



**REPORT of
CHIEF EXECUTIVE**

**to
COUNCIL
13 JULY 2017**

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

1. UPDATE AND RECOMMENDATION

This application is referred to the Council for determination by the North-Western Area Planning Committee at its meeting on 12 June 2017. The content of the Members' Update, circulated at the Area Planning Committee, has been incorporated into this report. The Officer recommendation on this application is as follows:

APPROVE subject to the completion of a S106 agreement and to the conditions (all as detailed in Section 9 of this report).

2. SITE MAP



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 WWI aerodrome in Europe, and is therefore of outstanding architectural and historic and significance. The site is also 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: 09/00250/FUL) 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 restricts 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 from the site and the type of aircraft that are able to land or taking off from the site; These conditions were placed on the airfield when it was in private commercial ownership.
- 3.1.4 In this current planning application, the SMGWA Trust seeks to change some of the planning conditions imposed on 09/00250/FUL, particularly with regards to the type of aircraft landing and taking off, the number of landings and take-offs from the air strip and the hours limitation on when aircraft can take-off and land at weekends and bank holidays not just Special Public Events in the summer (May to October inclusive) and winter months (November to April inclusive) at the airfield. The number of landings and take-offs is outlined in the Description of Proposal above; however, this would need to be managed by a condition if the application as approved.
- 3.1.5 In support of this planning application, the Applicant has submitted, amongst other things, a Planning Statement, including maps to show the Controlled Airspace (Appendix 1) and Flight Guidance for Visiting Pilots (Appendix 2) prepared by TMA; Design and Access Statement prepared by TMA dated October 2016; Planning Policy Statement prepared by KLW Planning & Development Consultants dated November 2016; Noise Report prepared by Sharps Gayler LLP Acoustic Consultants dated 10 March 2017; and Planning Justification Statement prepared by KLW Planning & Development Consultants dated December 2016.
- 3.1.6 Since the submission of this application, a number of complaints in relation to the site operating in breach of a number of planning conditions. The breach of planning control is not considered to be a material consideration, of any demonstrable weight, when determining this planning application.

3.2 Conclusion

- 3.2.1 It is concluded that on planning balance, it is considered the above proposal to change the conditions imposed on restricting the use of the airfield 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 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. In addition, the revenue generated from the proposal would be ploughed back into projects for the airfield enabling the Trust to continue to maintain, restore and preserve the site in accordance with Development Plan Policies, including Paragraphs 28 and 131 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 2012 including paragraphs:

- 7, 14, 17 including Chapters 3, 11 and 12 of the NPPF (the list is by no means exhaustive)

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 – Development boundaries and New Development
- CON5 – Pollution Prevention
- CON7 – Development Affecting Airports
- CC5 – Protection of Wildlife at Risk on Development Sites
- CC6 – Landscape Protection
- BE1 – Design of New Development and Landscaping
- T2 – Sustainable Transport and Location of New Development

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1 – Sustainable Development
- D1 – Design Quality and Built Environment
- E5 – Tourism
- E6 – Skills, Training and Education
- N2 – Natural Environment and Biodiversity
- T2 – Accessibility

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The adopted Maldon District Replacement Local Plan has 10 Strategic 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:-

- To protect and enhance the coast and countryside, recognising the contribution of their intrinsic character and beauty and the diversity of their landscapes, heritage and wildlife, the wealth of natural resources and the character, ecology and economy of the District (Sii);
- To improve access to and the provision of sport and leisure facilities and enhance tourism for all (Svi); and
- To create a sustainable and accessible environment in which living, working and leisure encourage pride in the District, recognising its important historic qualities (Svii).

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 and increasing the number of aircraft landing / take-off 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

The Current Situation

5.1.3 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.

5.1.4 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 Design and Access Statement in Appendix 1 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.

- 5.1.5 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.
- 5.1.6 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.
- 5.1.7 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.
- 5.1.8 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.

The Airfield and Airstrip

- 5.1.9 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).
- 5.1.10 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 was attached in the Planning Statement (Appendix 2) as part of the Applicant's submission.
- 5.1.11 The proposed conditions as outlined in the Description of Proposal would be an absolute maximum capacity for the airfield. The SMGWA Trustees are seeking to increase the permitted number of take-offs and landing to the maximum to allow for long-term planning, and to avoid returning to this issue in the near future.

Flying Activities

- 5.1.12 Planning permission is sought 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.

5.1.13 With regards to ‘Special Public Event Flying Days’, the Applicant has confirmed in an email correspondence dated 25 January 2017 which advises the following:-

- The dates for Special Public Event Flying Days must be notified to the Planning Department of MDC not less than 14 days in advance
- Cancellation or re-scheduling of a Special Public Event must also be notified to the Planning Department who may permit re-scheduling with less than 14 days notice
- The number of Special Public Event Flying Days will be limited to 7 per year, a public event may run across a weekend but total number of days of Special Public Events will not be more than 14 days per year

The dates would normally include Bank Holidays but the events would be tailored around other large events / venues. An example given was The Blackwater Show.

5.1.14 In terms of flying activities in association with the airfield, a Planning Justification Statement prepared by K LW was submitted in support of the application. This Planning Justification Statement has been prepared by Peter Kember, an experienced pilot, aircraft owner and operator of an aerodrome in West Kent and specialises in aviation planning matters from the 1980s to the present day. Peter Kember has advised on over 200 different airports and aerodromes in the UK, he has advised Government spokesmen on aviation planning issues and has given expert evidence at more than 20 public inquiries into flying sites in the UK and has only recently stepped down from his position on the Civil Aviation Authorities General Aviation Consultative Committee.

5.1.15 In the 2009 planning application (09/00250/FUL), conditions were imposed to limit the number of aircraft movements at Stow Maries Aerodrome to a maximum of 24 per day (Condition 14). Whilst this planning permission gave the lawful use of the land as an aerodrome, it is suggested by the Applicant that the number of aircraft movements is unrealistically low for SMGWA to operate with the necessary regime to control numbers of aircraft movements, their noise abatement procedure and their flight paths.

5.1.16 It has been identified that aerodromes of comparable size to Stow Maries including Old Warden Aerodrome in Bedfordshire, (the home base of The Shuttleworth Trust which operates a fleet of historic aircraft), Earls Colne Aerodrome and Andrewsfield Aerodrome in Essex have a permanent member of staff who is responsible for granting permission to land at the aerodrome and for ensuring that proper procedures are followed by the pilots of home-based and visiting aircraft. In the case of the Stow Maries Aerodrome the increase in flight operations would enable the aerodrome to introduce the type of aircraft control measures seen at other comparable aerodromes, as recommended by the Government and as endorsed by Planning Inspectors on appeal.

5.1.17 It is proposed that the daily aircraft 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. Whilst this may be the case, the Applicant suggests that this is an unrealistic calculation because of the following factors:-

- a) The weather in the UK does not permit flying in light aircraft operating on Visual Flight Rules (VFR) on more than an average of approximately 250 days per annum.
- b) Stow Maries has grass runways which can get waterlogged after periods of wet weather putting them out of action sometimes for weeks at a time.
- c) Stow Maries has short runways which are not aligned into the prevailing wind and historic aircraft cannot be flown in a crosswind.
- d) The types of aircraft operating at Stow Maries are predominantly lightweight and historic aircraft which, like those based at Old Warden Aerodrome, are only flown in light winds.
- e) Pilots who propose to visit the aerodrome fear operating in close proximity to Southend Airport's Class D airspace where a specific permission is required to enter.

5.1.18 As such, it has been calculated that these factors would reduce the maximum number of annual aircraft movements to be about 8000 aircraft movements.

5.1.19 As advised in the Planning Justification Statement, it states that should the application be approved, the SMGWA Trust would be prepared to accept a cap of 8,000 aircraft movements per calendar year which may only be increased by permission from MDC for the purpose of a special occasion such as the Remembrance Day event held towards the end of the flying year.

