

F/YR11/0752/F
13 January 2012

**Applicants : Fenland Resource
Management Ltd. and Hanson Quarry
Products Ltd**

Agent : Mr Andrew Willis

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: i) 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 2012: 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 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 1 February and end on the 19 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 5 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.

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

- 1 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.**
- 2 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.**
- 3 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.**
- 4 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.**
- 5 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 Council under reference F/0363/98) may be prejudiced.**

UPDATE

The above report was submitted to the Planning Committee on 8 February 2012 together with a written update which was as follows:

- On 8 February 2012 (date of planning committee) a noise executive summary report in respect of the Block Fen site was received. Discussion with the agent indicated that this related to a substantial report on noise at the site which has not been received. In**

the absence of the main report it is not possible for officers to advise the Planning Committee further in relation to noise and the original committee report refers.

- On 8 February 2012 (date of planning committee), and having received updated information, Chatteris Town Council advised that it wishes to change its recommendation to the following:

“Recommend refusal on the grounds of unacceptable noise pollution, disturbance to neighbours and the local leisure facility Mepal Outdoor Centre and unacceptable illegal activities which have taken place on the site over recent years”.

- Mepal Parish Council have submitted a further updated letter of objection concerning; noise nuisance from an unlicensed site, complaints from people living at a 2km distance, no monitoring data has been submitted, bunding is unlikely to contain noise within the fenland landscape, objection would have been made to the original gravel extraction application had motorsports been envisaged due to potential noise, ecological issues have not been dealt with, concern about importation of inappropriate materials, unable to reconcile a suggested 5 year term with reinstatement which has been agreed between the gravel extractors and the County Council, little or no economic benefit noted within our Parish during the period of use until now and will inhibit sustainable economic growth.
- The Wildlife Trust have submitted a further letter stating:

“the Wildlife Trust therefore has no alternative but to 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 has submitted a further response which is in similar terms to the response summarised in the main report.
- 10 additional persons submitted further objections in similar terms to those summarised in the main report.
- 14 letters of support have been received stating that this is a fantastic track, professionally run, riders travel from all over the country and internationally, soft sand makes it ideal for riding, major championships are staged at the site, it is a family sport, and the site produces ideal physical and mental riding challenges.

In light of the above and given that immediately prior to the meeting, the Chairmen noted that he had received a request for a noise assessment summary to be circulated to members, which he declined due to the lateness of receiving this information. As such the Chairman considered it appropriate for the application to be deferred to enable officers to undertake an assessment of the noise report received.

UPDATE REPORT FOR PLANNING COMMITTEE ON 7 MARCH 2012

UPDATES

ADDITIONAL INFORMATION

As indicated above on the day of the February Planning Committee a noise report in respect of the Block Fen site was received. This was assessed by Environmental Health and CCC Planning who commented as follows:

Environmental Health

Based on the submitted report the following initial opinion has been offered on the noise report:

"In my opinion there is a high irritation/tonal factor to the noise from the motor bikes - BS4142 states this equates to an increase of the calculated noise level of +5. This was agreed by the applicant's noise consultant who found a 4db increase in the frequency levels between 500hz and 1khz - on analysis of the frequencies of the noise from the motorbikes - increases of 4 to 5db between these high frequency bands denotes a tonal/high irritation factor within the noise. (The high irritation/tonal characteristic of the noise from the motorbikes is verified by my [the Officers] own noise monitoring at complainant's homes). Therefore calculated noise level (laeq rt) at complainant's properties will be - 53 + 9 + 5 = 67 db. This shows an increase in background noise levels of 27 db

BS 4142 states an increase of 10 db or more shows that complaints are likely from local residents, and, of course, we have had numerous noise complaints. The calculated noise levels from the use of motorbikes at the proposed development is 17db above this.

Further discussion with Mr Knott [the Author of the report] resulted in an agreement that the noise levels from the proposed development were too high and that a submission relating to potential noise attenuation measures would need to be forwarded with the noise report. We agreed that these measures should achieve an attenuation of approximately 22 db to achieve a 45 laeq level, which would be 5db over background noise levels.

