F/YR11/0752/F 13 January 2012

Applicants : Fenland Resource Agent : Mr Andrew Villis

Management Ltd. and Hanson Quarry

Products Ltd

Land at Block Fen, Block Fen Drove, Mepal, Cambridgeshire

Temporary use of land for a period of 5 years for the purposes of motorsport usage including siting of four portable buildings and use of land for siting of recreational motor vehicles.

This proposal is before the Planning Committee as the application is a matter of wider concern and the recommendation is contrary to the views of Chatteris Town Council.

This application is a major.

1. SITE DESCRIPTION

The site is located on an 8 hectare area of land at the Hanson Quarry Products Europe (Old Wash Plant) at Block Fen, Mepal. The site was formerly used for aggregate washing and is bounded to the north by flooded ponds and mineral workings, to the south by existing mineral workings and to the east and west by agricultural land. There are also scattered trees and shrubs within the site generally on the east side. Externally to the site and beyond the mineral working areas there are a number of residential properties. Access to the site is taken from a relatively narrow single track road (Block Fen Drove) which is adopted along most of its route.

2. **HISTORY**

Of relevance to this proposal is:

F/YR02/2031/CM - Creation of a lagoon for dust suppression purposes

involving the removal of minerals (part

retrospective) – deemed consent 13/05/2003

F/98/0363/CM - Determination of conditions in respect of extraction

of sand and gravel – Deemed consent 27/11/1998

F/0257/92/CM - Mineral Extraction

3. **CONSULTATIONS** (received to date of report)

Chatteris Town Council: Raise no objections – remote site and

few neighbours to disturb.

Mepal Parish Council

The Council resolved unanimously to object strongly to the application for the following reasons:-

- Numerous complaints made by local residents about noise over approximately 3 years detrimental effect on quality of life unable to use gardens during operational periods and noise heard inside homes residents outside 2km adversely affected bunding does not alleviate noise nuisance.
- Mepal Outdoor Centre, a valuable local facility and educational resource, is jeopardised by the noise nuisance.
- The use of the land for noisy motor sports runs entirely contrary to the Minerals and Waste Plan and to local vision for the area.
- Objection would have been made to the minerals application for the site had noise and traffic movement been a major concern
- Retrospective planning permission for the 4 containers should also be refused and immediate removal sought

The Wildlife Trust

The Wildlife Trust object to this current application on the basis that the information submitted does not demonstrate that there would not be adverse ecological impacts, contrary to the guidance and principles set out in PPS9 Biodiversity & Geological Conservation and contrary to local planning policies in Fenland and Cambridgeshire that seek to protect County Wildlife Sites (sites of substantive local nature conservation importance in PPS9 terminology).

Natural England

This application is in close proximity to Ouse Washes SSSI. However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites. The lack of further comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may be able to make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process. However, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when determining this application protected species, Local wildlife sites and Biodiversity enhancements.

CCC Planning

The mineral and waste planning authority maintains its original objection for the following reasons. Additional ecological information needs to be provided prior to the determination of the planning application to ensure that ecological issues have been fully considered (in accordance with Planning Policy Statement 9). The land has planning permission for the extraction of sand and gravel dating from 1960 and new conditions were imposed under the Environment Act 1995 in 1998 (ref F/0363/98). We are disappointed that the current application fails to acknowledge the extant planning permission for the site which requires the site to be restored for water and nature conservation purposes (see Condition 22, planning permission F/0363/98). The information provided does not fully demonstrate how the proposed motorsport development will accord with this planning permission,

or how the current proposals will impact on the overall restoration of the site for water and nature conservation purposes. The current application area also forms part of an area of land that is included in the S106 planning obligation on which planning permission for mineral extraction (ref F/0257/92/CM) was dependent. In conclusion, the MWPA considers that permission should not be granted until:

- the applicants have confirmed that no mineral extraction will take place until the outstanding matters in permission F/0363/98 have been addressed:
- ii) the application has been amended to omit the importation of inert waste to construct the noise attenuation bunds
- iii) the ecological issues set out in detail above have been addressed.

