

**PLANNING SERVICES COMMITTEE  
25TH NOVEMBER 2004**

**ADDENDUM**

<p><b>Deferred Item D1 04/00639/REM</b></p>	<p>There have been two further <b>neighbour</b> representations received, one in support of the application and one objecting to the application.</p> <p>The main points are:</p> <ul style="list-style-type: none"> <li>• The development will be of benefit to both Rochford and Southend and should be encouraged, although there should perhaps be better pedestrian connectivity between the visitor centre and the terminal;</li> <li>• The impact of jets flying close to rooftops of residents will have an intolerable impact on quality of life and a detrimental impact on property values;</li> <li>• An important factor in the expansion of the airport should be perceived environmental impact;</li> <li>• There should be clarity on what is an acceptable height for an aircraft to pass over a domestic rooftop;</li> <li>• Noise levels should be considered;</li> <li>• What recourse is there for residents if aircraft contravene set guidelines/standards?</li> </ul> <p><b>Crime Reduction Officer</b> - no formal response received, but has reported verbally that would like the development to take account of counter terrorism measures.</p> <p><b>English Nature initially responded</b> regarding the presence of protected species on the site as follows:</p> <p>English Nature is informed that the site of the proposed development is known to support populations of common lizard. All native reptiles in Essex are protected from killing and injuring under the Wildlife and Countryside Act 1981 (as amended). The legislation also specifies that advice should be sought from English Nature on any works that might affect them. In addition to this, the Environmental Statement for SOS//03/00010/FUL recognised that the airport landholding may support a number of protected species (including, but not exclusively, large species, bats, etc.).</p> <p>The presence of protected species is a material consideration in a planning application (NB PPG 9 Paragraphs 44-48). If protected species are suspected or present on a proposed development site then information should be provided by the applicant, usually in the form of an ecological survey by an appropriately qualified consultant, prior to the planning application being determined</p>
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	<p>And on wider impacts of the proposal initially as below:</p> <p>The development outlined in the current application is not directly connected with the management of the above site for nature conservation.</p> <p>It is the opinion of English Nature that the actual construction works of the development (demolition and construction of terminal building, integrated rail link, visitor centre, access road, car parking) is not likely to have a significant effect on the European and international sites, recommend safeguards:</p> <p>(a) construction methods are undertaken in accordance with Environment Agency guidelines to minimise risk of air and watercourse pollution (particularly dust / chemicals / surface run-off etc.) and</p> <p>(b) construction-related traffic is restricted to the roads west of the Rochford to Southend Victoria railway line.</p> <p>However, English Nature cannot discount that the proposed development (ie, the increased capacity from 250,000 to 300,000 ppy and the implications for flights that it will enable) will have a likely significant effect on the SPA and Ramsar sites listed in the title.</p> <p>Therefore, <b>English Nature</b> raises no objection to the actual construction works, subject to suitably worded conditions being attached to address concerns (a) and (b) listed above. However, in relation to the increased capacity and operation-related activities that the development will enable, <b>English Nature cannot discount a likely significant effect on the SPA and Ramsar sites listed above. On this basis, and in accordance with the precautionary principle, English Nature believes that the applicant needs to provide more information to your Council before the application can be determined.</b> The applicant should seek to show your Council how the 20% increase in number of passengers, and the implications for flight activities, will avoid a likely significant effect on the SPA and Ramsar sites. In the absence of the information requested consistent with the precautionary principle and Habitat Regulation Guidance note 3 (section 7.4), English Nature considers that the activities that the development will enable may constitute a likely significant effect in the meaning of Regulation 48(1). On this basis, we advise your Council that more information is required from the applicant to enable a review of the original consent to be undertaken in accordance with Regulation 50 of the Habitat Regulations.</p> <p><b>Officer Comment:</b> The matters (a) and (b) should be addressed as <b>Informatives to the decision</b>, if Members are minded to approve</p>
