

Application Number: MC/18/2556

APPENDIX 1

Site Address: ROCHESTER AIRPORT, MAIDSTONE ROAD, CHATHAM, ME5 9SD

### Recommendation

Environmental Impact Assessment is not required

### Proposal

Demolition of existing buildings (including control tower, two portacabins housing the airport office and Skytrek office), construction of a new control tower and hub building including the provision of a family viewing area proposed development of Rochester Airport – consideration of need for Environmental Impact Assessment pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### Relevant Planning History

Ref. No: MC/19/2505	Demolition of existing buildings (including control tower, two portacabins housing the airport office and Skytrek office), construction of a new control tower and hub building including the provision of a family viewing area proposed development of Rochester Airport.  Planning application to which this EIA screening opinion request relates.  <b>Decision:</b> Pending
Ref. No: MC/19/2509	Relocation of two helipads within the airport to include the provision of landing pads together with the decommissioning of an existing helipad.  <b>Decision:</b> Pending
Ref: No: MC/17/3109	Formation of a replacement paved lit runway and parallel grass runway (including a landscape bund), demolition of existing buildings (including control tower, two portacabins housing the airport office and Skytrek office), resiting of helipads and construction of a new control tower and hug building including the provision of a family viewing area.  Planning application that relates to the scoping opinion request MC/16/4534.  <b>Decision:</b> Withdrawn (26 July 2018)
Ref. No: MC/17/0931	Construction of office building with associated parking for use by Kent, Surrey & Sussex Air Ambulance Trust.  <b>Decision:</b> Approved with conditions (22 June 2017), EIA Not Required
Ref. No: MC/16/4534	Town and Country Planning (Environmental Impact Assessment) Regulations 2011 - request for a Scoping Opinion in respect of an Environmental Impact Assessment

	<p>at Rochester Airport for the formation of a replacement paved lit runway and parallel grass runway (including a landscaped bund), the demolition, replacement and refurbishment of existing buildings and associated works.</p> <p><b>Decision:</b> Scoping Opinion issued</p>
Ref. No: MC/14/2914	<p>Erection of two hangars, erection of new hangar for Medway Aircraft Preservation Society, erection of fencing and gates, formation of associated car parking areas, fuel tank enclosure, ancillary works and a memorial garden (detailed submission).</p> <p>Application originally reflected description of development of screening opinion request MC/14/2159, however applicant subsequently amended application to reflect above description.</p> <p><b>Decision:</b> Approved with conditions (16 March 2017)</p>
Ref. No: MC/14/2159	<p>Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion as to whether an Environmental Impact Assessment is necessary for the formation of a paved lit runway to replace 02/20 measuring 830 metres in length and 25 metres in width together with a new parallel grass runaway for use by historic aircraft and landscaped bund. The refurbishment or replacement of hangar 3, new control tower, new hub building with MAPS hanger, fuel pump island, vehicle parking and aircraft storage together with additional hangars and buildings with associated parking.</p> <p><b>Decision:</b> EIA Required (issued on direction from the Secretary of State dated 26 May 2016)</p>
Ref. No: MC/14/1178	<p>Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion as to whether an Environmental Impact Assessment is necessary for the formation of a paved lit runway to replace 02/20 measuring 830 metres in length and 25 metres in width together with a new parallel grass runaway for use by historic aircraft and landscaped bund. The refurbishment or replacement of hangar 3, new control tower, new hub building with MAPS hanger, fuel pump island, vehicle parking and aircraft storage together with additional hangars and buildings with associated parking.</p> <p><b>Decision:</b> EIA Required</p>

## Representations

Given the provisions of the Regulations and nature of the proposal, there is no requirement to undertake consultation in respect of the screening process.

However, the Planning Practice Guidance (Environmental Impact Assessment) identifies the need to consult with certain public bodies to establish the development's likely effects on sensitive areas. Planning applications MC/19/2505 and MC/19/2509 have undergone their statutory consultation following validation on 12 September 2018.