Middle Level IDB:

No pre-application discussion occurred. The nearest Board's drain is approx. 160 metres SW of the site. The requirements of the Land Drainage Act must be complied with before any work is commenced on site.

Local residents/interested parties:

The following is a part summary and part quote of objections to the development from 1 organisation and 12 individuals.

- Unacceptable noise nuisance
- High pitched whine from motocross engines diminishes the quiet enjoyment of the area
- Dramatic increase in frequency and number of people using the site
- Served by a single track road intended for sand and gravel lorries from adjoining quarries
- Ineffective noise bunding

- We can hear this noise all the time that racing is going on – whatever the wind direction
- We have had to put up with this situation for 2 years
- I don't see why another stop notice can't be issued
- This is obviously causing our family great annoyance and detrimental affect on our standard of living
- The noise is unbearable as the open landscape allows the persistent noise to travel
- As far as we know the noise levels of the current meets have not been monitored
- Damage to our own quality of life
- Potential damage to the value of our property
- Extreme nuisance to neighbours
- Damage to the intention in the Minerals and Waste Plan for reinstatement of the application area following the mineral extraction - for wildlife and public enjoyment in the countryside
- The containers should be removed immediately
- The unlicensed use of the land for motor sports over the last 3 years has been a source of great stress to me and to my neighbours
- The suggested hours of operation mean that we shall have to endure

 inside and outside the house and buildings as well as even louder in our garden and yard a noise nuisance that I can only describe as like having a swarm of bees buzzing in our heads for very long periods. Please will you and your enforcement officers do everything you can to ensure that it ceases as soon as possible
- Over the last 3 years the motor sports at Block Fen have been a living nightmare for us and our family

- We have had constant harassment and abuse in the last 3 years from illegal motorbike users who have tried to use Pingle Drove as a short cut to Block Fen
- Our children are unable to play outside on race days
- This will have no economic gain on our local communities. Users already self sufficient in their big motor homes
- The proposed applicant needs to consult with an expert environmental consultancy re: noise impact assessment, air quality assessments, noise nuisance and legal issues
- We did not expect to experience such noise pollution in the area.

One letter of support has been received stating:-

 I would very much like to see this project go ahead as it will provide an excellent sport for the young people.

Environmental Health FDC

The Food and Safety Team. (Environmental Health FDC), have had nothing from the applicants which satisfies a request for a full noise acoustic report, including noise mitigation measures. Environmental Health make objection to this application with respect to the fact that no submission has been given in relation to Noise Control nor has a noise/acoustic report been forthcoming. Whilst I accept that our officers have had an on site meeting with the applicant earlier in the year, Environmental Health will still need a full noise report from the applicant clearly showing relevant background noise levels, the impact of the motorcycle meets on these background noise levels, identifying the nearest residential home and the steps the applicant intends to take to prevent nuisance. I wholly advise the applicant to speak to a qualified and

competent acoustician/company who will be able to assist them in presenting Environmental Health (FDC), with a full noise report and description of the noise absorption techniques to be implemented.

East Cambridgeshire District Council – Environmental Health

We are concerned regarding the lack of noise information to show the potential impact on residents in the area. We have previously received 2 complaints regarding the motocross activity at this site and it has been easily heard as far away as Mepal. The noise from Moto-cross can be very intrusive and we have another site where we have received noise complaints from up to 2km away. Even though this application is for a temporary period we feel the number of events permitted is quite intense. Due to this, and the fact that there is no noise report to support this application, ECDC have to object on the grounds of potential noise nuisance.

Environment Agency

The site is located within Flood Zone 3 (high risk) - but consider that a Flood Risk Assessment is not required. There are activities associated with the proposed development that have the potential to cause pollution of the environment (e.g. fuel storage and delivery; movements and long-term (e.g. overnight) parking of larger vehicles such as vans, lorries and motor homes). Planning permission should only be granted if a pollution control condition is imposed and advice re. foul drainage, surface water drainage, oil storage/fuel delivery areas, pollution prevention and control and waste.

