

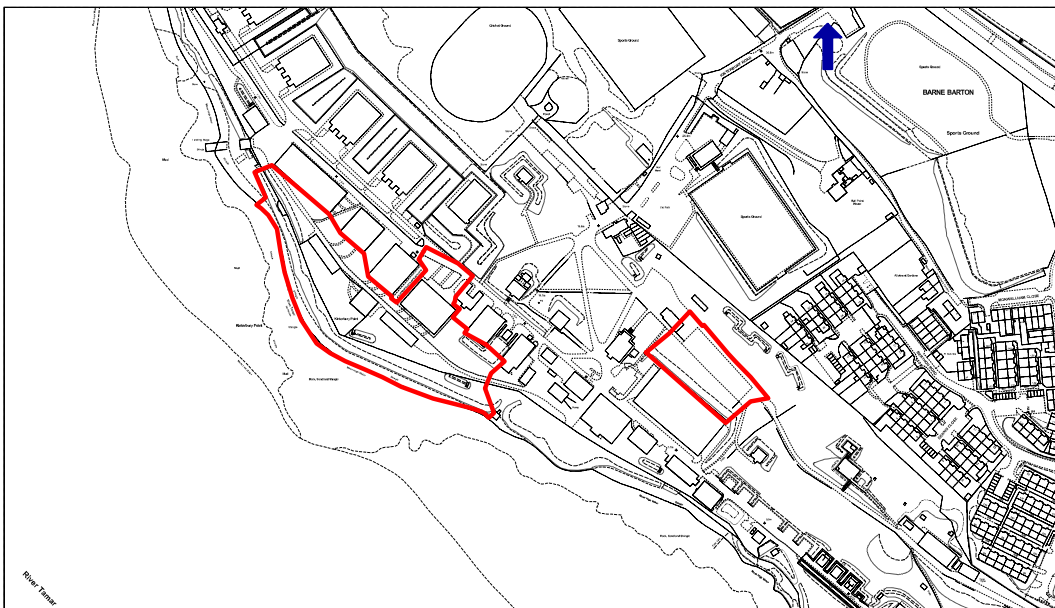
# PLANNING APPLICATION REPORT



<b>Application Number</b>	15/01271/FUL	<b>Item</b>	05
<b>Date Valid</b>	09/07/2015	<b>Ward</b>	St Budeaux

<b>Site Address</b>	KINTERBURY POINT, HMAD BULLPOINT, HMNB DEVONPORT PLYMOUTH		
<b>Proposal</b>	Proposed helipad and forward operating base to service the Fleet Helicopter Support Unit, comprising construction of helicopter landing site, demolition of three existing buildings, modification of part of an existing building, relocation of security fencing, construction of a new building to replace those demolished, and construction of a fuel bowser park		
<b>Applicant</b>	Defence Infrastructure Organisation		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>23/12/2015</b>	<b>Committee Date</b>	<b>Planning Committee: 17 December 2015</b>
<b>Decision Category</b>	Major - more than 5 Letters of Representation received		
<b>Case Officer</b>	Christopher King		
<b>Recommendation</b>	Grant Conditionally		

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This application has been referred to planning committee by virtue of receiving more than more 5 or more Letters of Representation. The application has also been referred to planning committee by Cllr George Wheeler.

## **1. Description of site**

The application site is known as Kinterbury Point, situated within northern part of the Royal Naval Dockyard which is located closest to the Barne Barton area of the city. The site sits adjacent to the River Tamar, and is currently occupied by a number of buildings, primarily used for storage ancillary to the docking and maintenance of naval vessels.

The applicant site is adjacent to the 'Bull Point Gunpowder Magazine and Camber' Scheduled Ancient Monument (PY 1022; HA 1003059), which includes a number of listed buildings. The ground is relatively level and is a few meters above high tide water level. The estuary bank forms the western boundary which is currently fenced with a mix of small trees running outside the fence line. There are a couple of larger trees within the application site, but east of the Helipad location.

The site sits 350m west of the Berthon Road, where the closest residential dwellings are located, and approximately 650m from Riverside Community Primary School. The site cannot be accessed by foot or vehicle by members of the public.

## **2. Glossary of Terms**

AONB – Area of Outstanding Natural Beauty

DIO – Defence Infrastructure Organisation

FHSU – Fleet Helicopter Support Unit

FOB – Forward Operating Base

FOST – Flag Officer Sea Training

HRA – Habitats Regulations Assessment

LPA – Local Planning Authority

MOB – Main Operating Base

MOD – Ministry of Defence

SMC – Scheduled Monument Clearance

SSSI – Site of Special Scientific Interest

## **3. Proposal Description**

This planning application is for a proposed helipad and forward operating base to service the Fleet Helicopter Support Unit (FHSU), comprising construction of helicopter landing site, demolition of three existing buildings, modification of part of an existing building, relocation of security fencing, construction of a new building to replace those demolished, and construction of a fuel bowser park.

The primary purpose of the planning application is to provide the Ministry of Defence (MOD) with a single-spot touchdown and Lift-Off Helipad suitable for rotary aircraft for the Forwarding Operating Base (FOB) of the Flag Officer Sea Training (FOST). The proposed works to facilitate the helipad are as follows:-

- Demolition of three unlisted buildings, identified as BP003, BP004 and BP044 as well as the removal of a former WWII brick bunker to create sufficient space for the helipad to be constructed close to the bank of the Tamar estuary as shown on plan P071-ACM-XX-00-DR-EN-00002-RevA-Proposed-Helipad-and-FOB-Site-Plan-Area-A. None of these structures are listed, and Scheduled Monument Clearance has been given by Historic England. A photographic record of has been provided, as well as drawings of the three buildings to be demolished have also been provided.
- To allow safe landing and take-off, 160m of the existing security fence along the western edge of the site will need to be removed. To retain site security, a new 3.0m high fence along the frontage of the buildings to the rear of the site. Existing doors and windows will be altered internally to enable them to form part of the new security line. The fences will comprise steel railings with barbed wire top and are to be supported by posts rather than being attached to the buildings.
- Building BP47 was a former WWII storage building and will now be internally modified to handle up to 30 passengers at once, and to accommodate operator facilities for the ground staff. One external modification is proposed, creating an opening on the eastern side elevation to provide storage for essential firefighting equipment, replacement doors and security bars. The majority of the Building will remain untouched and continue to provide storage.
- Due to the required demolition of buildings as BP003, BP004 and BP044, the application proposes the erection of a new single storey storage facility on an existing area of hardstand adjacent to the old schoolhouse (BP60). The building will provide 850m<sup>2</sup> of general storage on a redundant hardstand area, and is to be constructed from steel. The external wall cladding will be Olive Green (BS-12B27) in colour; the external roof cladding will be Merlin Grey (BS-18B25); and the doors will be Blue (RAL 5010). Further details/dimensions are shown in plan 'I392/1 – General Arrangement drawing'.
- A new fuel bowser park is proposed and will be built at an existing fuel facility located 325m away from the helipad. It is proposed to add to the existing bunded hard standing which will drain to a Class I fuel retention oil/fuel separator an emergency cut-off valve. Equivalent pollution prevention measures for refuelling the helicopters will be provided at the helipad landing site (HLS).
- Lighting is proposed to conform to the Manual of Aerodrome Design and Safeguarding and the Civil Aviation Authority Class I Helo Performance Standard. The will feature green and white inset omnidirectional Touchdown and Lift-off lights around the helipad itself. Column mounted street lighting is also proposed along the footpath which runs in front of Building BP47.
- A total of 7 trees will be removed, as well as areas of shrubs located on the southern boundary of the site to ensure an obstruction-free flight path as shown on Dwg P071-ACM-XX-DR-EN-00003. The planting of 14 new trees have been proposed as mitigation, however due to security reasons, no shrubs can be planted. The landscaping proposals are shown on Dwg P071-ACM-XX-DR-EN-00004, which also includes a planting schedule planting specification.