Public body comments received with respect to this screening opinion request (MC/18/2556), which are set out below:

**Highways England** notes that it has no view on whether this proposal requires an EIA and confirms that it will need to be consulted on any changes to the form or use of the existing runways.

**Environment Protection** agrees with the acoustic briefing notes produced by ST Acoustics in that further noise assessments will not be required for this phase of redevelopment at the airport. The proposed site working hours would be acceptable in principle. The demolition/construction stage of the development could give rise to noise and nuisance dust emissions; however, these can be addressed through a comprehensive Construction Environmental Management Plan (CEMP). The applicant has provided an indicative contents list for a CEMP; however, it is advised that this is informed by the guidance contained within BS5228, and guidance published by the Institute of Air Quality Management. The Environmental Protection Team recommend that a CEMP is the subject of a condition on any permission. No changes are expected to the current operational aspects of the airport (aircraft numbers, types etc.), so the Environmental Protection Team is satisfied that air quality impacts do not need to be considered, other than for the demolition/construction activities above.

**Integrated Transport** notes that due to the size of the development, a transport statement to understand the development's impact on the road network, both strategic and localise, would be required.

**Kent County Council Biodiversity** notes that in terms of ecological impact, there are unlikely to be any significant impacts and confirms that an EIA in relation to ecology is not required.

**Gravesham Borough Council** has no comments

**Natural England** (NE) notes that the site and proposed development is located in close proximity to the Kent Downs AONB. Should the Council decide an EIA is not required for this proposal, NE recommend that a detailed assessment of the potential impacts of this proposal upon the special qualities of the Kent Downs AONB be submitted with any planning application. The review should also include consideration of any protect species and potential environmental planning constraints.

**Environment Agency** (EA) has no comments

**Flood Drainage** has no comments

**Kent Wildlife Trust** has no comments

**Southern Water** identifies a public sewer running across the site.

**Historic England** has no comments

**Police – Kent County** has no comments

**Kent Wildlife Trust** has no comments

A number of representations have been received from local interested parties; in support and opposed, to the development that is the subject of the application. Whilst there is no requirement to undertake consultations with local interested parties in respect of the screening process, a summary of those matters raised which refer to the EIA process are summarised below for completeness:-

- The proposed development will update and modernise the site and improve the level of safety and efficiency of services;
- A public safety, noise assessment and air quality assessment should be provided prior to any decision being made;
- Concern has been expressed that the proposed development would encroach into Runway 16/34, which would mean that the runway would consequently close.

## **Appraisal**

### Background and context

A previous planning application (Ref: MC/14/2914) was submitted by Rochester Airport Ltd in 2014 for a development at Rochester Airport, and included the land subject to the current application. The proposal comprised:-

*“Formation of a lit paved runway with parallel grass runway, formation of grassed bund, re-siting of helipads, erection of two hangars, a hub building with control tower and associated building, erection of fencing and gates, formation of associated car parking areas, fuel tank enclosure, family viewing area and a memorial garden (detailed submission) plus demolition of a range of structures and removal of portable structures and identification of future development site (outline submission)”*

This development was the subject of a Screening Direction (referred to above) dated 26 May 2016 which indicated that the scheme is an EIA development. The screening was undertaken with reference to the criteria set out in Schedule 3 of the Town and Country Planning (EIA) Regulations 2011 (as amended) and in the light of the main matters to be considered being noise and airborne pollutants, safety and traffic impacts. The matters were identified on the assumption that various restrictions, including a yearly cap on the numbers of aircraft movements and regulated hours of operation, would be put in place through planning conditions.