CCC Highways

The carriageway of Block Fen Drove is relatively narrow along most of its adopted route. As a result of increased mineral extraction activities there is a proposal to widen and

reconstruct Block Fen Drove, the cost of which is to be borne by the mineral extraction companies. Such works are required by Planning Condition to be completed by August 2012. I do not consider that an objection from the highway point of view could be sustained. Sufficient space must be provided within the site to enable all vehicles to park clear of the public highway and to enable all vehicles to enter, turn and leave in forward gear. The access into the site must be improved to comprise a minimum width of 7.3m for a minimum distance of 20.0m measured from the nearside channel line of the carriageway of Block Fen Drove. Such access to comprise minimum junction radii of 15.0m. Gates must be set back a minimum of 15.0m. Visibility splays of 2.4m x 70.0m to be provided each side of the access.

CCC Archaeology

We would not object to this planning application and would not consider archaeological works to be necessary.

CC Architectural Liaison Officer

The major crime Risk is to unauthorised access of the four containers. I would advise that suitable locking arrangements are investigated and actioned. In respect of other crime risks these are low and we would not object to granting permission.

4. **POLICY FRAMEWORK**

FDWLP Policy

E1

- To resist development likely to detract from the Fenland landscape. New development should meet certain criteria.
- E8 Proposals for new development should:
 - -allow for protection of site features:
 - -be of a design compatible with

their surroundings:

-have regard to the amenities of

adjoining properties;

-provide adequate access, parking, manoeuvring and amenity space.

E20 To resist any development which

by its nature gives rise to unacceptable levels of noise nuisance and other environmental pollution. To take account of the amount, type and location of hazardous substances where proposals are submitted involving

these substances.

R1 Proposals will normally be favoured

> for recreation and leisure facilities where such development satisfies

9 criteria.

T3 To permit camping and touring

caravan sites on appropriately

located sites.

TR3 To ensure that all proposed

> developments provide adequate car parking in accordance with the

approved parking standards.

East of England Plan

SS1 Achieving Sustainable

Development

ENV7 Quality in the Built Environment

Planning Policy Statements

PPS1 **Delivering Sustainable**

Development

PPS9 Enhancement of biodiversity

PPG24 Planning and Noise

5. **ASSESSMENT**

Nature of Application

This is a retrospective full planning application for the temporary use of land for a period of 5 years for the purposes of motorsport usage including siting of four portable buildings and use of land for siting of recreational motor vehicles. The site, which was formerly used for aggregate washing, extends to approximately 8 hectares and has been operational at various levels for the last two to three years. The sandy material existing on site, which has a consistent grade across the whole of the site and is particularly suitable for moto-cross, has been shaped to form an undulating circuit varying in height and width whilst retaining a random distribution of trees and shrubs. The circuit is surrounded by mounds approximately 4 metres high. They are intended to act as sound barriers and, in part, viewing platforms for spectators.

Access to the site is taken from a relatively narrow single track road (Block Fen Drove) which is adopted along most of its route. A planning condition from previous consents requires Block Fen Drove to be widened and reconstructed by August 2012 at the cost of the mineral extraction companies although implementation works in this regard are not evident.

Within the site and contained by bunds is a flat unsurfaced sandy based car parking area which is used for a variety of purposes including; car and van parking, recreational vehicle parking, 4 portable buildings used for storage, temporary toilet units, motor bike preparation and a mobile container/bowser.

The proposed use of the site is for the period from October to June. Practice opening hours are from 9 am to 4 pm 7 days a week and race event hours are from 9 am to 4 pm at week-ends and bank holidays. The type of vehicles using the site range from motorcycles with an engine capacity range from 65cc through to 450cc with the occasional 250cc and 450cc quad bike. The vehicle parking area will provide for 60 cars, 75 vans and lorries, 85 recreational motor vehicles and 5 other vehicles such as quad bikes and ambulances.

As an illustration of the scope/scale of the events to be hosted the applicant states that they intend to hold three major British National events in the next four months as follows:

- 1. British National GT Cup Round 1- 31st March 1st April 2012: 300 Riders and 800 spectators.
- 2. British Championship Quad and Sidecars Round 1 15th April 2102: 200 Riders and 1000 spectators.
- 3. British National 2 Stroke Championships Round 2 22nd April 2012: 200 Riders and 1500 spectators.