Flight Control Measures

5.1.20 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 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.

5.1.21 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. Following a recent flying event day at Stow Maries Aerodrome the CAA has found the display satisfactory in all respects. A copy of the CAA Flying Display Report dated 10th August 2016 was submitted in support of the application.

5.1.22 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.

Guidance to Users of the Airfield

5.1.23 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 Planning Statement (Appendix 2) in support of the proposal. This guidance is intended to limit, as far as possible, planes flying over neighbouring properties.

5.1.24 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 1,500 ft above sea level.

5.2 Impact on Residential Amenity

5.2.1 The potential for noise as a result of an increase in activity of the site is one of the main reasons for objections by third parties. Concerns have been raised, predominately, in relation to noise generated by aircraft movement.

- 5.2.2 The Aerodrome is located in a remote part of the countryside at a distance from noise sensitive properties that is considered to substantially mitigate against any undue impact from noise and disturbance during landing and take-off. Furthermore, it is essential to remember that the site currently functions as an aerodrome and it is essential to consider the proposal against the fallback position.
- 5.2.3 In support of the planning application, a Noise Report prepared by Sharps Gayler dated 10 March 2017 was submitted to the Council for assessment.
- 5.2.4 The Environmental Health Team has raised no objection to the proposal subject to conditions to be imposed should the application be approved. It was advised that the introduction sets out the current conditions and seeks to address the discrepancy and confusion caused by the change in terminology between what was originally proposed and supported by the Environmental Health Officer's recommendations and the eventual wording of the Condition 4 of planning application 09/00250/FUL.
- 5.2.5 The report goes on to outline the current proposal, with Table 1 providing a useful summary of the required increase in activity. It goes on to describe this as "broadly doubling the allowable movements per day during the Winter months and Summer weekdays and to quadruple the allowable daily movements on Summer weekends and Bank Holidays." This is explained in terms of noise levels as adding 3dB and 6dB although the resultant change to ambient noise levels will be somewhat less. This is due to the potential of at least some of the activity to be masked by other noise sources.
- 5.2.6 Section 2 of the noise assessment provides an accurate and effective summary of Government Policy and Practice in relation to noise impact and planning. In particular it explains the concept of "adverse effect levels" and the three tier approach based on the Lower Observed Adverse Effect Level and the Significant Observed Adverse Effect Level, quoting the National Policy Statement and Planning Policy Guidance. These levels will vary depending on the situation under consideration and neither policy nor guidance attempts to prescribe values. The consultant appropriately goes on to make a case for ascribing appropriate values of LOAEL and SOAEL for the application in question.
- 5.2.7 Section 3 of the assessment looks at the relevance of the much quoted World Health Organisation "Guidelines for Community Noise" and the National Physical Laboratory's interpretation of the guidelines and concludes that the average level (LAeqT) for LOAEL and SOAEL in relation to this development should be 50dB and 60dB respectively. The report points out that this represents the most stringent interpretation of the WHO range of levels with an added margin of safety in that the average is taken over the shorter operating day of 12 hours rather than the WHO full day of 16 hours. It further justifies these values by reference to three other studies which also address the evaluation of impacts from changes in noise levels. In respect of the latter it reproduces the IEMA summary of impacts associated with increases above the LOAEL in Table 2.
- 5.2.8 Having justified the standard to be applied the consultant then addresses the assessment of aircraft noise emission levels, using commercially available modelling software to predict noise levels from basic input data including the General Flying Orders for the airfield. A number of assumptions are set out based on current

operating arrangements and using data for a Cessna 172 as being the closest match to the type of aircraft using the airfield. The software produces noise contours for the airfield which have been provided as an appendix to the report. Predicted noise levels are properly validated using field measurements from the noisiest aircraft currently based at the airfield.

- 5.2.9 Evaluation of the predicted noise levels show that at up to 100 movements per day the LOAEL of 50dB LAeq 12hr is not exceeded at any property in the vicinity of the airfield, with the highest effect being 45dB at Edwins Hall from 50 movements, rising to 48dB with 100 movements. The impact is also evaluated in terms of the change in noise climate. The IEMA summary provided in Table 2 is not appropriate as the predicted level does not exceed the 50dB LOAEL threshold. However the consultant helpfully attempts to evaluate the increase, demonstrating in paragraph 6.6 that the change in noise levels arising from the increase in aircraft will be 2dB LAeq 12hr at 50 movements per day and 5dB LAeq 12hr at 50 movements per day at the worst affected property (Edwins Hall). These are relatively low increases and there is no attempt to explain their significance. Furthermore, although not considered in the consultant's evaluation, when considered over a longer period flying activity is extremely unlikely to reach the maximum number of movements permitted due to weather and runway conditions.
- 5.2.10 In respect of the proposed increase to 50 and 100 movements per day, the Environmental Health Team is broadly satisfied that the proposed LOAEL is appropriate, that it provides considerable margin for error and will not be exceeded. In accordance with guidance no additional restrictions are required other than conditions to ensure the proposed level of activity can be monitored and will not be exceeded. One outstanding concern is that the assessment has been based on the noisiest aircraft currently operating from the airfield. There is of course a likelihood of noisier aircraft visiting the airfield and potentially being based at the airfield in the future. As such, that Environmental Health Team has taken a pragmatic approach to this on the basis that other aircraft currently based at the airfield are quieter than the aircraft type used in the model which applies the worst possible case as a 12 hour average. The overall impact of a small number of noisier aircraft can be absorbed within this average. Furthermore, it is noted that the aircraft type would be somewhat limited by the nature and length of the runways. However due to the uncertainty here it is prudent to attempt to formulate a condition which will ensure the LOAEL is not exceeded by future activity.
- 5.2.11 The proposal refers to "Special Public Event Days", "Public Event Days" and "Special Public Event Flying Days" but these are not defined. The Environmental Health Team have considered just two interpretations; public events that involve flying as part of the attraction; and public events with no flying displays or demonstrations. In relation to the proposal for "Special Public Event Flying Days" there has been no evaluation of the potential impact of increasing permitted activity to 75 take-offs and 75 landings per day. Furthermore the application does not indicate the number of such events to be held each year. It was previously recommended in relation to the original application 09/00250/FUL was that this should be restricted to 4 public flying events per year, not exceeding 3 days per event as per the proposal contained within the application. This was reduced to 2 events per year by Condition 13 of the current approval. The Environmental Health Team had extrapolated the aircraft noise emission data from the consultant's calculations to reflect the potential

150 movements per day. This gives a predicted level of 49.8 dB LAeq 12hr or a 6dB increase over current daily activity. Flying Day activity is severely restricted at the airfield by the CAA rules governing air displays (CAP 403) but there will be an unknown contribution from display aircraft which may well be noisier than the simple take-offs and circuits modelled. There is also a risk that visiting aircraft may stay overnight on 2 or 3 day events leading to the number of noisier take offs being more than half of the movements on the departure day. Taken together this suggests that the LOAEL may be exceeded on “Special Public Event Flying Days” and that reasonable steps are required to mitigate the effect of noise. This should at a minimum be a control over the number of events and a reduction in the number of movements might also be justified depending on the number of events proposed. Public events without flying displays are considered unlikely to impact on the local environment other than through the additional road traffic and visiting aircraft. Provided the latter are within the 100 movements per day they do not require any additional consideration.