The Direction concluded that:-

*“Overall, the development will result in changes to how the airport operates; a steadier flow of aircraft movements, including over winter, but particularly of recreational flying with a significant difference during the summer/at weekends. The increasing use of a single runway and loss of respite periods from incidences of noise are potentially significant and would tend to coincide with the summer period, or better weather when nearby residents would make more full recreational use of their gardens and / or tend to prefer to leave windows open. Finally, there is also no clear understanding of the aforementioned changes alongside incidences of noise impact associated with autogyro activity. This has clearly been an issue for the airport and the information on this aspect of the noise issues is not evidenced to a*

*level where a conclusion on the impacts can be satisfactorily assessed, albeit in the context of restrictions to be imposed specifically on this activity as party of any resulting planning permissions subsequently granted.*

*The Secretary of State has taken into account the fact that no environmental impact assessment has been conducted during the period since the site has been used as an airport. Therefore, it cannot be said that a baseline from which impacts from existing operations has been produced against which the impacts of the proposed changes to the operation can be assessed. However, no substantial additional impact is considered likely due to the potential for cumulative effects with other proposals and existing land uses in the vicinity. Similarly, no other significant effects have been identified as likely amongst the main matters considered (pollution, safety and traffic impacts).*

*This is therefore, a finely balanced judgment, based largely in considering the noise issue. This is due in part to the uncertainty over the impact of an increase in movements likely to occur and in the context of beneficial impact of the runway improvements and restrictions anticipated. Due to the lack of clear evidence on noise and uncertainty relating to the noise implications of these proposals, the Secretary of State considers there is similar uncertainty in relation to any likely noise impacts from the wider project, including on the nearest sensitive receptors, and on the AONB area. As a result of this uncertainty, it is not possible for him to reasonably conclude that there is no likelihood of significant effects in relation to noise. EIA is therefore required.”*

On 23 December 2016, Rochester Airport Ltd submitted a request for an amendment to the application to remove from the proposal the lit paved runway with parallel grass runway, the formation of a grassed bund, the re-siting of helipads, the development of a hub building with control tower and associated building and a family viewing area. The application site boundary was reduced and the description of development redefined to include only the erection of hangar buildings, the erection of fencing and gates, car parking, a fuel tank enclosure and a memorial garden.

Due to the significant change in the scope of the application, it was considered appropriate to review whether the revised proposals would still be EIA development in the context of the 2011 EIA Regulations (as updated). This process confirmed that EIA was not required. Planning permission was granted on 17 March 2017.

Following the amendment to the original application, on 1 November 2016 the applicant submitted a request for a Scoping Opinion (MC/16/4534), pursuant to the 2011 EIA Regulations (as updated), for the remaining works being: the formation of a replacement paved lit runway and parallel grass runway (including a landscaped bund), the demolition, replacement and refurbishment of existing buildings and associated works. On 27 February 2018, it was confirmed that the EIA should consider matters relating to: air quality; transportation; ecology and nature conservation; and public safety and risk of accidents. The following matters were scoped out: landscape and visual amenity; cultural heritage; hydrology and flood risk; and recreation, tourism and socio-economics. The applicant submitted a planning application and Environmental Statement (MC/17/3109) on 8 September 2017, however following a review of the material submitted, a request for further

information was made to the applicant. The applicant notified its request to withdraw the application on 26 July 2018.

On 13 March 2017, the Kent, Surrey and Sussex Air Ambulance Trust (KSSAAT) submitted an application for the construction of an office building with associated parking for use by the KSSAAT (MC/17/0931). A screening opinion was issued that confirmed that EIA was not required.

Parallel to this screening opinion request (MC/18/2556), the applicant has submitted two planning applications: one for works relating to this screening request (MC/19/2505) and another for the re-siting of its helipad (MC/19/2505). These two applications seek approval for part of the development that was previously sought under the now withdrawn application MC/17/3109. The applicant has not sought works relating to the formation of a replacement paved lit runway and parallel grass runway (including a landscaped bund).

The recent history of development at the airport and its assessment in relation to the EIA Regulations provides relevant context to current and future development proposals.

This application proposal (Ref: MC/18/2556) by Rochester Airport Ltd includes land that fell within the redline boundary of the above original and approved scheme (Ref: MC/14/2914), and neighbours the subsequent scheme by KSSAAT (Ref: MC/17/0931) for the construction of an office building with associated parking. Acknowledging the previous Direction for the original larger development proposal and the subsequent screening process that was undergone on the revised development proposal and KSSAAT proposals, which were both granted planning permission, it is considered appropriate for Medway Council to consider if the current proposal falls within the remit of the EIA Regulations as part of its assessment of the application, and whether it is likely to have significant effects on the environment and therefore require EIA.