The application is considered to raise the following key issues:

- Site history
- Principle and policy implications
- Noise and impact on residential amenity
- Environmental management

Site history

The applicant has been operating motor sport events at this site for the last two to three years. Under the terms of the Town and Country Planning (General Permitted Development) Order 1995 Part 4 Class B.2 – Temporary Buildings and Uses, the use of the site for such activities for a 14 day period in any one calendar year is classified as 'permitted'. Outwith that period planning permission is necessary. On 14 February 2011 Fenland District Council decided to issue a Temporary Stop Notice (effective for 28 days) in order to allow the applicant to submit a planning application which could be given consideration. The applicant subsequently prepared an application and commenced a submission in June 2011, but it was not until 30 September 2011 that an apparent 'valid' planning application was received for consideration. Following discussions with the applicant in December 2011 it was ascertained that the application was not 'valid' due to an incorrect ownership certificate. Following submission of an amended application form and description the application is now considered valid, notwithstanding its deficiencies in terms of the information presented. The main difference between the original application and the resubmitted application is that the current application excludes reference to the extant mineral consent, specifies a duration of a period of 5 years, includes reference to recreational motor vehicles and provides more specific hours of operation all as outlined above.

The site has a valid planning permission for the extraction of sand and gravel dating from 1960 and new conditions were imposed under the Environment Act 1995 in 1998 (ref F/0363/98). The current application proposes to use the site for a period of 5 years, but does not show how the extant planning permission for the site will be brought forward – specifically restoration for water and nature conservation purposes (see Condition 22, planning permission F/0363/98). The application does not fully demonstrate how the proposed motorsport development will accord with this planning permission, or how the current proposals will impact on the overall restoration of the site for water and nature conservation purposes. The current application area also forms part of an area of land that is included in the S106 planning obligation on which planning permission for mineral extraction (ref F/0257/92/CM) was dependent. An objection dated 31 October 2012 has been received from Cambridgeshire County Council's Strategic Planning on grounds relating to ecology and the importation of waste in relation to the extant planning consent for minerals on the site. Resolution of the minerals consent in relation to the moto-cross application, therefore, remains unresolved.

The applicant has been made aware on numerous occasions that he has been operating the site without the benefit of planning permission. The applicant has responded by stating that he is contributing to the local economy and is providing a unique motor sports event site. There would, therefore, appear to be no intention of ceasing the use of the site pending the outcome of the planning process.

Principle and policy implications

Local Plan Policy R1 states that proposals will normally be favoured for recreation and leisure facilities where such development satisfies various criteria. The application fails to meet 3 of the 9 criteria listed in the Local Plan.

Specifically, it is illustrated below how the application has and is likely to continue to create serious amenity problems for adjoining land users and neighbouring settlements by virtue of noise, would result in unacceptable impact in ecological and environmental terms and would be inadequately serviced based on current proposals.

Local Plan Policy T3 allows for tourist camping and touring caravan sites on appropriately located sites subject to the criteria set out in Policy R1 above. The recreational motor vehicles are an integral part of the moto-cross proposal. Therefore, as the application does not meet 3 of the R1 Policy criteria the overall proposal is contrary to policy T3.

Local Plan Policy TR3 is designed to ensure that all proposed developments provide adequate car parking in accordance with the approved parking standards. There is sufficient space to provide adequate parking and the CCC Highways Engineer has not objected subject to certain improvements being carried out on the site.

Local Plan Policy E1 resists development which is likely to detract from the Fenland landscape. The proposal would conceal the site within bunds, retain existing trees and shrubs and would not detract from the surrounding Fenland landscape.

Local Plan Policy E8 requires that proposals for new development should allow for the protection of site features, be of a design compatible with their surroundings, have regard to the amenities of adjoining properties and provide adequate access, parking, manoeuvring and amenity space. The proposal will protect vegetation on site and could be made to be compatible in terms of design/access/parking etc. However, the proposal is lacking in its disregard for the amenities of adjoining property and the locality in general in that unacceptable noise levels adversely affect those properties and the locality.