- 5.2.12 Concerns have been raised in relation to the potential commercial element of the proposal or the use of the site by various types of aircraft. The existing landing strips, that are not to be altered as part of this application, are grassed and would not be an attractive option for modern day aircraft. Irrespective of this, and taking into account the tourism and historical nature of the development, it is considered appropriate to impose a condition on any approval to limit the development to fixed wing, single propeller driven aircraft and not for charter of fare paying flights.
- 5.2.13 Shortly after the publication of the Environmental Health Team’s comments, the Council received a letter from The Planning Law and Practice dated 11 April 2017 questioning the Noise Impact Assessment as the practice had considered the assessment prepared by Sharps Gaylor Acoustic Consultants has ‘seriously underestimated’ the impact that an increase in the flight movement to and from the airfield. As the Environmental Health Team had based their comments upon the information that the Applicant had submitted, it was therefore considered necessary to go back to the Applicant for further clarification.
- 5.2.14 Sharps Gaylor Acoustic Consultants responded to The Planning Law and Practice’s comments on 8 May 2017. The Environmental Health Team had also provided additional comments regarding the proposal and planning conditions should the application be approved. In the Environmental Health Team’s response to The Planning Law and Practice’s letter dated 11 April 2017, it is noted that the first three points relate to the confusion over the number of flights permitted by FUL/MAL/09/00250. Having researched this further it appeared that Members at the 2009 (8 June 2009) committee had halved the number of aircraft movements required by the application which restricted flights to 12 movements per day (being take offs or landings) where the original application had stated 24 movements. This led to Condition 14 to be amended to read *‘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 by the Local Planning Authority for the purposes of public events.’*

- 5.2.15 This reduced number of permitted movements has had an impact on the Sharps Gayler assessment as concluded by the PLP letter, although only to the extent that it doubles the figures quoted which describe the aircraft movements in terms of current permitted activity. i.e. broadly quadrupled during winter months and summer weekdays, with an 8 fold increase on summer weekends. In terms of sound pressure levels this equates to 6dB and 9dB respectively. This is not necessarily as misleading or wrong as PLP are suggesting. Sharps Gayler seem to be using this as a simple descriptor of the additional activity. This part of the report is useful but in noise terms it could be considered superfluous as it does not impact on the later calculations.
- 5.2.16 It should also be considered what this descriptor is really trying to convey. If the baseline is the current permitted number of movements (12) then the description shows the increase from the theoretical current cap to the cap required in this latest application. Using the perceived permitted number (24), to which the airfield has apparently been working and may be more representative of actual activity, the description of doubling and quadrupling activity is still valid in relation to actual current and historical flight numbers.
- 5.2.17 PLP's fourth point refers to the assertion in 1.13 of the noise assessment that "the impact on a limited number of event days a year will not materially affect the prevailing noise emission level and impact". In the previous comments made by the Environmental Health Team, reference has been made in some detail to the various "event days" and the failure to evaluate the noise impact from the events. The Environmental Health Team have provided the extrapolated aircraft noise emission data for the additional movements which will be 6dB higher than the current daily activity (or 9dB higher than the current permitted activity). This is significant and suggests that reasonable steps are required to mitigate the effect. In practice this mitigation needs to be a balance between number of events permitted and the number of additional movements allowed. There is no scientific answer to this, it's just a case of determining what might be a reasonable compromise.
- 5.2.18 PLP's fifth point refers to the selective treatment of the AECOM report which Sharps Gayler quote in justifying their suggested LOAEL and SOAEL values. However, the report goes on to explain that the (quantitative and qualitative) impact of change is only relevant once the LOAEL has been exceeded. This is only likely to occur on a special event flying day and the lack of assessment is discussed above.
- 5.2.19 PLP's sixth point criticises the lack of explanation for the statement in paragraph 5.5 of Sharps Gayler's assessment. The Environmental Health Team is satisfied that this needs no further explanation if read together with the preceding two paragraphs. Also related to the noise model, the seventh point concerning runway usage is a clearly stated assumption and presumably based on historical data. It looks correct based on flights observed while officers have attended meetings and events at the aerodrome, this assumption has not been challenged. Runway usage is largely dictated by weather conditions and aircraft safety and cannot reasonably be expected to form part of the planning application.
- 5.2.20 PLP's final point quotes "absolute noise levels" at two farms. The figures quoted represent the SEL which is the total sound energy captured during the flyover event normalised to one second. This is used to build the overall sound levels for a number

of events over a 12 hour period. It does not relate to the actual level heard on the ground unless the aircraft was only audible for 1 second.

- 5.2.21 In undertaking this further review of the Sharps Gayler report and comments made by the Environmental Health Team previously, a number of other issues have come to light. The assessment is based on the normal practice of assessing aircraft noise as a long term average of the individual aircraft movement events and as such is robust. However, shorter term impacts may well be greater. Examples will be if the same runway is used for several days in succession, potentially over a long period in stable weather conditions or when the pattern of flying during the day concentrates flight movements into short periods (e.g. a fly in early morning with departures late afternoon).
- 5.2.22 The Environmental Health Team had concerns regarding the terminology used within the submission referencing “Special Public Event Days”, “Public Event Days” and “Special Public Event Flying Days” (this was mentioned in Paragraph 5.2.11 of the report) In the Applicant’s letter dated 18 May 2017”, it appears that all of these references in the application documents refer to “Special Public Event Flying Days” (SPEFD’s) which are now also described as “*days when specific flying events are held and owners of specific aircraft are invited to attend*”. This is a useful clarification although there is concerns that simply requiring 14 days’ notice without any ability to refuse or require modification does not give sufficient protection to local residents in relation to the potential loss of amenity due to aircraft noise. Even if the notice of events was on a permissive basis, 14 days is insufficient time to evaluate the potential noise impact, and too short a notice for the Applicant if an event is not permitted within that period.
- 5.2.23 It should also be noted, as discussed above in Paragraph 5.1.15, that is recommended that there is a cap of 8000 aircraft movements per annum imposed on any grant of planning permission.
- 5.2.24 In addition, the SMGWA has in place the Flight Guidance for Visiting Pilots, a guidance which is issued to all visiting pilots to the Stow Maries airfield. The guidance stipulates that:-
- “No flying to the east of the airfield due to very noise sensitive neighbours, and avoid over flight of any habitation and houses in the vicinity”.*
- “To avoid disturbing the local residents standard farm strip procedures apply when taking off- take-off and fly off - no circuits and please avoid all local habitation particularly on climb out”.*
- 5.2.25 Having acknowledged the concerns raised in the number of representations, the SMGWA is proposing a number of measures to limit potential adverse amenity effects by controlling the operation and flight paths of aircraft and is willing to enter into a legal agreement which would include the following Heads of Terms as suggested below:-
- A) Within 2 months of the resolution to grant planning permission in the terms specified in the 2016 Planning Application SMGWA will, in discussion with Maldon District Council and other interested parties set up an Aerodrome

Consultative Committee in accordance with current DoT Guidelines on Aerodrome Consultative Committees.

- B) SMGWA will, through the mechanism of the ACC adopt a revised Standard Operating Procedure to optimise flight paths and other procedures to minimize aircraft noise disturbance from flight operations at the Aerodrome.
- C) SMGWA will, through the mechanism of the ACC, adopt a PPR procedure 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 by pilots who do not comply with the adopted procedure.
- D) SMGWA will, through the mechanism of the ACC, adopt a similar procedure for home-based and display pilots to comply with Standard Operating Procedures which will provide for the banning of pilots who do not comply with the adopted procedure.

5.2.26 The wording of the legal agreement would have to be thoroughly checked to ensure that the terms listed can be adhered to.

5.2.27 Therefore noise predicted as a result of the development is not likely to be significant, providing adequate mitigation is put in place. This is taking into account the lawful use of the site and the potential mitigation through the imposition of conditions and a S.106 agreement.

5.2.28 **Additional information**

5.2.28.1 As highlighted in paragraph 5.2.1 above the potential for noise from the increase in landing and take offs from the site is one of the main reasons for objections by third parties and considerations for the determination of this application. Concerns have been raised, predominately, in relation to noise generated by aircraft movement.

5.2.28.2 The site currently benefits from planning permission to function as an aerodrome subject to conditions. The most salient condition is condition 14 of planning application FUL/MAL/09/00250 which states:

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.