### Legislative Background

On 16 May 2017, the Town and Country Planning (EIA) Regulations 2017 came into force within England. These entirely replace the previous 2011 EIA Regulations (as updated) except for various provisions included within the 'Revocation and transitional provisions' (Regulation 76 of the 2017 Regulations).

The Town and Country Planning (EIA) Regulations 2017 specify that EIA development:-

*"...means development which is either—*

*(a) Schedule 1 development; or*

*(b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location;"*

The proposed works at Rochester Airport, with respect to this application, do not fall within any of the categories of development defined within Schedule 1.

The development proposal is most closely related to development that falls within Parts descriptions 10(b) or 10(e) of in Column 1 of the table in Schedule 2, para. 1 of the EIA Regulations. Part Description 10(b) relates to urban development projects

(which could include office development) where more than 1 hectare of land which is not residential is proposed. Part Description 10(e) relates to development the construction of at airfields where it involves an extension to a runway or the area of works exceeds 1 hectare. For completeness, description 13(b) also captures any change to, or extension of, these descriptions of development where it has already been carried out, if the thresholds and criteria for these descriptions apply to the change or extension, or if the development as changed or extended may have significant adverse effects on the environment.

As the proposed development would include much less than 1 hectare of urban development, it does not meet the threshold for description 10(b). Nor would the proposal meet the threshold for description 10(e), given that the area of the works is much less than 1 hectare.

However, in light of description 13(b), it is still prudent to consider whether the proposal is likely to result in significant adverse effects on the environment. While not strictly a Schedule 2 development, the proposal involves works next to a runway that forms part of the wider Rochester Airport site, so there are some commonalities with the types of development typically assessed under Part 10(e). On a site of 0.36 hectares, the development falls well below the thresholds for schemes falling within Part 10(b).

The decision on whether significant effects are likely is the screening process and should be carried out with reference to the various selection criteria in Schedule 3 of the EIA Regulations.

Further guidance is provided in the Planning Practice Guidance which states that:-

*“Each case should be considered on its own merits in a balanced way.” (Ref ID: 4-018-20170728)*

It also adds in the same section: “Only a very small proportion of Schedule 2 development will require an environmental impact assessment”. The Planning Practice Guidance also provides a set of indicative thresholds and criteria which are intended to aid local planning authorities to determine whether a project is likely to have significant environmental effects. It is noted that, in respect of Part description 10(e), the indicative thresholds are identified as: *“New permanent airfields and major works (such as new runways or terminals with a site area of more than 10 hectares) at existing airports. Smaller scale development at existing airports is unlikely to require Environmental Impact Assessment unless it would lead to significant increases in air or road traffic.”*

The Planning Practice Guidance also states that the key matters for consideration are those relating to noise, traffic generation and emissions.

Taking account of the relevant law and guidance, the council has taken a precautionary approach and considered whether to request an EIA for this latest proposal, even though the criteria for descriptions 10(b) and 10(e) are not met. This report therefore undertakes a comprehensive review of the need for an EIA by reference to:

- The characteristics of the development;

- The location of development; and
- The nature of the potential impacts(s).

Each is considered in turn below with regard to the current application proposal at Rochester Airport.

### 1. Characteristics of the development

As stated by the applicant, the development comprises demolition of existing buildings (including control tower, two portacabins housing the airport office and Skytrek office), construction of a new control tower and hub building including the provision of a family viewing area proposed development of Rochester Airport.

The site area is 0.336 hectares and includes land currently used as airport operational land. The existing control tower, aircraft offices and toilets, clubhouse and flying school portacabin is proposed to be demolished and re-provided within a consolidated hub building. The hub building would incorporate the offices, administration facilities, control tower, toilets, a café area, flying school offices and clubrooms. The new hub building, to be located south of the runways between the approved new fuel island and approved MAPS facility (both approved under MC/14/2914), would have a Gross Internal Area (GIA) of 579 sq m, meaning a net additional GIA 343 sq m resulting from the proposals.