Local Plan Policy E20 resists any development which by its nature gives rise to unacceptable levels of noise, nuisance and other environmental pollution. Also, type and location of hazardous substances should be controlled. The Council's Environmental Health (Food and Safety) have recently been in touch with the applicant to ascertain the current position regarding noise survey monitoring. This monitoring is in relation to separate statutory Environmental Health legislation as well as informing the planning position in relation to noise. The applicant has advised that their noise monitoring proposals will not start until the 1st February and end on the 19th Feb 2012. From a planning point of view the proposed noise/acoustic report methodology will not provide sufficient information to properly assess noise issues. The proposal, therefore, remains contrary to this policy by virtue of unacceptable noise levels at adjoining property and the locality in general.

East of England Plan Policy SS1 (Achieving Sustainable Development) promotes environmentally sensitive development which respects environmental limits by seeking net environmental gains wherever possible (or at least avoiding harm) and Policy ENV7 (Quality in the Built Environment) has regard to the needs and wellbeing of all sectors of the community by

specifically reducing noise pollution. The proposal does not meet this criteria.

The Governments objectives under PPS1 seek to promote sustainable development including the protection of the environment and improving people's quality of life and protecting and enhancing existing communities. The development does not meet this objective by virtue of adverse noise effects on people and communities.

PPS9 (Biodiversity enhancements) provides opportunity to incorporate features into the design which are beneficial to wildlife. There are no proposed measures to enhance the biodiversity of the site, nor does the scheme demonstrate that there will be no adverse impacts in terms of ecology on the site.

Government Policy PPG 24 outlines considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which will generate noise. Noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities and can be a material consideration in the determination of planning applications. Local Planning Authorities are directed to consider carefully whether proposals for new noise sensitive development would be incompatible with existing activities and that such development should not normally be permitted in areas which are - or are expected to become subject to unacceptably high levels of noise. This is notwithstanding the additional statutory powers to control noise existing outside the planning system. The proposal has failed to submit adequate information on noise effects on individuals and local communities and objections have been received from those individuals and communities based on the current level of operations which could be significantly increased if the existing unauthorised activity becomes regulated by consent. The proposal fails to meet the terms of this policy.

Noise and Impact on residential amenity

Since the original submission, the planning application has been deficient in a number of areas – in particular the lack of a suitable noise report. The applicant confirmed during the course of the application that he had employed an acoustics firm to undertake a noise report for the site. However, the operation has been ongoing for some considerable time and noise nuisance complaints have been received by both the Council's Environmental Health and Planning Services.

The separate Environmental Health allegations are the subject of ongoing investigation under the terms of Section 79 of the Environmental Protection Act 1990 and may result in separate statutory action being taken.

From a planning point of view noise was assessed taking into account consultations and contributions received to date. Unfortunately, no noise assessment has been submitted by the applicant to rebut the objections received. However, in his planning support statement the applicant placed particular emphasis on the need to collect and correlate noise data, was aware of the need to prevent sound migration from the motor sport usage on

site, indicated that an acoustic bund would be constructed around the site and that "Noise suppression banking and process monitoring will ensure that environmental factors and impacts are fully understood and controlled".

In consultation with the Council's Environmental Health Officer the applicant was advised that Environmental Health officers objected to this application as no submission has been given in relation to Noise Control nor had a noise/acoustic report been forthcoming. That remains the current position of officers. A full noise report clearly showing relevant background noise levels, the impact of the motorcycle meets on these background noise levels, identification of the nearest residential property and the steps intended to prevent nuisance are all required. Guidance was given to the applicant and he was advised to speak to a qualified and competent acoustician/company who would be able to assist in presenting a full noise report and description of the noise absorption techniques to be implemented based on the following:-

- representative background noise levels at the nearest noise sensitive premises
- the likely noise levels generated at the site /impact on local residents/ nearest noise sensitive premises
- distance calculations/noise levels to be expected at the nearest local resident's home
- a frequency analysis of the noise at source to identify the frequency bands most likely to cause noise nuisance - i.e. very high frequency and low frequencies
- the steps to be taken to ensure that the noise is controlled at source, so far as is reasonably practicable.