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	<p>the reserved matter submission. The legal agreement accompanying the outline planning permission also addresses the issues of routes and management of construction traffic.</p> <p>The applicant and their ecological consultants prepared the requested additional information. This was based on operational information</p> <ul style="list-style-type: none"> <li>• The daily increase in flights;</li> <li>• Flight paths, aircraft height and Air Traffic Control procedures;</li> <li>• Current permitted operations without any restrictions within the existing terminal and restrictions on the new terminal;</li> <li>• Other relevant factors;</li> </ul> <p>And, in summary, highlighted that there would be an increase of 3 additional aircraft movements over the area and changes to flight paths that increase the height of the planes over identified areas. Consequently, there will be no likely significant impacts for the following reasons:</p> <p>i] Height of Aircraft</p> <p>The key bird species using Benfleet and Southend Marshes and the Crouch and Roach Estuaries SPA's are known to regularly move to and from both roosting areas and feeding grounds and within feeding positions given the tide cycle. According to general published information, most movements take place at recorded heights of up to 500 feet. As such, both approaching and departing aircraft are at heights considerably in excess of such flight lines and accordingly there cannot be any direct conflict between aircraft and birds utilising the international designated sites.</p> <p>ii] Lack of Audible Disturbance Parameters</p> <p>Whilst it is known that sudden loud bangs can cause disturbance to feeding or roosting birds and that this can be particularly significant during periods of extreme weather, the process of take off and landing are unlikely to give rise to such types or levels of audible disturbance, even when at close proximity to the airport. At locations where the flight paths pass over the designated sites no such bangs, or indeed vibrations, would be possible. As such, the only known type of audible disturbance which has been proven to cause significant effects on birds would not occur.</p> <p>In relation to constant audible disturbance it is known that birds readily habituate to such audible types and this would not in these circumstances be relevant to the proposal.</p> <p>iii] Habituation by Bird Species</p>
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	<p>The waterfowl using Benfleet &amp; Southend Marshes SPA and Crouch &amp; Roach Estuaries SPA and Ramsar Site are already subject to aircraft movements 24 hours a day all year round. As such, the addition of a further 3 daily movements is not considered to be significant. In any event, it is highly likely that birds will have habituated to any potential visual or audible disturbance generated by aircraft utilising the airport. It is known that birds readily habituate to aircraft, as is evident from the issues raised in “CAP 680 Aerodrome Bird Control” (published by the Civil Aviation Authority), which cites birds as potential hazards in close proximity to airport runways for this very reason. As all the evidence in CAP 680 points to the significant problem of deterring birds from using the airfield when in close proximity to approaching and departing aircraft, it must follow that at the distance to the international designated sites, and the heights of the aircraft themselves at those points, that it is improbable that disturbance to birds would occur.</p> <p>iv] Limited Change to Likely Emissions</p> <p>The aircraft emissions dispersion modelling carried out as part of the Environmental Impact Assessment for the previous application [based on 300,000 passengers] (SOS/03/00010/FUL) demonstrated that there would be no significant change in NO<sub>2</sub> levels and hence no adverse environmental impact. Given the height of all aircraft over the identified designated sites will be increased above existing heights it is reasonable to conclude that there will be no significant increase in levels of aerial pollutants over those established previously. Indeed, as peak emission of pollutants tends to occur during manoeuvres in the immediate vicinity of the airport, eg, during take-off, levels of aerial pollutants at some distance from the airport, ie, over the designated sites, will be substantially less. In this regard, the aircraft emissions associated with the current proposals will not result in any significant adverse impact due to pollution on the designated sites or any resident waterfowl.</p> <p><b>English Nature’s substantive response to this report is:</b></p> <p>The information provided within the meeting and the joint report produced by London Southend Airport and Epcad provides adequate information in relation to the movements of passenger aircraft (heights, likely increases in numbers, flight-lines) to adequately address English Nature’s concerns in relation to bird disturbance and bird strike. <b>English Nature is satisfied that the proposed increased capacity of passenger flights (to fly up to 300,000 ppa<sup>1</sup>), is not likely to have a significant effect upon the SPA and Ramsar sites listed above.</b></p>
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	<p>With respect to the consideration of whether aerial pollutants are likely to have a significant effect upon the designated sites, English Nature acknowledges (a) the reference to the conclusions of the Environmental Statement accompanying SOS/03/00010/FUL, and (b) the provision 3.4 (iii) within the Section 106 agreement for an air quality study and monitoring. In relation to this matter, English Nature is happy to be guided by the Environment Agency's consultation response to this application.</p> <p>English Nature acknowledges the aspirations of the applicants to increase the number of passengers flying from London Southend Airport in the future, towards the levels indicated within the Halcrow Fox report. English Nature is keen to work with the applicant, Planning Authorities and regulators to ensure that, consistent with the Aviation White Paper, the intended expansion of activities adequately addresses the relevant environmental considerations, (ie, air quality, water quality, biodiversity - designated sites, protected species) within a sustainable development context. This may require targeted monitoring (eg, aircraft and waterfowl activity) over a period of time, consistent with the recommendations of Ecoscope Applied Ecologists within the ES accompanying SOS/03/00010/FUL.