REASON

To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy S2 of the adopted Maldon District Replacement Local Plan.

5.2.28.3 It must be noted that the Aerodrome is located in a remote part of the countryside at a distance from noise sensitive properties that is considered to substantially mitigate against any undue impact from noise and disturbance during landing and take-off. Furthermore, it is essential to remember that the site currently functions as an

aerodrome and it is essential to consider the proposal against the fallback position and not against the principle of the use of the site as an aerodrome.

- 5.2.29 In support of the planning application, a Noise Report prepared by Sharps Gayler dated 10 March 2017 was submitted to the Council for assessment. The introduction sets out the current conditions and seeks to address the discrepancy and confusion caused by the change in terminology between what was originally proposed and the eventual wording of the Condition 14. This has formed the basis for comparing the likely impact of the increased activity proposed under the current application.
- 5.2.29.1 However, it transpires that the Elected Members when determining the application in 2009 imposed a condition on the permission that was more restrictive than that which had been requested. The condition imposed halved the number of aircraft movements originally requested and restricted flights to 12 movements per day (being take offs or landings). It is important to understand that whilst this may mean that some of the statements within the report are inaccurate it does not mean that the entire report is flawed. This is because the percentage increase in flight numbers is a misdemeanour as a percentage increase or a numerical increase in itself does not demonstrate demonstrable harm and that is the issue the planning considers. The reports assessment on the noise generated from the site if the application was allowed is considered to be the key point and the major consideration when determining this application.
- 5.2.29.2 So whilst the report outlines the current proposal, with Table 1 providing a summary of the required increase in activity and describes this as “broadly doubling the allowable movements per day during the Winter months and Summer weekdays and to quadruple the allowable daily movements on Summer weekends and Bank Holidays” it is still helpful in accessing the apparent impact of the application.
- 5.2.29.3 The noise assessment, in section 2, provides a summary of Government Policy and Practice in relation to noise impact and planning. Whilst section 3 looks at the relevance of the World Health Organisation “Guidelines for Community Noise” and the National Physical Laboratory’s interpretation of the guidelines. A more detailed assessment of these sections is contained within the Officers report.
- 5.2.29.4 Below the Lowest Observed Adverse Effect Level noise can be heard, but does not cause any change in behaviour or attitude. It can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life. No specific noise measures are required i.e. we should not attempt to control by condition.
- 5.2.29.5 In respect of the proposed increase to 50 and 100 movements per day, the Environmental Health Team is broadly satisfied that the proposed Lowest Observed Adverse Effect Level (LOAEL) is appropriate method for assessment. Evaluation, contained within the noise assessment, of the predicted noise levels show that at up to 100 movements per day the LOAEL of 50dB LAeq 12hr is not exceeded at any property in the vicinity of the airfield, with the highest effect being 45dB at Edwins Hall from 50 movements, rising to 48dB with 100 movements.

- 5.2.29.6 It is therefore, not considered that the use of the site for 100 movements per day will result in such a degree of harm as to warrant a reason for refusal or any additional mitigation.
- 5.2.29.7 The Environmental Health Team had extrapolated the aircraft noise emission data from the consultant's calculations to reflect the potential 150 movements per day, which would be a worst case scenario based on the numbers proposed. It is also necessary to note that there is also the potential for additional aircraft to undertake flybys on "Special Public Event Flying Days" which will add to the noise generated from the site. Any public events without flying displays is not considered to be likely to result in any demonstrable increase above that of the limited 100 movements. However, concern is raised that potentially the LOAEL may be exceeded on "Special Public Event Flying Days" if the full 150 movements were taken advantage of alongside a number of flybys. With this in mind it is considered reasonable to limit the number of worst case scenarios possible.
- 5.2.29.8 Whilst it is accepted and noted that the noise assessment has been undertaken on the incorrect interpretation that there are 24 movements per day it is not considered that this fundamentally flaws the report or the ability of the Council to determine the planning application. The Council has assessed the planning application on the noise generated from the proposed number of aircraft movements, not on the percentage increase, and considered the demonstrable harm from the proposed level of aircraft movements.
- 5.2.29.9 Under the original planning application in 2009, FUL/MAL/09/00250, there was a condition that restricted the number of public events. This is not considered to be necessary as the noise and disturbance from the site will come directly from aircraft movements. With the exception of the dwelling on the aerodrome the distance from adjoining dwellings would mitigate against demonstrable harm from reasonable activities. It is important to note that Government guidance is that planning can only be used to control planning issues and when there are other bodies that have more appropriate legislative powers these should be used to manage situations. If there were any issues due to noise from ground based activities such as public events or works to aircraft these could be resolved through Environmental Health's powers.
- 5.2.29.10 The Council's Coast and Countryside Officer was consulted as part of the application process and has requested a condition in relation to the submission of a Preliminary Ecological Appraisal and this is suggested within the amended recommendation below.
- 5.2.29.11 It should also be noted that this application is for full planning permission and not an application to vary any previous permission. Therefore, there is no need to repeat conditions imposed in 2009 that are not directly relevant or affected by the granting of this permission. It is recommended that an informative is included that highlights this to the applicant.

5.3 Access and Highway Safety

- 5.3.1 Policy T2 of the adopted local plan seeks to ensure that all development would provide safe access to and from the highway, including adequate visibility and junction capacity.

- 5.3.2 The Highway Authority has assessed the application taking into account the accesses to the airfield via Crows Lane and Hackmans Lane as shown the Location Plan; Drawing No: TMA/848/1B; Drawing No: TMA/848/2B submitted by TMA Chartered Surveyors dated December 2016. It has been advised that given that the Applicant has demonstrated that two vehicles can safely pass each other off the carriageway at the site access on Hackmans Lane, existing traffic management arrangements ensure that larger vehicles do not use this access and traffic flow on Special Event Flying Days is suitably marshalled, from a highway and transportation perspective, the impact of the proposal is acceptable to Highway Authority subject to a condition being imposed regarding the provision of a 2.4 metres x 180 metres visibility splay in both direction of Hackmans Lane.
- 5.3.3 There is a public footpath and bridleway in the vicinity of this site. The Public Footpath Officer has raised no objection to the proposal subject to a condition imposed to ensure that the footpath and bridleway would be maintained free and unobstructed at all times.

5.4 Tourism and the Local Economy

- 5.4.1 One of the planning justifications for the proposal is that SMGWA had suffered a lack of funding when the Trust took over the site in 2013. As part of the application submission, financial figures were provided by the SMGWA which excluded grants, exceptional items, depreciation and capital expenditure. The figures were obtained between the 7 month period April 2016 to October 2016 reflecting the financial year end of SMGWA showed the level of income, expenditure and trading deficit.
- 5.4.2 It is considered that an income directly related to aviation the airfield activity is vital to the generation of visitor income from general admissions and coach income. The financial impact of the increase in flight numbers would make a significant contribution to reducing the current trading deficit of SMGWA. The figures are year on year increases in income which will contribute to the growth of SMGWA as a leading visitor attraction over time. Together with other trading income (eg: events; venue rental) and grants/fund raising the aviation component will underpin the long-term viability of the site supporting the main objective of conservation and restoration of this heritage site.
- 5.4.3 The Council, in principle, supports proposals that contribute positively to the growth of local tourism in a sustainable manner across the District. The current proposal would attract additional visitors from outside of the District thus contributing to the local economy. As such, the development proposal would accord with policy E5 of the Local Development Plan and Chapter 3 of the National Planning Policy Framework.

5.5 Impact on the Listed Buildings and the Conservation Area

- 5.5.1 The issues regarding the impact of the development proposal on the Grade II* listed building and the designated conservation area have been considered by the Listed Building Consent LBC/MAL/16/01143 which runs concurrently with this current planning application. However, it is not considered that the proposed development would have an impact on either the listed buildings or the Conservation Area.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Letters of representation has been received concerning the 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 when considering the fall-back position of the current lawful use of the site.
- 5.6.2 The two grassed airstrip where aircraft currently land / take-off would be as existing and therefore would not have any impact on the landscaping of the area.