It is proposed to provide 44 car spaces to the south of the hub building to replace those lost (circa 80) as a consequence of the previous application MC/14/2914. The car park area would be used by visitors to the site and users of the flying school.

An outside landscaped family viewing area to the east of the hub building and the provision of fencing and gates to provide a more secure access between landside and airside is also proposed.

It is not proposed for the type and number of aircraft using the airport, and the operational hours of aircraft using the site, to change as a result of the proposals.

The application site area is relatively small in the context of the wider Rochester Airport, large parts of which are occupied by existing development, including land directly adjoining the application site. The proposal will result in the upgrade of existing facilities, with the demolition of the existing control tower, two portacabins housing the airport office and Skytrek office, and the re-provision of a consolidated facility.

The Planning Practice Guidance, as stated above, identifies that EIA is more likely where new runways or terminals are proposed on site areas of over 10 hectares. The area of proposed development which is the subject of this application falls well below this threshold.

It is also relevant to consider whether the proposal forms part of a larger development for which planning permission is not currently sought, or which planning permission is being sought and a decision is pending, and whether this relationship gives rise to a need for EIA.

The applicant has also submitted an application for the re-siting of its helicopter (MC/18/2509). The applicant has not requested a screening opinion for this proposed development, however one has been undertaken by Medway Council to

ascertain whether it is EIA Development. The screening opinion concluded that EIA is not required.

Also of relevance, and as referred to earlier, Rochester Airport Ltd also previously sought permission for the:

*'Formation of a replacement paved lit runway and parallel grass runway (including a landscape bund), demolition of existing buildings (including control tower, two portacabins housing the airport office and Skytrek office), resiting of helipads and construction of a new control tower and hug building including the provision of a family viewing area'.*

EIA was required for this development however the application to which it related was then withdrawn. The Screening Direction associated with the development indicates that the key determinant was the additional movements associated with the paved runway, which are not part of the development proposed at the airport. There are no known plans to move forward with a proposal that would extend the movements at the airport and it is therefore reasonable to conclude that the current development does not form part of a wider development for which EIA is required.

The development proposals that have come forward in MC/18/2505 or MC/2509 include the previously sought development, minus the formation of a replacement paved lit runway and parallel grass runway (including a landscape bund). Any future application that comes forward for a lit paved runway with parallel grass runway and the formation of a grassed bund should be screened to ascertain whether it is EIA development.

The characteristics of the development that is the subject of this screening process do not give rise to significant environmental effects that would result in the need for EIA in their own right. The development is capable of being brought forward through the planning process in isolation and is not reliant on the wider runway proposals for its success. The potential for significant environmental effects arising from the wider runway proposals will be subject to EIA in due course. There is no requirement for EIA for the current development.

## 2. Location of the development

The development is not located within a sensitive area as defined by the 2017 EIA Regulations but is located in proximity to the North Kent Downs Area of Natural Beauty (AONB) which would be defined as a sensitive area. The nature and form of the proposal that is the subject of this screening process are confined to development within the boundary of the existing Rochester Airport. The Airport is well screened, the development is contained within the site, and the construction and operation of the new office building and associated development is capable of being brought forward without giving rise to any potential for significant environmental effects on the AONB.

## 3. Characteristics of the potential impact

The characteristics of the potential impact are assessed below:-

### *Transport*

The application was accompanied by a Transport Assessment, (TS, August 2018), which includes a traffic survey (July 2014). This assessment provided an update to that submitted with the previous application MC/17/3109.

The applicant states that given the extent of the proposed works are to replace existing poor-quality facilities and improve accommodation generally, there will be very little change overall in terms of traffic generation once operational. The proposal will not therefore generate significant traffic.