On 05 December 2011 the applicant advised officers that Advanced Noise Solutions had been chosen to commence noise monitoring in the week commencing 12 December 2011. This was subsequently confirmed in a letter dated 23 December 2011. Ongoing discussion and exchanges of letters took place regarding the applicant's proposals for noise monitoring and assessment. The applicant was advised throughout the process that the planning application submission required to be accompanied with a noise control/acoustic analysis report. The applicants current proposal to monitor noise in the future does not propose an acceptable methodology for assessing noise implications in relation to the planning application - nor will it justify the submitted planning support statement. Evidence has been received in consultation and from contributors expressing extreme concern over existing noise levels. There now appears to be no prospect of receiving a satisfactory noise control/acoustic analysis report in which case the proposal, as it stands, is unacceptable.

Environmental management

There are outstanding issues relative to the general management of the site in particular, rubbish collection, toilet provision, car parking arrangements, existing/proposed landscaping, fuel control, access, spectator viewing, biodiversity etc. These issues are not adequately set out in the planning application. However, it has been stated by the applicant that no materials

have been imported into the site and the existing bunds on site have been constructed using sand from within the site. Whilst some of these issues could be dealt with by way of planning conditions, the application is not in a position where it is acceptable in principle.

6 **CONCLUSION**

It is considered that the application is deficient in the areas outlined above – in particular the impact of noise on adjoining residents and communities. It appears that noise and other issues are unlikely to be resolved within a reasonable timescale during which the applicant has indicated that he intends to continue to use the site for motor sport purposes – something which has been ongoing for two to three years.

The applicant has been advised that his activities are unauthorised, that economic benefit was only one aspect of a number of policy and environmental assessments to be considered as part of the planning application process, that the community at large had an equal expectation that the planning process would come to a reasoned decision on the application and that the Council would consider and take any appropriate action under its environmental health, planning and planning compliance responsibilities.

The applicant has been given full opportunity to provide additional information recognising the corporate 'open for business' objective to enable, without prejudice to its outcome, full and proper consideration to be given to the application. However, this has not been achieved and the application remains to be determined on the basis of the information available.

6. **RECOMMENDATION**

REFUSE

Reasons

- The applicant has failed to submit a noise/acoustic report clearly showing background noise levels, the impact of motorcycle meets on these background noise levels, identification of the residential or other properties likely to be affected by noise and the measures required in order to mitigate potential noise nuisance. In the absence of a noise/acoustic report the application cannot be given full and proper consideration and is, therefore, contrary to Government Planning Policy Guidance 24 and the Fenland District Wide Local Plan Policies R1, E8, T3 and E20.
- No information has been submitted to show that the proposed hours of operation, in particular those at weekends and in the evenings, will not affect the amenity and enjoyment of adjoining residential properties by virtue of noise nuisance in an open Fenland setting and as such the proposal is contrary to Government Planning Policy Guidance 24 and the Fenland District Wide Local Plan Policies R1, E8, T3 and E20.

- The applicant has failed to supply the necessary ecological information to enable the application to be given full and proper consideration and the proposal is, therefore, contrary to Government Planning Policy Statement 9 and the Fenland District Wide Local Plan Policy R1.
- The applicant has failed to submit satisfactory site restoration proposals which take into account restoration conditions attached to planning application reference F/0363/98 (granted by the Cambridgeshire County Council in a decision notice dated 27 November 1998) and the terms of a Section 106 Planning Obligation dated 28 November 2002 on which the original planning permission for mineral extraction (also granted by Cambridgeshire County Council reference F/0257/92/CM) was dependent.
- In the absence of details of the proposed importation of "inert infill" in order to create the proposed 4 metre high noise bunds, the restoration scheme approved under condition 22 of the application (approved by Cambridgeshire County County under reference F/0363/98) may be prejudiced.



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