5.7 Legal Agreement

- 5.7.1 As part of the proposal, the Applicant is currently drafting a legal agreement which would comprise of the following:-
- a) Within 2 months of the resolution to grant planning permission in the terms specified in the 2016 Planning Application SMGWA will, in discussion with Maldon District Council and other interested parties set up an Aerodrome Consultative Committee in accordance with current DoT Guidelines on Aerodrome Consultative Committees (ACC).
 - b) SMGWA will, through the mechanism of the ACC adopt a revised Standard Operating Procedure to optimise flight paths and other procedures to minimise aircraft noise disturbance from flight operations at the Aerodrome.
 - c) SMGWA will, through the mechanism of the ACC, adopt a PPR procedure 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 by pilots who do not comply with the adopted procedure.
 - d) SMGWA will, though the mechanism of the ACC, adopt a similar procedure for homebased and display pilots to comply with Standard Operating Procedures which will provide for the banning of pilots who do not comply with the adopted procedure.
- 5.7.2 The Applicant has confirmed in an email correspondence dated 28 April 2017 that four elements of the above have already been implemented (b, c and d) which relates to operating procedures.

5.8 Other Material Considerations

- 5.8.1 Letters of representation has been received concerning that there may be conflict of interest between relevant parties (the Council, Ex-Members etc.) regarding this site. Each application is required to be dealt with on its own merits and it is not considered that there is a demonstrable and real conflict of interest in this case. It is not uncommon for LPA to have to consider and determine applications where the Council may be an interested party, provide funding for the proposal or even be the applicant.

- 5.8.2 It is understood that the Applicant and Agent had involved the local community by presenting their proposal to parish councils that would be affected by the development proposal.
- 5.8.3 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 09/00250/FUL. This was brought to the Council's attention during the process of this current application which was never raised previously or prior to the submission of this application and the Planning and Enforcement Team are looking into this matter; this is not a material consideration of any demonstrable weight when determining this application.
- 5.8.4 The Council had a meeting with the Chairman of the Stow Maries Parish Council on 24 May 2017. At the meeting, it was discussed that there was no objections to the museums and the odd flight demonstration. Concerns were raised with regards to the number of flights landing and taking off as in the 2009 planning application, Condition 14 had specifically stated that there shall be no more than 12 aircraft movements (take-offs and landings) and this number has been exceeded. Also, the Parish Council had raised concerns regarding the noise report as the tests carried out were too far from the site and the hiring out of the hangers in order to raise funds for the aerodrome. These issues have been addressed within the report.

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
- **LBC/MAL/16/01143** - Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome. Pending Consideration
- **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.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
North Fambridge Parish Council	No objection to the application	Noted
Purleigh Parish Council	Objects to the application for the following reasons:- <ul style="list-style-type: none"> • Detrimental to the amenities and quality of life • Unacceptable increase / intensification use of the site • Impact on the rural setting • Possible commercial use of the site in the 	Noted in Sections 5.1.3, 5.1.5, 5.2

Name of Parish / Town Council	Comment	Officer Response
	future <ul style="list-style-type: none"> • Threat to public safety • Control over special event flying days would not safeguard surrounding Parishes 	
Stow Maries Parish Council	Object for the following reasons: <ul style="list-style-type: none"> • Increase in the number of flight activity at the airfield • There is no justification for the increase • The increase would be in excess of a commercial airfield • The flight paths and operations in the vicinity of the airfield is misleading • Aircrafts has performed aerobatics and multiple formation low flying manoeuvres which contravenes CAA regulations • Visitors have been arriving via Crows Lane. This lane is unsuitable as it is a single track lane. • Concerns of individual invested interests • The possible conflicts of interest between the Trustees/ECC/MDC in light of the grant funding between these bodies 	Noted in Sections 5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.9, 5.8.1
Cold Norton Parish Council	<ul style="list-style-type: none"> • There would be no adverse effect for Cold Norton • The Aerodrome is an asset to the village. 	Noted

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Chelmsford City Council	No objection to this proposal	Noted
ECC Suds Team	<p>The Airfield will continue using the existing runways which are entirely grass, and using existing buildings at the site which are to be restored and preserved in their World War 1 format.</p> <p>The above development does not propose to introduce new impermeable areas. ECC therefore will not be providing any specific comments on the surface water drainage for this application.</p>	Noted
Highways Agency England (East) – Development affecting trunk roads and special roads	No objection	Noted
Historic England	No objection as the extension to the flying hours would not be harmful to the significance to this site	Noted in LBC/MAL/16/01143
Essex County Fire & Rescue Service	The access Fire Service is considered satisfactory	Noted
ECC Highways	No objection subject to conditions	Noted
Civil Aviation Authority	Consulted on 1 November 2016 – No reply at the time of writing this report	Any comments received will be reported on the Members Update
Essex Police	Consulted on 1 November 2016 – No reply at the time of writing this report	Any comments received will be reported on the Members Update
Public Footpath Officer	No objection subject to condition	Noted in Section 8 of the report.
Environment Agency	Consulted on 1 November 2016 – No reply at the time of writing this report	Any comments received will be reported on the Members Update

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Danbury Parish Council	No objection. The application should be a temporary consent so the Council can reassess the impact of the development in the near future	Noted
South Woodham Ferrers Town Council	South Woodham Ferrers Town Council has no objection to this planning application as there is no adverse effect for South Woodham Ferrers and the Aerodrome is an asset to the area.	Noted
Woodham Ferrers And Bicknacre Parish Council	Consulted on 6 December 2016 – No reply at the time of writing this report	Any comments received will be reported on the Members Update
RAF Wattisham	Consulted on 22 December 2016 – No reply at the time of writing this report	Any comments received will be reported on the Members Update
London Southend Airport	Consulted on 22 December 2016 – No reply at the time of writing this report	Any comments received will be reported on the Members Update
Southend Borough Council	Consulted on 27 October 2016 – No reply at the time of writing this report	Any comments received will be reported on the Members Update

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection to the unconditional grant of permission for these applications. The proposals will cause no harm to the significance of the Grade II* listed buildings or to the special character and appearance of the conservation area.	Noted in LBC/MAL/16/01143

7.4 Representations received from Interested Parties (*summarised*)

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

- Robert Archer, 26 The Fairways Cold Norton Essex

- A J Chappell, The Limes Church Lane Stow Maries Essex
- Mrs R V Chappell, The Limes Church Lane Stow Maries Essex
- JB & LE Cooper, GW Cooper (Farms) Ltd Wickhams Farm Danbury Essex
- Mr M Cooper, 1 Eves Villas Main Road Bicknacre
- D Fleming, Great Whitmans Farmhouse Hackmans Lane Purleigh
- Neil Gilmore, Pear Tree Cottage Woodham Road Stow Maries Essex
- Mrs G P Green, 1 Ridley Cottages Woodham Road Stow Maries Essex
- Mr Henry Harris, Glebelands Church Lane Stow Maries Essex
- Mr Simon Hollington, Wellinditch Farm Woodham Road Stow Maries Essex
- Jane Fleming, Great Whitmans Farmhouse Hackmans Lane Purleigh
- Ms J Liell, Crouch View Woodham Road Stow Maries Chelmsford
- Local Residents C/O Peter Brady, The Planning Law Practice Wood End 20 Oaklands Park Bishops Stortford Hertfordshire
- Andrea Lyons, Goodview Howe Green Road Purleigh
- Roy & Sandra Martin, Scarr Cottage Woodham Road Stow Maries Essex
- Duncan McNeill, VMVM Ltd, Blagdon, 32 Peartree Lane, Danbury, Essex
- Mrs S Middleton, The Crib Hackmans Lane Cock Clarks Purleigh
- Mr P O Nolan, 12 Gepp Place Chelmsford Essex
- Jane O'Dell, 54 Hamberts Road South Woodham Ferrers Chelmsford
- Ashley J Parrott, Stapleford Woodham Road Stow Maries
- Michael Partridge, Stow Hall Farm Woodham Road Stow Maries Essex
- Mr Chris Perry, 7 Dolafon Benllech
- Mr Mike Potts, 2 Furze Road Maidenhead
- Gavin Strathern, Spar Hill Farm Chelmsford Road Purleigh Essex
- Mr & Mrs Sutton, Farthingale Farm Hackmans Lane Purleigh Essex
- Denise & Michael Warr, The Warren Hackmans Lane Purleigh Essex
- Phyllis & David Warr, The Crib Bungalow Hackmans Lane Cock Clark
- Dr R Woodcock, Oakleigh Lodge Hackmans Lane Purleigh
- The Planning Law Practice, Wood End, 20 Oaklands Park, Bishops Stortford, Hertfordshire