Vehicles associated with the demolition/removal of the temporary buildings south of the hanger building and the construction of the proposed development are capable of being managed through normal construction traffic management procedures and are unlikely to be unusual in their number or type. There is no potential for significant environmental effects giving rise to a need for EIA associated with transportation.

### *Noise and Vibration*

The proposed office is unlikely to give rise to any significant increase in noise pollution. Any noise and vibration associated with the demolition and construction of the proposed development is capable of being managed through normal management and legislative regimes.

### *Air Quality and Pollution*

Rochester Airport is not located within an Air Quality Management Area. Demolition and construction of the development (which uses prefabricated components) is capable of being managed through normal management, planning and legislative regimes as is the subsequent operation of the buildings. There is no potential for significant environmental effects giving rise to a need for EIA associated with air quality and pollution.

### *Ecology*

The application site is located outside of any designated sites for nature conservation. Recommendations to implement ecological enhancements as part of the development are capable of being brought forward through the usual planning process. There is no potential for significant environmental effects associated with ecology giving rise to a need for EIA.

### *Landscape and Views*

The form of development will not be out of context with existing development in the area (e.g. the hanger building, Holiday Inn and the Medway Business Innovation Centre). Further, the development site is contained within the heavily treed boundaries of Rochester Airport that will help to screen views of the building from further afield. There is no potential for significant environmental effects on landscape quality or on views giving rise to a need for EIA.

### *Flood Risk*

The site is located within Flood Zone 1. No significant effects on flooding or drainage are anticipated giving rise to a need for EIA.

### *Heritage and Archaeology*

Rochester Airport has some interest associated with its previous use, particularly during the Second World War. However the site is not located within a Conservation Area and contains no designated or undesignated heritage assets. The protection and/or investigations of any features of heritage interest are capable of being addressed through the usual planning/heritage process. There is no potential for significant environmental effects giving rise to a need for EIA.

### *Public Safety and Risk*

With respect to public safety and risk:

- The proposed development would not result in any change to aircraft type, numbers, flight lines, operational hours and therefore an elevated incidence of risk, including to users of the motorway.
- The proposed works relate to airport and airport-related facilities only. There is no runway infrastructure proposed to either Runway 02/20 (the main runway) or Runway 34/16 (the cross runway).
- It is considered that the upgraded facilities will improve the existing operational environment, providing a safer and more efficient operational airport.
- The applicant proposes greater demarcation than currently exists, via the proposed layout and fencing between operational airside areas and landside areas, which would improve public safety throughout the site.
- The airport intends to close Runway 34/16 to accord with the terms of its lease and has already received Preliminary Notice to do this. Closing the cross runway would reduce the airport's usability factor. It would not be the case that all cross-runway traffic would be diverted to the main runway: of the aircraft that are less susceptible to changing wind conditions, these aircraft can already opt to use either runway; and aircraft that are susceptible to changing wind conditions may not be able to use the airport to land or take-off, meaning as a consequence a possible reduction in total aircraft movements.
- It is considered that there would be no impact to the main runway as a result of the proposed development.
- There is no potential for significant environmental effects associated with public safety and risk giving rise to a need for EIA.
- A public safety and risk assessment, to understand safety impact, is not required to support an application for the proposed works.

### *Socio-Economics*

The proposed new facilities will provide an improved environment for existing staff and users of the airport. It is not considered likely that the effect will be significant giving rise to a need for EIA.

### *In Combination Effects*

Whilst the development may give rise to a number of non-significant environmental effects, these are not expected to result in an additional significant in-combination effect giving rise to a need for EIA.

### *Cumulative Effects*

Another application has been submitted by Rochester Airport Ltd for works at the airport. The applicant is proposing to relocate two of its helipads. This is subject to a separate planning application MC/18/2509. A screening opinion request has not been sought by the applicant for these proposed works however a screening opinion has been carried out by Medway, which has confirmed that EIA is not required. It is considered that the helipad relocation application in combination with the proposed works of this application would not result in an additional significant in-combination effect giving rise to a need for EIA.

**Conclusions and Reasons for determination: EIA is not required.**