#### 4. Pre-application enquiry

Prior to the submission of the planning application, and following the withdrawal of the previous application, officers met with the applicant and agent to discuss the amendment's that were being proposed, and to present the outcomes of the public consultation (11 attendees) that was held following the decision to withdraw the previous application. Officers advised that reduced flying

hours would be looked upon more favourably, as would a reduced number of total flights and details on the aircraft being used. Officers also requested details of flying programmes however were advised that this change on a weekly basis. Further justification and analysis of alternative sites would be needed.

The submitted application was relatively consistent with what was presented during this meeting; however the Public Protection Service and planning officers raised concerns about the way in which information had been presented. Following discussion with the applicant, the submission of the information to the required standard; including correct dates, removal of confusing reference to the previous application and expansion of the justification and evaluation of alternative sites the application was submitted and then re-advertised. Due to the number of LORs, another consultation event was held in Barne Barton (46 attendees), and another in Wilcove (8 attendees) prior to the submission of the revised documents.

There was a formal DES pre-application (14/00747/MAJ) which provided advice on the proposal of a similar nature to what has been hereby submitted, however the meetings held early 2015 supersede those discussions.

## **5. Relevant planning history**

14/01653/FUL – Construction of helicopter landing pad, demolition of 3 buildings, construction of a new building and modifications of 1 building – Application Withdrawn

14/00972/ESR10 – Request for screen opinion for the formation of a landing site for rotary aircraft and ancillary work – ESRI (Screening Opinion Given)

## **6. Consultation responses**

Barne Barton Neighbourhood Forum – No comments received

Cornwall Council – No Objections

Economic Development Department – No Objections, and supports the Proposal

Environment Agency – No Objections however recommend conditions relating to contamination

Health and Safety Executive (HSE) – No Comments received

Historic England – No Comments received, however the application has been submitted with Scheduled Ancient Monument Clearance, and as such Listed Building consent is not required.

Local Highways Authority – No Objections

Lead Local Flood Authority – No Objections however recommends conditions for further details

Marine Management Organisation (MMO) – No Comments

MOD / DIO Safeguarding – No Objections

Office for Nuclear Regulation – No Objections

Natural England – No Objections

Public Protection Service (Land Contamination) – No objections on contamination grounds and is in agreement with Environment Agency response

Public Protection Service (Noise) – No objection following changes made following initial concerns, and are recommending conditional approval, in accordance with officers condition relating to flight numbers and frequency

Saltash Town Council – No Objections

Secretary of State in Lieu of application being accompanied by an Environmental Statement – No Objections

Tamar AONB – No Objections

## 7. Representations

Prior to submitting the planning application the LPA was informed that a community event had been held on the 19<sup>th</sup> May 2015 at the Tamar View Community Complex Resource Centre in St Budeaux. The event was held between 3.45pm and 8.00pm and a total of 16 members of the public attended the meeting. Only 7 people completed the feedback forms provided which considered insufficient to derive any form of statistical analysis.

Following the submission of the planning application, numerous letters of objection were received by the LPA; the applicant was advised that a further public event should be held to inform the public of the proposal, and discuss any concerns.

A total of 41 letters of representation have been received, of which 37 object to the proposal and 4 are observations. Below is a summary of the key issues outlined in the letters of representation:-

- Impact towards shift workers living in the area
- Distracting to school children in the nearby Riverside Community Primary School
- Severe loss of residential amenity
- Issues surrounding process of community notification and consultation
- Loss of amenity due to noise
- Health implications of noise – Low frequency Intrusion
- Harmful to wildlife and the environment
- MOD could reopen Plymouth Airport, or utilise Exeter Airport
- Will increase pollution
- Safety concerns for residents living near the site
- Likely to compound traffic, noise and air pollution in the area
- Likely to be harmful to wildlife

The following comments are not considered objections, and were extracted from the four letters of observation that were submitted:-

- Great addition to the growing service base
- Design should be respectful and discrete
- Lighting needs to be designed accordingly to prevent pollution

Following discussions with the applicant, the LPA requested additional information. Following the submission of revised documents and further supporting information; the application was re-advertised for an additional 14 days.

A leaflet drop of over 2000 properties in the area, (as demonstrated by appendix 5 of the Statement of Community Involvement document), was undertaken inviting members of the community to attend a further event on the 24<sup>th</sup> September 2015, held once again at the Tamar View Community Complex Resource Centre in St Budeaux between 3.00pm and 7.00pm. In addition to the leaflet drop, the applicant erected some public notices, published a press advert, notified MPs and Local

Councillors by letter and the Barne Barton Neighbourhood Forum. This event was attended by 46 people, of which 25 completed the feedback forms.

Officers have also been made aware of another meeting in Wilcove, Cornwall following residents' concerns regarding the proposal. This was attended by 8 members of the public; however only 2 feedback forms were completed.

The submitted document demonstrates the results of all the feedback forms, and has concluded that as the events were widely advertised through various means but were only attended by 62 people. The applicant has concluded that this indicates that the 'silent majority' of local residents are not interested in or concerned by the proposals and that there is a small 'vocal minority'.

The summary states that there was a balance of opinion on the necessity of the development, however, according to the figures, a majority of those who provided feedback believed that the helicopter flights are a necessary activity of the Naval Base to support training of defence personnel and that the exhibition made them better informed.

Officers are satisfied with the efforts of the applicant to present the proposals to the community; however notes that the applicant has not made any changes to the proposal following the review of the feedback forms. The 'flyer drop' area as shown in appendix 5 of the SCI covers a suitable area for notifying residents of the public events, and other means of advertisement were also appropriate methods to notify residents and other interested parties.