Objection Comment	Officer Response
The proposal is outside the remit of the original plan for the restoration of this Great War site	Noted. The points raised in the letters of representations have been addressed in the report
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?	
The proposed aircraft movements are excessive and the flying times too extensive	
The proposal will push the aerodrome into a much more commercial position, not benefiting the community	
This will lead to an ever escalating increase in flights	

Objection Comment	Officer Response
It will disturb the locals human right to a peaceful existence	Noted. The points raised in the letters of representations have been addressed in the report
Safety concerns due to low flying aircraft over the village, already breaching existing conditions	
Traffic and access concerns on roads leading to Aerodrome	
Increased noise levels, from already disturbing levels	
Security concerns that the larger operation the more likely it will become a target for terrorist activity	
Concerns of individual invested interests	
Concerns with the lack of communication with local residents	
There is no annual cap of the flight movements in the application	
Concerns regarding number of movements per annum	
Southend Airport should have been consulted	
Concerns over nuisance to livestock and horses	
The historic value of the aerodrome comes from its WWI heritage. It was never meant to facilitate commercial numbers of flights and to do so would reduce its historic value significantly	
For any increase in the number of flights to be implemented there has to be a change in the Planning landscape between when the original capped numbers of flights were approved (but restricted), and now	
The possible conflicts of interest between the Trustees/ECC/MDC in light of the grant funding between these bodies	
It needs to be decided how enforcement of flight numbers is to be implemented	
I do not believe enough time has been allowed for Public Consultation of a scheme of this gravity	
Concerns regarding noise and air pollution	
The application is inaccurate, lacks rigor and clarity	
The flights are causing a damaging effect on my house and garden, which must cause loss of value to my property	
There is no attempt in the application to assess the impact of the increased flight movements on the surrounding area	
There is no attempt in the application documents to show why the increase in flying activity is necessary in order to secure the maintenance of the Airfield site	
It will impact adversely on my clients' business expansion plans and on the Council's aspiration to create a 'Wine Tourism Area'	
Concerns regarding options for economic sustainability	

Objection Comment	Officer Response
Could the pathway taken by the planes take a route over water?	Noted. The points raised in the letters of representations have been addressed in the report
Concerns regarding long term management structure of the Aerodrome	
Recent activities have often involved modern aircraft flying in formation and performing aerobatic stunts totally unconnected with the use of the site as a Great War Museum	
The site is adjacent to a bridleway and footpath	
The storage of the club planes and movement of additional planes would be detrimental to the area	
Loss of privacy when planes are flying low	
Impact on local businesses / future local investment at stake as the proposal would disturb, destroy and distract the environment and sense of place essential to the success of a vineyard destination	

7.5 Further letters of **objection** were received from:-

- Jane Flemming, Great Whitmans Farmhouse Hackmans Lane Purleigh dated 2 May 2017
- Mr Antony and Rita Chappell, The Limes Church Lane, Stow Marie, Essex dated 24 April 2017
- The Planning Law Practice, Wood End, 20 Oaklands Park, Bishops Stortford, Hertfordshire dated 11 April 2017, 4 May 2017 and 9 May 2017.

Objection Comment	Officer Response
<ul style="list-style-type: none"> • The noise report is slightly confusing as the document bases its conclusion on the original number of flight movements granted in 2009 • In 2009, 360 flight movements per year was allowed and flights were capped at that amount • The noise report is invalid as it is not true or accurate • The noise level was taken some distance away from site and flight path • Aircraft used for the test was not a vintage one which would be noisier • The increase in flights amount to very serious disturbance • The noise report is inaccurate • Confusion over the number of landings / take-offs 	The comments are noted in the report

7.5.1 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Dr Bruce Alexander, Cheirson Medical 9 De Havillands Bokesbourne Kent
- Ms Maggie Appleton, Royal Air Force Museum Grahame Park Way London
- Mr Trevor Archer, 125 High Road North Weald Epping Essex

- Mr Ron Armitage, Holly Tree Cottage Waldershare Road Ashley Dover Kent
- Barry Davies, 7 Norfolk Close Maldon Essex
- Mr Roger Barrett, Bradwell Hall Lodge Maldon Road Bradwell-On-Sea Essex
- Mr Jon Bastin, 10 Corn Croft Warfield Bracknell
- Mr Mark Batin, The Vicarage Church Road Bembridge
- Mr Peter Benest, Little Farm Hamstead Marshall Newbury
- Mr David Blaxland, 46 Northville Drive Westcliff on Sea
- Mrs Trudy Bongard, 16 Fennfields Road South Woodham Ferrers
- Mr Russell Bost, Sweet Briar Lake Drive Benfleet
- Dr Ian Brierley, 21 Heron Close Sawbridgeworth
- Mr Andrew Broadfield, 24 Nipsells Chase Mayland Essex
- Mr David Broom, 150 High Street Walkern
- Mr David Brothers, 12 Sutherland Avenue Biggin hill Kent
- Mr Angus Buchanan, Standen Farm, Smarden Road Biddenden Ashford
- Mr David Bull, 112 Fawe Park Road Putney
- Paul Catanach, 1 Perowne Way Puckeridge Herts
- Mr Russell Chambers, 31 Savoy Wood Harlow
- Mr Geoffrey Charge, 10 Chestnut Close Burnham-On-Crouch Essex
- Mr Dale Chisholm, 2 Conifers Benfleet ss72jr
- Mr John Coker, Barnfield Cottage Mapledrakes Road Ewhurst, Cranleigh
- Ms Siobhan Collis, 14 The Westerings Great Baddow Essex
- Mr Vincent Cullane, Hackmans Lane Essex
- Mrs Margaret Dann, 129 Downhall Park Way Rayleigh
- Mr Terry Dann, 129 Downhall Park Way Rayleigh
- Mr David Davies, 1 Eliot Way Maldon Essex
- Mr Terence Davies, 23 Steyning Avenue Southend-on-Sea
- Mr Callum Dodds, 8 Bellrope Meadow Sampford Road Thaxted
- Mr Anthony Eastwood, 87 Bush Road East Peckham Tonbridge
- Mr Bob Ellis, 9 Heritage Park Haverfordwest
- Mr G Everett, 1 Home Fm Cott Sandway Maidstone
- Leia Fee, 76 Hunter Street Neath
- Mrs Lisa Fell, 1 Cowdrie Way Chelmsford
- Dr Niall Ferguson, 17 Crawley Wood Close Camberley
- Mr David Flower, 2 Elm Avenue Heybridge Essex
- Mr Richard Forsythe, 3 The Willows North Warnborough Hook
- Mr Michael Fortescue, 14 Hambrook Street Cheltenham
- John Foster, 95 Cavendish Gardens Westcliff On Sea Essex
- Mr Robert Gardner, Three Greens High Street Stebbing
- Mr John Gilbert, Highland Cottage Inworth Lane Wakes Colne
- Mr Andrew Goldsmith, 11 The Maltings Rayne Braintree

