ease of passage over footpaths no 243_3 and 243_5 (Cold Norton) and bridleway no 243_7 (Cold Norton) shall be maintained free and unobstructed at all times.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.

Natural England

Should any changes to the terms of agreement between SMGWA and Southend Airport take place, including changes to the height requirement for flights through the CTR (i.e. if below 1500ft) and/or if directed over sensitive SPA areas, a further assessment would be required to determine the resultant effects.