Since the re-advertisement, the LPA has received five (5) further Letters of Representations, have been received by the local planning authority. Most issues contained within the letters have previously been raised; however the following concerns/comments have been highlighted in one of the letters:-

- Noise monitoring equipment should be placed at Riverside school as it was not designed to protect children from noise from the west.
- Noise levels must not exceed should not exceed 55db in playground if permission is granted.
- Perceived as an undesirable place to live already

Members will note that there is a significant reduction in letters of representation following the re-advertisement, which in officer's view indicates that, the additional and public events held in Barne Barton and Wilcove were able to explain the application better in a way which has reduced residents' concerns.

## **8. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft

development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the Framework indicate development should be restricted.

*Additionally, the following planning documents are also material considerations in the determination of the application:*

- *Sustainable Design Supplementary Planning Document*
- *Development Guidelines Supplementary Planning Document*

## **9. Analysis**

This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

1. This application turns on the following strategic objectives and policies of the Local Development Framework Core Strategy:-  
SO1 (Delivering Plymouths Strategic Role), SO6 (Delivering the Economic Strategy), SO11 (Delivering a Sustainable Environment), CS01 (Sustainable Linked Communities), CS02 (Design), CS03 (Historic Environment), CS04 (Future Employment provision), CS05 (Development of Existing Sites), CS18 (Plymouths Greenspace), CS19 (Wildlife), CS21 (Flood Risk), CS22 (Pollution) and CS34 (Planning Application Considerations)
2. This application also considers the following strategic objectives and policies of the Emerging Plymouth Plan Part One:-

SO3 (Strengthening Plymouth's role in the region), SO5 (Creating a more prosperous city for all), Policy 5 (Protecting and strengthening Devonport Naval Base and Dockyards Strategic Role), Policy 6 (Enhancing Plymouth's role in maintaining the south west's special natural environment) and Policy 30 (Safeguarding environmental quality, function and amenity)

3. The principal issues relating to this application are considered to be impact on residential amenity through noise pollution, harm to the natural environment and wildlife, and impact towards the historic environment. For these significant reasons, the application has been accompanied by an Environmental Statement.

#### Existing operations and MOD requirements

4. Due to the closure of the Plymouth's Airport, Newquay airport provides a base for the Fleet Helicopter Support Unit (FHSU), which currently relies on HMS Raleigh in Cornwall as a temporary Forward Operating Base (FOST) since the closure of the Weston Mill landing pad.
5. Current operations involve transporting officers to HMS Raleigh from Devonport, where they will be met by an aircraft that has either arrived from sea or Newquay. Following the completion of any training exercises, officers will disembark at HMS Raleigh, where they will be transported back to the Devonport base. The helicopters will then return to Newquay as this the closest place for hangering since Plymouth Airport closed in 2011.
6. The MOD has identified this as highly inefficient and costly, inhibiting the FHSU FOST programme, which attracts interest from international forces. The current use of HMS Raleigh involves the significant loss of valuable training time, and results in significant expense of maintain and running HMS Raleigh for this purpose. The Design and Access Statement (para 2.59) states that FOST loses approximately 350 hours (23%) of 1500 hour working programme in simply transiting to HMS Raleigh twice a day.
7. Furthermore, HMS Raleigh provides significant ecological concerns with the operations of FOST due to its proximity to Special Protection Areas at St Johns Lake and the Tamar and Lynher Estuary Complex, which further limits the sites operational capacity.
8. The application has identified Kinterbury Point as a suitable location for a new FOB; however the LPA requested detailed justification and evidence that alternative sites have been reviewed. This information was submitted to LPA and was a reason for re-advertisement.

#### Site Evaluations

9. Paragraphs 2.70 and 2.71 of the Design and Access statement have evaluated Devon based sites and Cornwall based sites. The MOD has stated that preference was to be able to site both a Main Operating Base (MOB) and a FOB within 5 miles of Devonport. Newquay currently provides the MOB, and previously this was supplied by Plymouth, and essentially is a place where aircraft can be hangered and maintained.
10. The application states that Devon based sites are more desirable as FOST training staffs are based at HMS Drake. The six alternative Devon based sites that were considered and evaluated are:-
  - Defence Munitions Ernesettle;
  - Bull Point Sports Pitches;
  - The Citadel
  - Royal Marines 42 Commando base at Bickleigh;



- Naval Base (South Yard)
  - Plymouth City Airport
11. Three Cornish based sites have been evaluated, however it is acknowledge that sites on this side of the estuary are less efficient, and fewer in availability:-
- HMS Raleigh
  - Scraesdon Fort, Anthony
  - Tregantle Fort
12. It is noted that Kinterbury Point has been primarily selected due its 'on base' location, and therefore the significant travel time reductions. Kinterbury Point does not have the site capacity to hanger aircraft as well as provide adequate space for the helipad, meaning aircraft will still need to travel to Newquay as this will remain as the Main Operating Base. Should Plymouth airport reopen, then there could be scope to relocate back to this location.
13. Officers have reviewed the site evaluation section within The Design and Access statement provides detailed evaluation of the nine sites above. It is clear to officers that each of these sites has at least one specific issue or restriction that means it either cannot be used for the purposes hereby applied for; or would not improve on the current operations provided by HMS Raleigh.
14. Policy CS05 refers to the development of existing sites, and officers are of the view that the proposal accords with both criteria 1 and 2. The application site is in an appropriate location for, and suited to the needs of the MOD which is considered one of the city's priority economic sectors; and would not result in the loss of viable employment land for other economic needs of the area. Furthermore, CS34 (2) states that applications should 'make efficient use of land', and it is the view of officers that this proposal accords with this policy requirement.
15. Officers also consider that the location of the application site will result in a significant reduction of traffic movements between Devonport and HMS Raleigh, and as such the proposal accords with policy CS28 of the Core Strategy.
16. The Local Highways Authority has stated that on the basis of the information submitted it would appear that the creation of the proposed helipad will have little impact in terms of traffic movements as most trips will be self-contained within the Dockyard and in some cases may result in an overall reduction in trips as Flag Officer Sea Training (FOST) personnel would no longer have to travel between the Naval Base and HMS Raleigh in Cornwall (the current location of the FOB).Whilst there may be some traffic movements generated by the proposal (deliveries of aviation fuel etc.) these are likely to be relatively small in terms of number of trips and would not lead to any operational issues on the local highway network.
17. A key aspect of the proposed site location for the helipad, relates to the flight paths during landing and take-off. Figure 4 of the Design and Access Statement demonstrates that the proposed flight paths have been arranged to minimise disturbance to people of either side of the estuary, such as Barne Barton and Wilcove. It clearly shows that at the aircraft will not fly over residential areas during decent or accent on either side of the estuary, and furthermore, the flight paths avoid flying below 1000ft over the most important bird habitats therefore showing consideration of policy CS19 of the Core Strategy.
18. Officers are satisfied that appropriate site analysis and evaluation has been carried out, and consider that Kinterbury Point is a suitable location to meet the specific needs of the

applicant. Furthermore, officers consider that this is the only evaluated site will result in no flying over residential dwellings and therefore accords more reasonably with CS34 (6) which seeks to protect the amenity of the area. The full impacts of noise are considered in the next section of the report.