Following further discussion Environmental Health consider that they cannot make any decisions on the proposals of the noise attenuations methods proposed by the agent until Cambridgeshire County say that these proposals are feasible and allowable at the site, therefore noise issues can not be addressed until the agent gets positive feedback from CCC Planning.

Environmental Protection have further advised the agent that they must forward their proposals to CCC and obtain their agreement in writing, which should be then forwarded to Environmental Protection as if the noise attenuation techniques are not viable then EP would once again have to object to the application.

Further liaison is ongoing between the Applicants noise consultant and EP and further clarification has been sought. This is mainly due to there being no noise calculation equations in the report that can be checked for accuracy as to the effectiveness of the noise bunds the applicant intends to use to attenuate the noise from the proposed development.

The EP team consider that the noise from the site is substantial. This is a subjective judgement during noise monitoring over two half hour periods at complainant's properties while the track was being used and the applicant's own noise report shows clearly that noise nuisance will be experienced at noise sensitive residential homes. Further information has been requested in support of the application:

Environmental Health write to advise that no further answers to our queries as of 15 February 2012, have been forthcoming from the applicant. The requests being for:

- a drawing of the bunds, preferably three dimensional
- drawings of the position of the bunds around the track
- The bunds' (plural) dimensions and noise attenuation qualities.
- Clear noise calculations, showing the effectiveness of the bunds you intend to build, which must include the projected noise at nearest noise sensitive premises
- The time the bunds will take to build
- Advice on whether the applicant intends to run motor cross events during construction of the bunds.
- A statement relating to the planning issues that both Seamus Lalor and Helen Wass, (CCC) brought up in the meeting of 14 February 2012, these being the matters surrounding outstanding Section 106 agreements and lack of ecology statements.

I feel these are highly pertinent, and was of the opinion that whilst the applicant advises his company intend the bunds to be their main source of noise attenuation, there was nothing clear from Cambs CC, to Environmental Health (FDC), that the applicant could actually build the bunds and satisfy the Cambs County Council Planning Team of the obligations already attached to the site.

In this respect further clarification is needed as to the applicant's position in relation to these outstanding Cambs CC planning matters.

Owing to this lack of information which Environmental Health must have to decipher the application fully we are unable to lift our original objection to this application.”

CCC Planning

The County Council, as the mineral and waste planning authority has objected to the application for the following reasons:

Ecology – Previously highlighted issues have not been addressed and their objection still stands in this regard.

Importation of waste – is not permitted under the terms of the planning permission for mineral extraction and may prejudice the implementation of the approved restoration scheme. It has not to my knowledge been demonstrated by the applicant (by means of a professional acoustic assessment of the impacts of the motor sports use) that bunds are necessary for noise attenuation purposes. If bunds are considered necessary by the EHO to make the scheme acceptable CCC considers that a more appropriate source of construction material is soil from the nearby site that Hanson is proposing to open later this year. I note that Hanson is a joint applicant for the current application. Fenland Resource Management Ltd need to discuss this with their co-applicant – the soil may not be available when FRML need it and if permission is granted for the motor sports use for a short period may need to be returned to Hanson to allow the motor sport site to be restored in accordance with the scheme approved under the mineral permission.

Restoration – as previously identified to the applicant there is a planning requirement under the terms of the mineral permission for the site to be restored in full by 27 May 2014. Whilst CCC have suggested that they are open to an alternative restoration scheme being pursued provided that it is in accordance with the principles of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Block Fen/Langwood Fen Master Plan DPD no such restoration scheme has been tabled. Unless and until an alternative restoration scheme has been accepted by the MPWA the County will expect the site to be restored under the terms of the mineral permission. A 5 year planning permission for motor sports would not allow the site to be restored by May 2014. An alternative restoration scheme at the end of a 5 year period of motor sports use would have to persuade the County that delaying the restoration of the site is in the best interests of the area.