</p> <p>We would also welcome the opportunity to be consulted in relation to the landscaping element of the master plan, to provide input consistent with my previous letter.</p> <p>Finally, <b>English Nature</b> would welcome consideration as to whether the current Emergency Plans adequately address how best to minimise ecological impact following an aircraft crash into the relevant SPA and Ramsar sites.</p> <p><b>Woodlands and Environmental Officer</b> – the terminal and associated buildings are not on or adjacent to any statutory or non statutory conservation sites. There is no requirement on the Authority to consider the construction or future use of these buildings in association with the SPA that protects the Crouch and Roach inter tidal areas. The possible use of the proposed development site by protected species is being addressed. The Civil Aviation Authority must be responsible for considering the effects of increased air traffic and presenting any of its assessment to the Government.</p> <p>The <b>County Surveyor (Highways)</b> has requested a 2m continuous footway along both sides of the access from the mini roundabout to the terminal building. The applicant has commented that this can be achieved on the north side, but not on the south side that borders the retail park.</p> <p><b>Officer Comment:</b> the scheme proposes a footway to the visitor centre and a pedestrian crossing at the mini roundabout to link the</p>
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	<p>new footway to the retail park. As such, the natural route for pedestrians would be along the footpath on the north side of the access way. Therefore <b>amend Head of Condition 7 to read:</b></p> <p>7) A Continuous footway (minimum of 2m) should be provided on the northern side of the access road from the small normal roundabout to the terminal and on the northern side of the access road to the visitor centre.</p> <p>The <b>applicant</b> has provided the preliminary findings of the Ecological Assessment as follows:</p> <ul style="list-style-type: none"> <li>• In summary, the results of our initial walkover survey show that the habitats present within the site are of little to no ecological value and do not represent a significant ecological constraint upon development of the site. The specific reptile survey work has not recorded the presence of any reptiles as yet, but is still ongoing and further survey work is recommended to confirm the presence/absence of any other protected species.</li> </ul>
<p><b>Schedule Item 2 04/00776/FUL</b></p>	<p><b>Hawkwell Parish Council</b> has received representations from parishioners. Whilst aware that they are not statutory consultees and have not seen the details, on the basis of the information they have, the Council objects to the scheme.</p> <p><b>Essex County Council (Historic Buildings and Conservation Advice)</b> – the existing building has been inspected thoroughly and has been found not to be of sufficient architectural or historic interest to merit listing. This being the case and as there is no building conservation issue, no argument is offered against its demolition.</p> <p>There is a need for a good quality scheme and the buildings are quite attractive and group well around the corner. The standard would not be out of place in a conservation area. The ‘vernacular’ style is untypical of local houses and more chimneys would be beneficial to the overall design. The roof pitch of the left hand unit on Hockley Rise could be steeper. The overall success of this will depend on external finishes and materials.</p> <p><b>English Nature</b> – comment that the legislative issues with regard to bats appear to be adequately addressed by the findings and recommendations of the report prepared by John Dobson. It is understood that the garden of the property appears to provide less than optimal habitat for slow worms. However, the timing of the slow worms survey, September – October, falls outside of the recommended survey period as set out and the Council should ensure that they are satisfied that sufficient information has been provided.</p>

	<p>Following the site visit, the following additional head of condition is recommended:</p> <p>NSC Hours of Construction/Delivery</p> <p>and an amendment to Condition 7:</p> <p>7. SC50A Means of Enclosure - Full (detail to include 1m iron railings to site frontages)</p>
<b>Referred Item 04/00826/FUL R4</b>	<p><b>Rayleigh Civic Society</b> - note the comments and objections in paragraphs 4.19 to 4.21 and concur with most of them (but it is not a conservation area). We query whether the proposed wind turbine is the most appropriate for the small domestic needs. There are wind turbines with horizontal rotating cylinders with small blades that are virtually noiseless. They are less obtrusive.</p> <p>If allowed, it may set a precedent. Support the principle, but feel proposal more suited to farms or isolated sites.</p>
<b>Referred Item 04/00305/FUL R5</b>	<p><b>The applicant</b> considers the punched lathe style cannot be climbed whereas the tube and link grille type are not robust enough for external use, can be easily climbed, which damages them, or pushed against the glass, rendering them unsuitable.</p>