### Proposed Operation Hours and Number of Flights

19. Table 4.1 of the Planning Application Supporting Statement outlines the hours that MOD are seeking permission for flights to and from the proposed helipad, and have been summarised as follows:-
- 7.30am to 9.00pm Monday to Thursday
    - i. An average of only 2 flights per week between 7pm and 9pm has been indicated
  - 7.30am to 4.00pm Fridays
  - No flights on Saturdays and Sundays, Christmas Day or Boxing Day
20. Members are advised the term flight in this report refers as a Landing and a Take-Off, i.e. two movements. Paragraph 4.2 highlights the volume of movements; and are summarised as follows:-
- There shall be no more than 100 flights per month using this development hereby applied for
  - In practice, it is expected that there will be an average of 3 flights per working, equating to an average of flights 60 per month. This number will depend on the training programme, which varies week by week.
  - The application states that there will be a maximum of 100 flights per month.
  - The statement indicates that this number of flights is consistent with FHSU activities and will result in a significant reduction in flights immediately adjacent to Torpoint due to only occasional flights from HMS Raleigh.
21. Members will note there was an application (withdrawn) made to the council earlier this year for the same proposal which proposed longer permitted hours for flights, and a greater volume of flights. The application hereby submitted proposes reduced flying hours, and significantly reduced number of flights per week and annum. In fact, the statement suggests a reduction of 200 flights per annum, totalling 1000 per annum down from 1200 per annum.
22. The maximum monthly flights remain the same as the previous planning application that was withdrawn; however the total annual figures have been reduced following consideration of the LPAs comments.
23. Table 1.2 within the Noise Addendum demonstrates that during a period of 7 months in 2014 (April to October) at HMS Raleigh, the average number of flights a day over this period was just 2 (1.96), identifying that the average flight figures in normal practice are likely to be less than what is being applied for.

### Public Protection Service – Noise

24. The application refers to flights, and as noted above indicate two movements (Landing and Take-off). Officers requested further information on the duration of a flight, which has been provided and has been available for public consideration. The document extracts information relating to three typical flight scenarios which have been considered as part of the submitted noise assessment.

- Scenario 1 – Normal Helicopter pick-up/drop-off with a total audible time of 11 minutes. This scenario is the more common scenario; as experience at HMS Raleigh has shown that there is an average of 1 refuel every 3 ½ days.
  - Scenario 2 – Non-Powered Refuelling (Engine Off) with a total audible time of 21 minutes
  - Scenario 2 – Powered Refuelling (Engine On) with a total audible time of 21 minutes
25. Based on this information, on days where only the average of 3 flights are required or take place and with no requirement for refuelling, helicopters will be audible for 33 minutes total during the day. When refuelling is required, and the average number of flights in a day is required, this would jump to 44 minutes of audible time, which is still considered low by officers during throughout the permitted period in a day.
26. In discussion with the applicant and their agents, officers are of the understanding that this is a commuter service as part of normal military activity. Their activity is very much related to taking officers out in the morning and returning them in the evening, and as such, disruption in the day time or during school hours for example is likely to be limited. Helicopters that do return outside of the permitted hours will be automatically directed to Newquay unless there is an emergency situation where it would be unreasonable and irresponsible of the LPA to refuse landing.
27. In addition, the number of flights that have been applied for will capture any increased need, i.e. in 2017, when the new Aircraft carriers enter service; the required flights will still not exceed what has been applied for. For the first couple of years of the developments use, flight numbers are anticipated to be relatively lower than the averages that quoted in the submitted documents, reducing the impact on amenity during the early stages of operations.
28. Paragraph 7.3 of the Planning Statement states that through the adoption of mitigation measures it would be possible to reduce the potential impact of the proposed Helicopter Landing Site at Kinterbury Point so that it achieves the PPG 30 (2014) noise exposure criteria of 'noticeable and not intrusive', and that the proposals are in accordance with the MOD Leaflet 4.1 Environmental Noise and the DEFRA Report 2008.
29. The applicant adds further that the vicinity is a long established strategic military area which is intensely used, where ambient background noise levels from this and other activities in the area are already elevated. Inhabitants already associate the base with current helicopter movements and similar helicopter movements occurred previously from the facility operated at HMNB Devonport Dockyard adjacent to Weston Mill Lake until April 2012, and hence the perceived impact will be less.
30. Public Protection Service (PPS) officers have reviewed the submitted documents and noise data, stating that this application has the potential to cause disturbance, due to the nature of helicopters, however the revised iteration of the proposal is much improved on the previous application and the first version of this application.
31. Officers agree with PPS view that the noise element of this development viewed in isolation is not ideal. From a purely Plymouth City noise perspective the ideal situation would be for operations to continue in the current location a HMS Raleigh as this prevents disturbance to residents of Plymouth as there is the potential to cause some degree of disturbance by locating a helicopter facility in relative proximity to residents.

32. PPS officers however recognise that the alternative sites analysis evidences a lack of suitable alternative sites and this site is as described part of the wider military base. The reduction in flying time applied for in this version of the application and the numbers of flights coupled with the suggested conditions, should afford suitable levels of protection to prevent this site creating a significant detriment to the noise climate of the area.
33. Officers have taken this advice from Public Protection, who do not dispute the comments made in the Planning Statement, and are therefore of the view that if this development were approved by the LPA, with appropriate conditions and monitoring, it will not cause significant harm to residential amenity with regards noise impact.
34. Furthermore, the LPA has not received any objections with regards to noise amenity from Saltash Town Council or Cornwall Council, Local Highways Authority, Barne Barton Neighbourhood Forum, or Public Health. The Natural Infrastructure team has also identified that the noise is unlikely to cause significant harm to wildlife in the adjacent protected areas.

#### Scheduled Monument and Historic Environment

35. Paragraph 9.1 within the Planning Statement indicates that the northern part of Kinterbury Point is a Scheduled Monument; and of the three buildings scheduled to be demolished, two lie within the extent of the Scheduled Monument.
36. Historic England was consulted, and a copy of the Ancient Monuments and Archaeological Areas Act 1979 (as amended); Section 2 control of works Application for Scheduled Monument Clearance (SMC) has accompanied the planning application.
37. Paragraph 1 to 3 of the SMC confirms that Historic England has no objection to the demolition of these buildings, and has subsequently granted Scheduled Monument Clearance on the bases that these buildings are not central to the heritage interest of the Scheduled Monument and as SMC has been given, an application for Listed Building consent is not required for the works being proposed to the building BP47.
38. The Scheduled Monument Clearance does outline that the proposed works be carried out in strict accordance with relevant and specific conditions imposed by Historic England. A planning condition will capture the need for the works to be carried out in accordance with Historic England's requirements.
39. Notwithstanding the Scheduled Monument Clearance, officers have reviewed the proposals, and likely impact of the development towards the historic environment. The application does not propose any works or alterations to Listed Buildings; however the application documents include a full register of Listed Buildings within 1km of the site.
40. The alterations to BP47 will make use of a disused building within the monument which is considered positive, and the nature of the proposal is not considered out of character in terms of the function and purpose of the buildings.
41. The new storage building located near the old school building is not of particularly high standard; however is reflective of commonly found buildings in the Dockyard in terms of massing and material. Officers also consider that the proposed new security fence is sympathetic to its location, and will not be directly fixed to any listed structure within the site. Furthermore, officers recognise the need for the security measures given the location

and nature of the site. The impact of these structures are not considered harmful to the setting of the Scheduled Monument or Listed Buildings