As the County have consistently advised Messrs Willis and Bowers, the MPWA is not opposed *per se* to the site being used for motor sports for a limited period provided it does not compromise the restoration of the site as required by the mineral permission. The application as submitted does not, for the reasons set out above and more fully earlier communications, demonstrate to the MPWA that the satisfactory and timely restoration of the site will be achieved. The proposals as submitted are not acceptable to the MPWA and the County Council maintains its objection to the application.

Supplementary advice received from CCC Planning

Noise bunds will only be acceptable to CCC if:

- they are fit for purpose and the smallest (in volume) possible to achieve the necessary mitigation; and
- the County are satisfied that the construction material (which shall not be waste) can and will be removed from the site to allow its restoration; or
- the construction material can be retained as part of an alternative restoration scheme that has been agreed in advance with us.

No information has been provided that shows that these provisos will be met. In case bunds from Hanson's "as raised" mineral, overburden or stripped soil are not feasible for Hanson's operational reasons it has been suggested that the applicant's noise consultant explores alternatives.

ADDITIONAL CONTRIBUTIONS RECEIVED

Mepal Parish Council

Councillors are extremely concerned that there has been a further delay in the determination of this planning application and that the unlicensed use of this site continues to be allowed to disrupt the lives of our residents. Clarification has been sought regarding the noise survey and as they wish to have it analysed on behalf of their constituents and request that Fenland's relevant representatives attend a public meeting to discuss the survey when the Council's evaluation is available. They also raise queries regarding the likely determination date and ask why the unlicensed use of this site has been permitted and continues to be permitted and under what powers the DC is allowing use of the site so often without formal permission?

Objectors

Two further letters of objection have been received in similar terms to those already reported but recording noise nuisance in the vicinity and advising that "along with other

local residents they are now in legal consultation with litigation solicitors regards possible action against the Organisers, the Landowners and Fenland District Council regarding MotoX site at Block Fen Mepal. Requesting that a Stop Notice, even temporary, be served very urgently on the organisers and Hansons”.

Middle Level Commissioners

The proposed temporary use should not unduly affect the Boards system or operations.

The Applicant

The Applicant has advised that:-

1. Further noise data is being collected this weekend. We will use the race meeting on Sunday to establish the high usage data. The noise consultant will provide further key receptor data at the known problem areas on engine bank and also four compass point receptors to establish data for the bank construction on all points of the site.
2. The noise consultant will provide (EH) with the noise suppression calculations for the bank.
3. We have a meeting with Cambridgeshire County waste and minerals planning and Hanson Quarry Products Europe (HQPE) on Monday 20th February 2012 at 1500 to finalise a plan for construction of the noise suppression banking and synchronise this construction into the site 106 restoration obligations.
4. HQPE have topographical site survey data that we can use to calculate elevation levels for civil engineering bank construction. We also have proven noise suppression banking construction data from another District Council to form part of this calculation.

Given the site complexities of this site with usage and mineral extraction consent and the need to complete the exercise to evaluate if an effective noise suppression solution can be achieved it may be appropriate for the Chairman of the planning committee to recommend adjournment of the next meeting for a period of one month to complete this process”.

And this was supplemented with the following information:

“Please be advised that following our recent meeting with Cambridgeshire waste and minerals planning (CCWMP) and Hanson Quarry Products Europe (HQPE) it was agreed as follows:

1. Fenland Resource Management (FRM) to provide an additional noise report from the data collected on Sunday 19th February 2012.
2. HQPE advised that they would not be restoring the site to the current proposed restoration scheme.
3. It was agreed that the use of material from the HQPE proposed new excavation at Langwood Fen could be used to construct the noise suppression bunding.
4. CCWMP advised that an application for a revised restoration scheme in the S106 agreement must be made incorporating the imported material used for the noise suppression bunding and a revised restoration timescale must be included in this

application to fall in phase with the Fenland District Council application for motorsports usage on this site.

