

**CIRCULATED AT
THE MEETING**



**REPORT of
CHIEF EXECUTIVE**

**to
COUNCIL
13 JULY 2017**

MEMBERS' UPDATE

AGENDA ITEM NO. 14

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

ADDITIONAL INFORMATION

Issues Relating to Section 106 (S.106)

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

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

Issues Relating to Conditions

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

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED (PAGES 115 – 128)

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

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

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

The Reasons for Objection are listed below:-

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

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

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

Natural England (NE)

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

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

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

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

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

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

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

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

ADDITIONAL INFORMATION

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

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

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

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

The report has raised concerns regarding the following:-

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

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

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

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

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

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

Heads of Terms of Section 106 Agreement (page 128)

E Dispute resolution clause.

Conditions (pages 128 – 131)

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

Condition 4

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

Condition 6

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

Condition 12

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