42. Officers concur with the view of Historic England which states that the works will be detrimental to the setting of the monument; however the impact can be managed by conditions to reduce the overall impact and ensure protective measures are undertaken during and post development. The proposal is therefore considered acceptable by officers and will not be in conflict with policy CS03 of the Core Strategy. Relevant conditions will be added to the decision notice.

#### Natural Environment and Wildlife

43. The application has been accompanied by an Environmental Statement which has carried out significant work in relation to the impacts of the proposed development on the environment. The site is located in close proximity to Plymouth Sound and Estuaries Special Areas of Conservation, and Tamar Estuaries Complex SPA (which includes the Lynher Estuary SSSI, St Johns Lake SSSI and the Tamar-Tavy Estuary)
44. Officers have carried out a Habitats Regulation Assessment (HRA), which identified two main issues relating to noise impacts towards birds and pollution
45. Tamar Estuaries Complex SPA: Noise impacts on Overwintering birds. Due to the nature of the proposed works there is potential for noise to impact on areas designated for overwintering avocets and little egrets (both Annex I species). It is considered however that there will be no significant effects ringing from this development with regards to Noise impacts on Overwintering birds for the following reasons:
- BTO WeBS low tide count dot maps and Core Count data and the surveys conducted by Ecologic on behalf of the MOD, do not record avocet or little egret feeding or roosting in the vicinity of Kinterbury Point.
  - The Helicopter flight paths (FHSU and other users) will not cross the SPA mudflat areas below 1000 feet.
  - Helicopter movement enforcement and monitoring by FHSU Site Air Traffic Controller (SATCO) will be reported to regulators via TECF. Any failure will be addressed by liaison between FHSU, DIO and Natural England.
  - The relocation of the bulk of FHSU flights from HMS Raleigh to Kinterbury Point will significantly reduce the potential for disturbance to overwintering birds on St John's Lake.
46. Plymouth Sound and Estuaries SAC: Pollution. Due to the nature of the proposed works, there is potential for pollution from the release of fuels, oils and chemicals associated with refuelling or accidents into the marine environment. It is considered however that there will be no significant effects ringing from this development with regards to noise impacts on Overwintering birds for the following reasons:
- Risk of accidental spill during refuelling and maintenance will be minimised, and any accidental spill would be contained and prevented from impacting on the SPA / SAC habitats through the MOD/DIO design process, Planning and environmental Permit Applications, and internal Royal Navy and Military Aviation Authority regulations and processes.
  - The surface water from the helipad site and the temporary bowser parking will pass through a class I full retention forecourt oil/fuel separator with a fuel storage capacity of 7,500 litres, well in excess of the S61 capacity (2,475 l), and will be fitted with an automatic emergency cut-off valve before discharging via existing surface water outfall

in to the River Tamar. The maximum size fuel bowser is 9000 litres, but these are compartmentalised and hence 7,500 litres capacity combined with surface storage is adequate for the unlikely event that all compartments are compromised.

- The helicopter pad is graded away from the estuary so the risk of failure of the drainage system causing leakage to the estuary is deemed to be negligible.
- Should the helicopter develop a leakage or have an incident there is an emergency fire truck on standby during operations and emergency spill kits, although the best defence is the proposed drainage system and the positive fall away from the estuary.
- For the proposed store site, rain water from the roof of the new store will be piped to the existing system. There will be no foul water discharge from the proposed store.
- The foul drainage for the helipad accommodation will be via a mini treatment plant with discharge via existing surface water outfall into the River Tamar. The treatment plant will be designed to meet Environment Agency discharge limits for the estuary.
- There will be continual monitoring of maintenance and refuelling processes by FHSU contractor and site environmental protection staff, and subject to MOD and EA audit and assurance processes.

47. From the foregoing assessment, it can be concluded that the Proposed Helipad would not lead to significant effects on any internationally designated sites either alone or in combination with other projects or plans. No Appropriate Assessment is therefore necessary. Members should note that both Natural England and the Environment Agency have been consulted and have no objections to the proposal subject to conditions. The proposal is therefore considered acceptable, and will not cause conflict with policy CS19 of the Core Strategy.

#### Bats and Birds

48. To ascertain whether any bats are likely to be affected, a bat habitat suitability assessment was carried out on the 3 buildings proposed to be demolished as well as the building which is due to be modified. No evidence of roosting bats was recorded during the survey, however mitigation is recommended to ensure no bats are adversely affected by the proposed development, this includes erection of bat boxes, as well as: the maintenance of darkness elsewhere; planting of night scented flowers; and landscape management measures.
49. The HRA has identified that protected birds (Egrets and Avocets) will not be impacted by this proposal, however very few birds numbers were identified in the surveys at Kinterbury Point. Mitigation to ensure no birds are adversely affected by the proposed development will be to only remove vegetation outside of the bird nesting seasons.

#### Landscaping

50. The demolition of the new buildings will undoubtedly change the visual appearance of the site when looking from the estuary, especially with the clearing of many shrubs and trees along the shoreline. Notwithstanding this however, the impact is considered minimal from this aspect which isn't a particular overlooked site, and furthermore, due to the topography of the site, and its relationship with surrounding areas, it will not have an impact on the visual amenity of the area.

51. Within the site itself, the proposed landscaping measures, such as new trees, turfed areas, pathways and parking spaces are not considered out of character or intrusive on the landscape and will not cause detriment to the Scheduled Monument or Listed Buildings and is therefore in accordance with the Core Strategy, specifically policies CS03 and CS34. Furthermore, the landscaping proposals will not cause harm to the adjacent protected sites, such as the Tamar AONB, and is therefore considered to accord with policy CS18 of the Core Strategy.
52. In addition, the lighting proposals are required in accordance with Manual of Aerodrome Design and Safeguarding and the Civil Aviation Authority Class I Helo Performance Standard, and having reviewed the layout will not cause significant harm to amenity due to the considerable distance from dwellings.