- Mr Peter Gorman, Enniskillen Airport Trory Enniskillen
- Prof Michael Grantham, 133 Westbrook Ave Margate
- Mr Timothy Griffiths, 161 Dovehouse Drive Wellesbourne
- Alan Grimwood, 14 Fennfields Road South Woodham Ferrers Essex
- Mr Lawrence Grundy, Idlewild Warley Road Great Warley Brentwood
- Mr Paul Gunn, Sandles cottage Moreton in marsh
- Mr Gareth Hardwick, 50 Beech Lane Earley Reading
- Mr Adrian Hatton, Rectory Farm Newark Road, Averham Newark
- Mr Nigel Hitchman, 24 Tarvars Way Adderbury
- Mr Dave Hollowell-Geddes, 96 Galleywood Road Great Baddow
- Mr Roy F Hunt, 8 Devonshire Road Southminster Essex
- Mr Barry Hunter, 21 Barnard Meadows Kirton-in-Lindsey Gainsborough
- Mr Peter Huxley, 13, Trumpet House Godfrey Walk Ashford
- John Jacomb, 146 Churchfields North Shoebury Essex
- Mr Daniel Jaffa, 36 copper beech close Ilford Essex
- Mr Clive James, Tucks Cottage Walcott Road Bacton, Norfolk
- Christopher Jesson, 23 Bankfields, Headcorn, Ashford, Kent
- Mr Mark Jones, 21 Ash Walk Stradishall Newmarket
- Mr Nigel Kemp, 15 Panfield Lane Braintree Essex
- Mr David Lambert, 36 Heath Drive Moulsham Lodge Chelmsford
- Mr Phil Laycock, 65 imperial Avenue Westcliff-on-Sea
- Mr David Leggett, 47 St Gilbert's Road Bourne
- Mr Jeremy Liber, Greenways Farmhill Crescent Stroud
- John Luck, 714 London Road Larkfield Aylesford Kent
- Geoffery Marchant, 28 Rettendon Gardens Wickford
- Mr Jonathan Marten-Hale, 1 Park Road Roxton Bedford
- Rev Karl Martin, 210c Ravensbourne Ave Beckenham Kent BR3 5HG
- Mr C.P. Martyr, Rose Cottage Bonfire Lane Horsted Keynes
- Mr Tom McCormack, 1 Vicarage Gardens White Waltham Maidenhead
- Mr Bill Merry, Valedene Bluebell Lane Sharpthorne
- Mr Nick Miller, 14 Homelands Grove Ramsden Heath Billericay
- Mr David Miller, 55 High Street Orwell Royston
- Mr John Milner, Meadow House Baunton Cirencester
- Mr Steve Moore, 31 Connaught Way Billericay
- Mr Colin Moore, 16 King Edwards Road South Woodham Ferrers Chelmsford
- Mr Stephen Morley, 15 Hobbiton Hill South Woodham Ferrers
- Mr Timothy Murray, 3 Marconi Bungalows high Road North Weald Epping
- Mr Nicholas Ellis, 61 Holmesdale Road Burgess Hill
- Mr Michael Negus, 57 Ploughmans Way Rainham
- Mr James Newman, Reeds The Street Benenden

- Mr Andrew Oliver, Middlewick Old Surrey Hall East Grinstead
- Ms Nic Orchard, 150 Gladstone Road Deal
- Mr Philip Perry, 14 Glebe Close Newent
- Mr Philip, 56 Vine Road Tiptree Colchester
- Mr Richard Piper, 16 Lincoln Green Alton
- Mr Rob Perry, 21 Coach mews Kingswinford
- Mr Nigel Read, 48 The Platters Gillingham
- Mr Paul Redman, 37 Fitzwalter Road Dunmow
- Mr Michael Rees, 49 Gloucester Avenue Maldon
- Mr John Rose, The Duckhouse Aylesbury
- Dr John Scott, 15 Wisteria Drive Evesham
- Ms Rosemary Simpson, 53 Lindenthorpe Road Broadstairs
- Mr Gary Smith, 7 The Crescent Kemsley Sittingbourne
- Roger Smith, 11 Memory Close Maldon Essex
- Mrs Jackie Sparrow, 11 Silver St Guilden Morden
- Mr Neil Spooner, Spoopers Frating Road Ardleigh
- Mr Denis Stretton, 8 Johnston Way Maldon Essex
- Mr Chris Tansley, 14 Alma Road Snettisham Kings Lynn
- Mr John Tietjen, 75 Rushleydale Springfield Chelmsford
- Mr Richard Tyler, 13 Sherwin Crescent Farnborough
- Mr Robert Underwood, Waterways 2 Chandlers Quay Maldon Essex
- Mr Robert Walker, South Moor Farm Langdale End Scarborough
- Mr John Walls, 11 South Lodge Mews, Midway Swadlincote
- Ms Joan Walsh, 37 St Nazaire Rd Chelmsford
- Mr Richard Warriner, 21 Strand Meadow Burwash Etchingham
- Mr David Watts, 58 Salisbury Road Tonbridge
- Mr Peter Weber, La Hinguette St Brelade Jersey
- Mr Sam Whatmough, Idlers Dockett Eddy Chertsey
- Mr Richard Woodford, Bramblecroft Moor Hall Lane Danbury
- Mr Sam Worthington-Leese, 134 Brougham Road Worthing
- Dr Andrew Zmyslowski, 38 Meadows Reach Penwortham

Supporting Comment	Officer response
Preserves one of the few remaining historically important RAF aerodromes	Noted.
The aerodrome offers many benefits to the community and educates young people, schools and future generations	
It will bring more visitors and help to further support local businesses	
Should Stow Maries not survive, Retention as an aerodrome would reduce the risk of losing the site to housing development.	

Supporting Comment	Officer response
It gives opportunities for visitors to understand the lives of the people who lived, worked, fought and flew from there during the Great War	Noted.
Active flying, particularly of WW1 aircraft, brings the site to life and is an important part of its role as a site of learning and inspiration	
It's a unique piece of "living history"	
Increasing the number of flights seems logical for the sustainability of the attraction. Thus enhancing safety as will allow for increased test/check flying	
The very modest increase in movements proposed will be barely noticed by the few local residents, but will help to ensure the sustainability of the site	
The aircraft in question are generally slow flying and small with a single piston engine	
The requested number of flight movements would provide much greater flexibility of operations for the SMGWA Trust than exist at present	
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	
The aerodrome's status as an important wildlife habitat would be undiminished as the resident species are unperturbed by any of the flying activities	
The special atmosphere is enhanced by the flying activity, both visiting aircraft and the small-scale air displays	
Allegations that we fly over residential properties or at altitudes below those permissible are false, the Aerodrome require specific permission from the CAA (Civil Aviation Authority)	
IWM Duxford and the Shuttleworth Collection have demonstrated how a 'fly-in' facility enhances the museum experience for all visitors not just visiting pilots	
In addition to volunteers it generates work	
With no increase in permitted movements I feel that the Aerodrome will slowly stagnate	
There are more unusual aeroplanes wishing to visit the Aerodrome and without the increase this will not be permitted	
The suggestion that the movements will rival Southend are ludicrous	
To correct objectors, driving a car or motorcycle kills far more people than light aircraft	
I live within a couple of miles of the site and we enjoy seeing the light aircraft go over and would like to support the growing popularity of this unique historic site	
Airfields, as relatively undeveloped areas, offer a haven for all sorts of wildlife & Stow Maries harbours many such creatures	