5. HQPE to provide topographical site and existing elevation data in order to design the noise suppression bunding.

The applicant believes that Cambridgeshire County Council Waste and Minerals Planning and Hanson Quarry Products Europe have agreed a construction method and material formula for the construction of Noise Suppression Bunding as part of a revised Restoration Plan for the 106 Agreement. As based on the previous data collection and the latest Noise Survey they consider that they have a full understanding of the site key noise receptors and can mitigate this noise nuisance effect on local residents using the agreed bund as referred to above. As there are clearly complex linkages with the Mineral Extraction Approvals on the site and a confirmation that a compliant solution can be achieved the applicants have again requested that consideration be given to adjourn the decision to finalise a compliant solution.

OFFICER EVALUATION AND CONCLUSION

Despite meetings to discuss a resolution in respect of noise, ecology, imported material and relationship with existing consents no further information has been submitted to the Local Planning Authority that would lead officers to believe that a satisfactory submission will be made within a reasonable timeframe. Whilst it is acknowledged that the applicant feels that some headway is being made with the various stakeholders in this respect it is not for them to dictate the pace of the application especially when they continue to 'drip feed' information in parallel to continuing to operate the unauthorised use from the site. It is further noted that any noise mitigation must be proven to be effective mitigation and regardless of the form it takes, would need to be actioned on site if residential and other amenity is to be protected - although as yet it has not been demonstrated that such mitigation is indeed possible or practicable both in physical and acoustic terms.

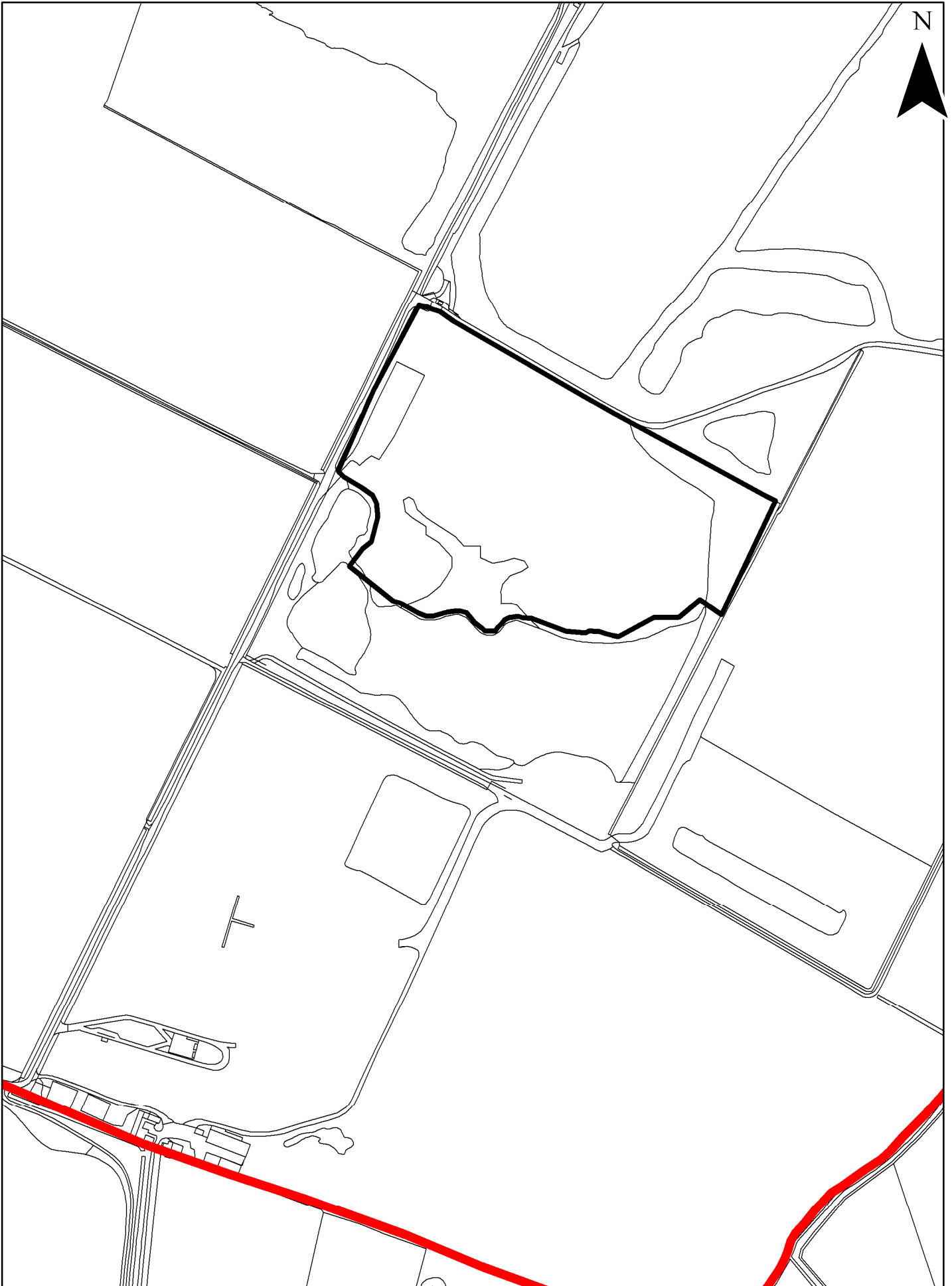
In the meantime, the Applicant continues to use the site in an unauthorised manner to the detriment of local residential and other amenity. The noise report submitted to the Planning Committee at the last meeting identifies noise levels which are unacceptable within the locality and no further information is available at the time of writing which would lead to a contrary conclusion.