### Drainage

53. The site lies almost entirely within the Environment Agency's Flood Zone 1, whereby flooding from rivers and the sea is very unlikely. Due to the site's flood zone category minimal flood risks are anticipated. Nonetheless, the new helipad will create an area that is likely increase surface run off, however the demolition of the three buildings will add to the permeable surface of the site.
54. Specific measures have been proposed to prevent contaminants entering the watercourses, such as interceptors, emergency spill kits and mini treatment plant. The helipad itself will also be graded away from the estuary into a drainage system taking contaminants and contaminated water away from the estuary. The Lead Local Flood Authority is satisfied with the proposal, however further specific details on design are required and will be dealt with by of condition to improve the overall drainage situation on the site to ensure that the proposal accords with policy CS21 of the Core strategy.

### Economic Benefit of the Proposal

55. Plymouth benefits greatly from having the Royal Navy presence and whilst the Helicopter operations are only a small part they employ a number of local people in well paid and highly skilled jobs. It has been demonstrated through the closure of Plymouth Airport and the relocation of much of the operation to Newquay that the Royal Navy will move operations out of the city where we cannot accommodate their needs. Plymouth City Council seeks to assist all organisations with rising to the productivity challenge, both public and private sector, and this is an important impediment to be removed. Economic Development has indicated that they are highly supportive of this proposal.
56. Officers consider that Kinterbury point as a location means that proposal has greater degree of affinity with Policy CS04 (6) by supporting the future expansion and redevelopment of military establishments for operational purposes.
57. Strategic Objective 6 (S06) of the Core Strategy aims to deliver the economic strategy, and it is the view of officers that elements of this objective could be compromised should the FHSU need to move away from the Plymouth and the region, to another part of the UK such as Southampton.
58. Furthermore, officers consider that the location the Helipad within the Dockyard at Kinterbury Point accords with Policy 5 of the Emerging Plymouth Plan Part One. Policy 5 seeks to strengthen the Devonport Naval Base and Dockyard's strategic role, stating the City

will support and actively promote the safeguarding and strengthening of Her Majesty's Naval Base (HMNB) Devonport, and the Dockyard as a major component of the UK's strategic defence capability.

### Addressing Residents' Concerns

59. As identified in section 7 of this report, the LPA has received a significant number of objections and comments. Officers have listened to these residents, and as such, have imposed very specific conditions relating to hours of flights and the number of flights that are permitted each month and year.
60. In response to the residents' concerns, these planning conditions will require the applicants to submit quarterly flight log books for officers to review, to ensure that conditions are being adhered to, and to see if any further restrictions may be required in relation to the operations.
61. This will be most important for the flights between 7pm and 9pm, which will be on an 18month temporary basis due to its sensitive nature. Should the applicant seek to make these later hours permanent then they would need to demonstrate to the LPA that they are compliant with the condition, and that there have been no, or very little disturbance to resident's that has warranted formal complaints to the LPA or PPS.
62. The LPA must also be notified within 7 days of an Emergency flights occurrence to ensure that the was not a normal flight departing or returning late, and was in fact an emergency whereby the aircraft, or a person's life is at risk.
63. Officers have discussed the flight patterns with the applicant and are satisfied that whilst there is likely to be flights during the idle of the down, normally the flights are more likely to occur in the morning, or afternoon, much like a commuter vehicle. This will reduce the impact towards shift workers sleeping in the day, and will also have a lesser impact on school children at Riverside which is a concern of residents.
64. The second community event was held due to the poor attendance of the first event, and in lieu of the submission of revised documents at the LPAs request. A further event would not be beneficial in the view of officers as all relevant information has now been explained to those who turned up.
65. The revised documents have not been significantly modified in terms of content; however all the appendices for example are now contained in the one document. Officers agree that the appearance on the website is different; however the information has only slightly altered to remove reference of the old application, and provide additional justification on the alternative sites.
66. Residents are of the view that there are better alternative sites, however as officers have demonstrated in paragraphs 9-18 of the report Kinterbury Point is considered the most appropriate site for the proposal.
67. The noise emanating from the helipad operations and its impact towards Riverside School could be classed as noticeable and intrusive as identified in the submitted documents, however this will be for very short periods of time. As the report has already identified, a normal landing and take-off can be heard for no more than 11 minutes. With the helipad site being significantly lower than the helipad, the noise will be somewhat retained by the sites natural topography and physical barriers (buildings), therefore periods of noticeable and



intrusive noise may well in fact be less than this, and likely limited to just a few minutes at a time.

## 10. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## 11. Local Finance Considerations

Not Applicable

## 12. Planning Obligations

Not Applicable

## 13. Equalities and Diversities

There are no equality or diversity issues to be considered

## 14. Conclusions

The National Planning Policy Framework (NPPF) advises officers to promote sustainable development, whereby economic gain does not come at the cost to the natural environment or social cohesion. There is clear and sound evidence to suggest that this proposal will not have a significant detrimental impact on the residential amenity of neighbouring communities, and poses little impact, as identified in the through the HRA, to the sensitive and important natural environments. The MOD is of significant City and Regional importance, and this proposal will strengthen its operations but not to the detriment of the local people and environment.

Having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically the identified policies of the Local Development Framework Core Strategy and the Emerging Plymouth Plan Part One officers are satisfied to recommended the application for conditional approval.

## 13. Recommendation

In respect of the application dated **09/07/2015** and the submitted drawings General Arrangement Drawing - 1392/1; Floor Plan - 1392/2; Typical Section - 1392/3; FOB FOST Proposed Security Fence - 5116453 AA (90) 07; Proposed Overview Site Plan - 5116453 AL (90) 06; FOB FOST, Building BP047 Existing Ground Floor Plan Demolitions and Elevations - 5116453 AL (20) 05; Proposed

Storage Building Site Plan - Area B - 5116453 - AL (20) 02; FOB FOST, Building BP047 Existing High level Plan Demolitions and Sections - 5116453 AL (20) 06; FOB FOST, Building BP047 GA High Level Plan and Sections - 5116453 AL (20) 08; FOST FOB - Area B Proposed Building Drainage Layout - 5116453 CL (90) 04; FOB FOST, Building BP047 GA Ground Floor Plan and Elevations - 5116453 AL (20) 07; Building BP004 Record Drawing - 5116453 BP004; FOST FOB - Area A Proposed Drainage Layout - 5116453 CL (90) 03; Building BP044 Record Drawing - 5116453 BP044; Building BP003 Record Drawing - 5116453 BP003; Location Plan - P071-ACM-XX-00-DR-EN-00001; Proposed Tanker Stand Area C - Vehicle Tracking Analysis - P071-ACM-XX-XX-DR-CE-00004; Proposed Tanker Stand Area C - Site Plan - P071-ACM-XX-XX-DR-CE-00001; Proposed Tanker Stand Area C - General Arrangement - P071-ACM-XX-XX-DR-CE-00002; Proposed Tanker Stand Area C - Drainage Plan - P071-ACM-XX-XX-DR-CE-00003; Proposed Helipad and FOB Existing Landscape Proposal - P071-ACM-XX-00-DR-EN-00003; Proposed Helipad and FOB Landscape Proposal - P071-ACM-XX-00-DR-EN-00004-RevB