Supporting Comment	Officer response
It would be very rare to use the maximums requested (possible due to weather), but those maximums need to be set or the airfield could, very occasionally, be in breach of them if set lower	Noted.
The aerodrome is enjoyed by the population locally, nationally and internationally	
There is very little pollution from the vintage aircraft compared to modern day vehicles, and noise levels are virtually non-existent	
As the airfield is in open, very sparsely populated countryside well away from any large centers of population, the number of people affected will be very small	
Stow Maries would be a fairly lifeless museum without its flying side, which is after all its true heritage	
Suggestions made to alleviate noise and nuisance concerns	
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 "creeping" towards a commercial operation	
There is no negative environmental impact	
This site provides amenity, training opportunities and facilities for private pilots	
Many people gain huge enjoyment from air shows and their contribution can enhance historical knowledge and activities of the museum and aviation	
Some members of the public actually like to see aircraft flying	
Planning authorities are encouraged in NPPF to 'deliver the social, recreational and cultural facilities and services the community needs'	
Stow Maries Great War Aerodrome is the ONLY surviving - in tack - Great War Aerodrome & was built to protect the surrounding country side	
A great deal of time and effort has gone into safeguarding this site	
Increasing the flights has the added benefit to locals as it reduces road traffic in the small winding lanes	
The restoration and on-going maintenance of the site is an expensive and historically crucial activity and visitors are vital for its funding	
Visitors from other parts of the country, and overseas, will be more likely to visit if they have the option to fly in.	
Those who fly are anxious to avoid unnecessary noise disturbance to those around us as we hope these events will be able to continue in the future	
The airfield owner's efforts to preserve this historic site should be welcomed	

Supporting Comment	Officer response
To continue preserving and enhancing the site more capital is required	Noted.
Aircrafts flying ‘in’ and ‘out’ of the site is governed by weather conditions	

7.5.2 Following publication of the original report additional representations of **support** were received from:

- Mr Mike Cain, 111 Poynings Avenue, Southend-On-Sea SS2 4RX
- Dr. Bruce Alexander, MBBCh, DAVMed, MFGP, DOH. Cheiron Medical, 9 de Havillands, Bekesbourne, Kent, CT4 5BW, UK
- Mr Mike Potts, 2 Furze Road, Maidenhead SL6 7RY

Supporting Comment	Officer Response
<ul style="list-style-type: none"> • SMGWA is a rare and valuable asset • The aerodrome must have income to support its activities, the educational aspect of which is not limited to merely the younger generation but serves to remind us all of the debt we owe to the airmen who flew from here a century ago. • The flying activity at any airfield provides not only revenue but added interest for visitors • The number of additional aircraft movements being requested is not excessive and Stow Maries is never going to be a busy training aerodrome, • If that is the fear. It should be borne in mind that the flying at Stow Maries, like anywhere else, would in any case be governed by weather conditions • Preserves one of the few remaining historically important RAF aerodromes • Runs a museum containing vintage aircraft • There is a nature reserve open to visitors • A modest proposal that should be supported • The airfield is a haven for wild life and an excellent tool for proving children with ambition in science and engineering 	Noted.

7.6 Additional letters were received **commenting** on the application from the following, summarised as set out in the table below:

- Mr Timothy Griffiths 161 Dovehouse Drive Wellesbourne CV35 9NW
- Trevor & Gill Crosby Flambirds Farm Hackmans Lane Purleigh

Comment	Officer Response
<ul style="list-style-type: none"> • The noise is so loud it drowned out our conversation as the planes was so low overhead • Happy to accommodate noise measuring equipment to measure noise of future flying display 	Noted

Comment	Officer Response
<ul style="list-style-type: none"> • The type of aircrafts used on site is an important consideration • Developed properly, it will have a great impact on the local education scene 	

8. PROPOSED CONDITIONS INCLUDING HEADS OF TERMS OF SECTION 106 AGREEMENT

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and conditions as detailed below.

Heads of Terms of Section 106 Agreement

- A. Within 2 months of the resolution to grant planning permission in the terms specified in the 2016 Planning Application SMGWA will, in discussion with Maldon District Council and other interested parties set up an Aerodrome Consultative Committee in accordance with current DoT Guidelines on Aerodrome Consultative Committees (ACC).
- B. SMGWA will, through the mechanism of the ACC adopt a revised Standard Operating Procedure to optimise flight paths and other procedures to minimize aircraft noise disturbance from flight operations at the Aerodrome.
- C. SMGWA will, through the mechanism of the ACC, adopt a PPR procedure 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 by pilots who do not comply with the adopted procedure.
- D. SMGWA will, though the mechanism of the ACC, adopt a similar procedure for homebased and display pilots to comply with Standard Operating Procedures which will provide for the banning of pilots who do not comply with the adopted procedure.

PROPOSED CONDITIONS (conditions in blue added to original report on a Members' Update to the Area Planning Committee)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 **The development hereby permitted shall not be implemented until the Aerodrome Consultative Committee has met for the first time.**

REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.

- 4 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.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy T2 of the Maldon District Replacement Local Plan, policy T2 of Maldon District Local Development and the National Planning Policy Framework

- 5 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.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance policy T2 of the Maldon District Replacement Local Plan, policy T2 of Maldon District Local Development and the National Planning Policy Framework.

- 6 The airstrip is only to be used by fixed wing propeller driven aircraft. Gliders and Helicopters, other than emergency service or military aircraft, shall not be permitted to use the airfield except in emergencies or during "Special Flying Event Days".

REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.

- 7 There shall be no more than 8,000 aircraft movements in any one calendar year.

REASON: To protect the amenities of the occupants of nearby dwellings and the amenity of the countryside for all in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.

- 8 Except in an emergency, no take offs or landings shall be permitted before 08:00 hours on any day or after 20:00 hours or sunset whichever is earlier.

REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.

- 9 In the Winter months of November to April inclusive there shall be no more than 25 landings and 25 take offs per day.

REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.

- 10 In the Summer months of May to October inclusive there shall be no more than 25 landings and 25 take offs per day on weekdays.
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 11 Notwithstanding “Special Flying Events”, in the Summer months of May to October inclusive there shall be no more than 50 landings and 50 take offs per day on Saturdays, Sundays and Bank Holidays.
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 12 Notwithstanding the limitation imposed through Condition 8, during the Summer months of May to October inclusive there shall be no more than 4 “Special Flying Events”. No “Special Flying Events” may last more than three days. During any “Special Flying Events” there shall be no more than 75 landings and 75 take offs per day or a total of 300 landings and 300 take offs during the entire “Special Flying Events”.
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 13 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 include dates, times, description of activity, aircraft type and details of any public complaint associated with the flight movement.
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 policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 14 Aerobatics will only be permitted on “Special Flying Events” with Civil Aviation Authority (CAA) approval.
REASON: In the interest of safety 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 policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 15 No flying school flying activities or other commercial training flights shall operate from the site.
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.

- 16 No charter or fare paying flights shall operate from the airfield.
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 17 On the first anniversary of the approval and every two years thereafter the applicant shall demonstrate to the satisfaction of the Local Planning Authority using actual flight records that the LOAEL of 50dB LAeq 12hr has not been exceeded at any property in the vicinity of the airfield except during any “Special Flying Event”. 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 as the 50dB LAeq 12 hour 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 policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 18 A site specific Preliminary Ecological Appraisal (PEA) shall be submitted to the Local Planning Authority for agreement. The requirements of the Preliminary Ecological Appraisal shall be undertaken prior to the implantation of the development hereby approved and retained in perpetuity.
REASON: To ensure that species are protected on site in accordance with policy CC5 of the adopted Maldon District Replacement Local Plan, policy N2 of Maldon District Local Development and the National Planning Policy Framework.

INFORMATIVES

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.

This application relates to the number of aircraft movements and alterations to the vehicular access to the site from Hackmans Lane and does not replace FUL/MAL/09/00250. All other conditions imposed under application FUL/MAL/09/00250 remains in perpetuity.