RESOLUTION:

Refuse

- 1. 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.**

- 2. 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.**
- 3. 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.**
- 4. 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.**
- 5. 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 Council under reference F/0363/98) may be prejudiced.**



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Development Services





Reference: F/YR11/0752/F

Scale: 1:5,000

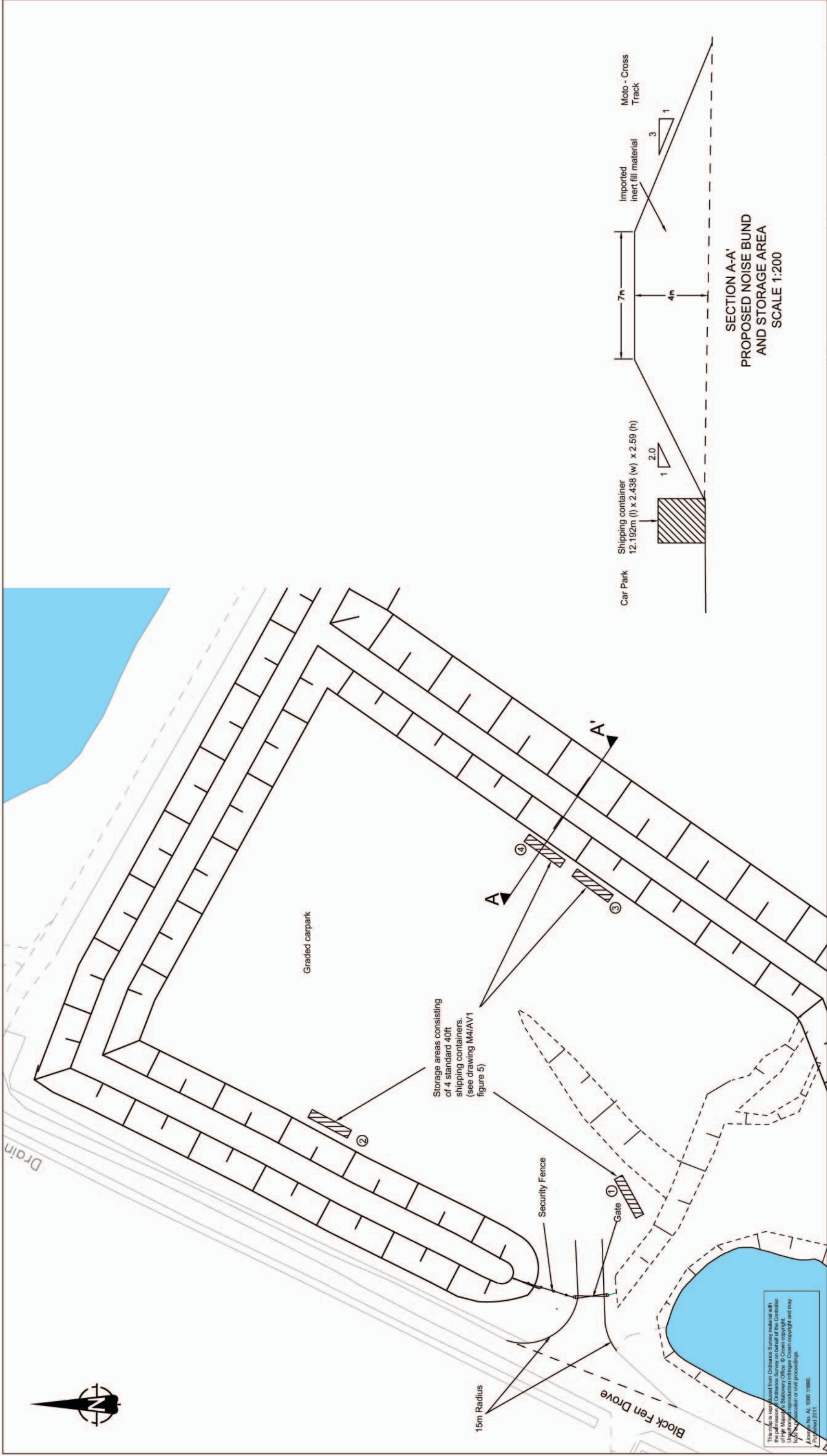









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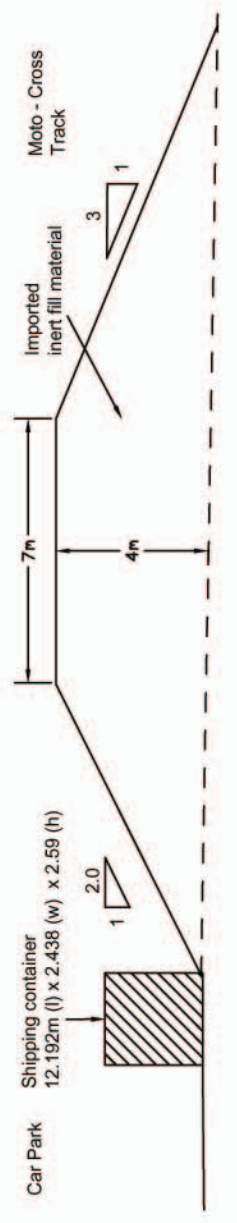
-  Site boundary
-  Existing vegetation (Indicative only)
-  Existing bund consisting of sand
-  Existing water

| | | | |
|-----------------------------|--------|----------------------|-------------|
| Consultant | | Client | |
| PLE CONSULTANTS | | MMP Mapaci Moto Park | |
| Project | | | |
| MEPAL MOTO-CROSS, BLOCK FEN | | | |
| Title | | | |
| LOCATION PLAN | | | |
| Scale | 1:2500 | Date | August 2011 |
| Drawn | CAT | Checked | DWE |
| | | Drawing Number | |
| | | M4AV1:FIGURE 1 | |



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-  Site boundary
-  Existing water
-  Storage area, consisting of 40ft shipping container
-  Existing sand mound
-  Sand bund's to be replaced by 4m high noise bund's consisting of inert fill



SECTION A-A'
PROPOSED NOISE BUND
AND STORAGE AREA
SCALE 1:200

PLEASE DONOT SCALE OF PRINT
DO TO PAPER STRETCH. REFER TO
DIMENSIONS

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|--|--------|------------------------|----------------|
| Consultant | | Client | |
| PLE CONSULTANTS | | MMP Mopai Moto Park | |
| Project | | | |
| MEPAL MOTO-CROSS, BLOCK FEN AREA | | | |
| Title | | | |
| PROPOSED CAR PARK AND ASTORAGE AREA | | | |
| Scale | 1:1000 | Date | Sept 2011 |
| Drawn | CAT | Checked | DWE |
| | | | Drawing Number |
| | | | M4AV1:FIGURE 4 |