FOB FOST External Lighting Layout - 5116453 AEL (63) 03; Proposed Helipad and FOB Site Plan - Area A - P071-ACM-XX-00-DR-EN-00002 RevA; Record of Existing Buildings BP003, BP004, BP044 and Underground Air Raid Shelter adjacent to Bull Point Gunpowder Magazine and Camber - Scheduled Monument No PY 1022: HA 1003059 - Debut Services (South West) Limited - 9 MAY 2014 DE Project No: Z9N0076Y11; Scheduled Monument Clearance - Ref S00037320 - AA075943/2-IPT4 - 8 Nov 2013; Design and Access Statement - Nov 2015 - Atkins; Planning Application Supporting Statement - Nov 2015 - AECOM; Statement of Community Involvement - Nov 2015 - AECOM; Environmental Statement - Nov 2015 - Atkins; Operational Hours Email from Agent dated 3rd November 2015, it is recommended to: **Grant Conditionally**

#### 14. Conditions

##### CONDITION: DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

##### CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: General Arrangement Drawing - 1392/1; Floor Plan - 1392/2; Typical Section - 1392/3; FOB FOST Proposed Security Fence - 5116453 AA (90) 07; Proposed Overview Site Plan - 5116453 AL (90) 06; FOB FOST, Building BP047 Existing Ground Floor Plan Demolitions and Elevations - 5116453 AL (20) 05; Proposed Storage Building Site Plan - Area B - 5116453 - AL (20) 02; FOB FOST, Building BP047 Existing High level Plan Demolitions and Sections - 5116453 AL (20) 06; FOB FOST, Building BP047 GA High Level Plan and Sections - 5116453 AL (20) 08; FOST FOB - Area B Proposed Building Drainage Layout - 5116453 CL (90) 04; FOB FOST, Building BP047 GA Ground Floor Plan and Elevations - 5116453 AL (20) 07; Building BP004 Record Drawing - 5116453 BP004; FOST FOB - Area A Proposed Drainage Layout - 5116453 CL (90) 03; Building BP044 Record Drawing - 5116453 BP044; Building BP003 Record Drawing - 5116453 BP003; Location Plan - P071-ACM-XX-00-DR-EN-00001; Proposed Tanker Stand Area C - Vehicle Tracking Analysis - P071-ACM-XX-XX-DR-CE-00004; Proposed Tanker Stand Area C - Site Plan - P071-ACM-XX-XX-DR-CE-00001; Proposed Tanker Stand Area C - General Arrangement - P071-ACM-XX-XX-DR-

CE-00002; Proposed Tanker Stand Area C - Drainage Plan - P071-ACM-XX-XX-DR-CE-00003;  
Proposed Helipad and FOB Existing Landscape Proposal - P071-ACM-XX-00-DR-EN-00003;  
Proposed Helipad and FOB Landscape Proposal - P071-ACM-XX-00-DR-EN-00004-RevB

FOB FOST External Lighting Layout - 5116453 AEL (63) 03; Proposed Helipad and FOB Site Plan - Area A - P071-ACM-XX-00-DR-EN-00002 RevA; Record of Existing Buildings BP003, BP004, BP044 and Underground Air Raid Shelter adjacent to Bull Point Gunpowder Magazine and Camber - Scheduled Monument No PY 1022: HA 1003059 - Debut Services (South West) Limited - 9 MAY 2014 DE Project No: Z9N0076Y11; Scheduled Monument Clearance - Ref S00037320 - AA075943/2-IPT4 - 8 Nov 2013; Design and Access Statement - Nov 2015 - Atkins; Planning Application Supporting Statement - Nov 2015 - AECOM; Statement of Community Involvement - Nov 2015 - AECOM; Environmental Statement - Nov 2015 - Atkins; Operational Hours Email from Agent dated 3rd November 2015

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

### **Pre-commencement Conditions**

#### **PRE-COMMENCEMENT: SURFACE WATER DISPOSAL**

(3) No development shall take place until details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is first brought into use.

Disposal of surface water details shall include, but not be limited to:-

- A Flood Risk Assessment for the site should provide evidence that the proposed drainage system including attenuation, can provide a 100 year return period (1% AEP) standard of protection plus a 30% allowance for climate change. Calculations and modelling data should be produced in support of any drainage design showing that the drainage system is designed to the required standard
- As a brownfield site, the PCC LFRMS requires that rate of discharge from the site is limited to greenfield rates for a 1 % AEP (1 in 100 year return period) event with a 30% allowance for climate change. An unattenuated surface water discharge to tidal waters maybe considered subject to controls and EA approval.
- The owner/manager( I would highlight that this maybe a public sewer and SWW will need to be consulted )of the existing surface water and combined sewerage system should be consulted regarding any final proposal to connect surface water into the existing surface water/combined system. Evidence of agreement to connect to the existing surface water system should be submitted before the drainage proposals are accepted.
- A CCTV condition survey of the existing drainage system should be undertaken where it is being utilised.

Details are required of exceedance flow routes and how these flows are to be intercepted and contained on site within the proposed system. Exceedance flows should be directed away from public access areas.

- Opportunities to eliminate pollution from surface water run off should be taken. To minimise pollution being discharged into the sewer network, separate systems for roof and highway drainage is recommended. Surface water run off from areas exposed to vehicles and fuel storage should be discharged via an interceptor or other method to remove potential pollutants.
- A construction environment management plan incorporating method statements should be submitted to demonstrate how the new drainage system and water environment is protected during the demolition and construction phases.
- The surface water drainage system including manholes and pipes should be designed in accordance with Sewers for Adoption 7th Edition (WRc 2012) where appropriate.
- A drainage pipe and manhole schedule will be required confirming pipes and materials.
- Details should be provided of the proposed silt traps and interceptors and the interconnecting drainage pipe material.
- As built record information will be required for the proposed drainage system including attenuation and interceptor systems.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

Justification: To ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure.

#### PRE-COMMENCEMENT: EXTERNAL MATERIALS

(4) No development shall take place until full details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

Justification: To ensure that the development can reasonably accommodate external materials that are acceptable to the local planning authority.

#### PRE-COMMENCEMENT: PROGRAMME OF ARCHAEOLOGICAL WORK

(5) No part of the development allowed by this permission shall be commenced until the applicant (or their agent or successors in title) has completed a programme of archaeological work, in accordance with a written scheme of investigation that has been submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme.

Reason: The site is considered likely to contain archaeological deposits that warrant appropriate investigation and/or recording in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Justification: To ensure that important archaeological features are properly protected / recorded before construction commences.

#### PRE-COMMENCEMENT: CONTAMINATION

(6) Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

To protect controlled waters. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by

preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Justification: To ensure that risks to health through contamination are properly considered and addressed before building works commence.

## **Other Conditions**

### **CONDITION: ARBORICULTURAL METHOD STATEMENT**

(7) All tree works shall be carried out in accordance with the details contained within submitted Proposed Helipad and FOB Landscape Proposal - P071-ACM-XX-00-DR-EN-0004 RevB. The measures contained in the approved statement shall be fully implemented and shall remain in place until construction work has ceased.

#### **Reason:**

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

### **CONDITION: HOURS OF OPERATION (FLIGHTS)**

(8) Helicopter landings and take-offs shall only take place between 07:30 and 19:00 Monday to Thursday and 07:30 to 16:00 on Friday. There shall be no flights on Christmas Day or Boxing Day. Helicopter flights outside the permitted operational days and times will only be permitted in emergency circumstances and following an emergency event the applicant will notify the Local Planning Authority within 7 days detailing the nature of the emergency flight.

An emergency is defined when there is significant risk to the safety of a military helicopter, or if there is a significant risk to someone's life that is being transported by military helicopter that cannot safely land elsewhere. Fully functioning Military Helicopters, and where no life is at risk that is returning late from deployment as part of the Fleet Helicopter Support Unit/Flag Officer Sea Training programme is not considered an emergency, and shall be diverted to Newquay when it cannot land and then take off again within the times hereby permitted. Emergency Flight definitions shall be defined and included in the complaints procedure to be submitted to and approved by the Local Planning Authority for clarity as requested by condition 12 of this permission

#### **Reason:**

To reduce the impact towards residential amenity, and protect the general amenity from any harmfully polluting effects at unsociable hours and avoid conflict with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 17 and 123 of the National Planning Policy Framework 2012.

#### CONDITION: TEMPORARY HOURS OF OPERATION (FLIGHTS)

(9) For a trial period of 18 months commencing from the first helicopter flight (the start date to be confirmed in writing to the Local Planning Authority) helicopter landings and take-offs will be permitted to take place between 19.00 and 21:00 Monday to Thursday and the number of flights shall not exceed an average of 2 flights per week between these temporary permitted hours.

The applicant should supply quarterly (3 months) flight records to the Local Planning Authority for monitoring purposes which will indicate whether or not the permanency of these temporary hours are acceptable should they be applied for in the future.

At the end of the 18 months trial period from the date of the decision notice, flights will only be permitted between 07:30 and 19:00 Monday to Thursday and 07:30 to 16:00 on Friday as approved by condition 8 of this consent unless otherwise agreed in writing by the Local Planning Authority through the submission of a Section 73 application.

#### Reason:

To reduce the impact towards residential amenity, and protect the general amenity from any harmfully polluting effects and avoid conflict with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 17 and 123 of the National Planning Policy Framework 2012.

#### CONDITION: MAXIMUM FLIGHT NUMBERS

(10) There shall be no more than 100 helicopter flights per month and no more than 1000 flights in a calendar year using the development hereby permitted. A flight is defined as one landing and one take off. The applicant shall provide quarterly (3 months) flight records to the Local Planning Authority for monitoring purposes to ensure that these limits are not exceeded.

#### Reason:

To reduce the impact towards residential amenity, and protect the general amenity from any harmfully polluting effects and avoid conflict with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 17 and 123 of the National Planning Policy Framework 2012.

#### CONDITION: AIRCRAFT TYPE (MILITARY)

(11) Only military helicopters or commercial helicopters working under contract to the military shall be permitted to use the Helipad hereby approved.

#### Reason:

To ensure that the facility is strictly used for military purposes only and to ensure that the development hereby approved protects residential amenity and general amenity from any harmfully polluting effects and avoid conflict with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 17 and 123 of the National Planning Policy Framework 2012.

#### CONDITION: PRE-OPERATION: COMPLAINTS PROCEDURE

(12) Before the development hereby approved becomes fully operational (i.e. prior to the first flight), a complaints procedure (which will include contact details for the base's community liaison officer or the MOD complaints telephone line) will be submitted to the Local Planning Authority for consideration. All complaints generated as a result of the operations of the development hereby approved shall be dealt with in accordance with the approved complaints procedure unless otherwise agreed in writing by the Local Planning Authority.

#### Reason:

To protect residential and general amenity by providing a method for dealing with adverse issues of the development in accordance with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CONDITION: BIODIVERSITY

(13) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Environmental Statement (dated November 2015) for the site which shall include measures in Table 5.1 including provision of 5 bird and 5 bat boxes, maintenance of dark corridors, planting of night scented flowers and leaving longer edge grassland zones.

#### Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109, 118

#### CONDITION: UNSUSPECTED CONTAMINATION

(14) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

#### Reasons:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 -123 of the National Planning Policy Framework 2012.

#### CONDITION: SCHEDULED MONUMENT CONSENT

(15) The works hereby permitted shall be carried out in strict accordance with all conditions contained within the Schedule Monument Clearance for Scheduled Monument No. PY 122; HA



1003059 - BULL POINT GUNPOWDER MAGAZINE AND CAMBER, PLYMOUTH (Ref: S00067320).

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

#### CONDITION: HIDDEN FEATURES

(16) If, during the course of the works, presently hidden archaeological features are revealed, the applicant shall immediately stop work and inform the Local Planning Authority, and shall not continue with the works until agreement has been reached as to the retention or recording of those features.

Reason:

To ensure that any hidden features are recorded and/or retained, as deemed appropriate, in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

#### CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

(17) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

A: No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

B: If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars [plan no. ^IN] (or in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies CS18 and CS34 of

the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

#### CONDITION: TREE REPLACEMENT

(18) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and are subsequently properly maintained, if necessary by replacement.

#### Informatives

##### INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(1) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

##### INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(2) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way including pre-application discussions and has imposed planning conditions to enable the grant of planning permission.

##### INFORMATIVE: ENVIRONMENTAL PERMITTING

(3) Any non-mains foul drainage system associated with this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010, unless it satisfies the General Binding Rules for small sewage discharges in England. The General Binding Rules can be found online at

<https://www.gov.uk/government/publications/small-sewage-discharges-in-englandgeneral-binding-rules>. If the proposed foul discharge will not satisfy the General Binding Rules the applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed online

at <https://www.gov.uk/permits-you-need-for-septic-tanks>. All new and existing fuel storage should have appropriate bunds/ secondary containment with spill kits and other protection measures as appropriate.

##### INFROMATIVE: ENVIRONMENTAL PERMITTING

(4) Any non-mains foul drainage system associated with this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010, unless it satisfies the General Binding Rules for small sewage discharges in England. The General Binding Rules can be found online at

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All new and existing fuel storage should have appropriate bunds/ secondary containment with spill kits and other protection measures as appropriate

#### INFORMATIVE: NESTING SEASON

(5) It is an offence under the Wildlife and Countryside Act to damage to destroy the nest of any wild bird while it is in use or being built and it is also an offence to disturb many species of wild bird while nesting.