

**Application Number: F/YR13/0857/F**  
**Large scale major**  
**Parish/Ward: Chatteris Town Council/Birch**  
**Date Received: 15 November 2013**  
**Expiry Date: 27 June 2014**  
**Applicant: F-15MX**  
**Agent: Robert Halstead Chartered Surveyor**

**Proposal: Change of use of land to motocross and recreational riding of motorcycles (during the weekends from 1st October to 31st March (max 48 days) and on each Wednesday from 1st October to 31st March) with siting of 2no storage containers, toilets, marshalling boxes, litter bins, waste skip and site cabin together with operational development including raised areas, race track, car parking, track fencing posts, railings and spectator fencing**

**Location: Land At Block Fen, Block Fen Drove, Mepal, Cambridgeshire**

**Site Area: 8 Ha**

**1. EXECUTIVE SUMMARY/RECOMMENDATION REFUSAL**

This is a part-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 2no storage containers, toilets, marshalling boxes, litter bins, waste skip and site cabin together with operational development including raised areas, race track, car parking, track fencing posts, railings and spectator fencing.

Following the original submission the applicant has revised the proposed level of use which removes the proposal to operate the track from 1st April to 30th September. It is considered that the increased use of the site, and its associated activity from its current operation of 28 days per year for motocross meetings to a substantially more intensive use for the same, would cumulatively result in an unacceptable level of disturbance to the detriment of the amenities of local residents.

The demonstrable harm caused to the local community, as a result of the proposal by virtue of the noise disturbance resulting from the motor cross use in the Council's view cannot be mitigated in this case by planning condition.

Furthermore, insufficient detail has been provided to demonstrate that the proposed intensification of motor cross activity cumulatively and associated development, will not adversely affect existing biodiversity within the Country Wildlife site. This is taking into account the wider plans to restore the land for water and nature conservation.

## 2. HISTORY

Of relevance to this proposal is:

<b>F/YR02/2031/CM</b>	<b>Creation of a lagoon for dust suppression purposes involving the removal of minerals (part retrospective) – deemed consent 13/05/2003</b>
<b>F/98/0363/CM</b>	<b>Determination of conditions in respect of extraction of sand and gravel – Deemed consent 27/11/1998</b>
<b>F/0257/92/CM</b>	<b>Mineral Extraction</b>
<b>F/YR11/0752/F</b>	<b>Temporary use of land for a period of five years for the purposes of motorsport usage including siting of four portable buildings and use of land for siting of recreational motor vehicles – Refused 12/03/2012</b>

## 3. PLANNING POLICIES

### 3.1 National Planning Policy Framework (NPPF):

Paragraph 17:	Securing a good standard of amenity
Paragraph 118	Biodiversity
Section 3:	Supporting a prosperous rural economy
Section 11:	Conserving and Enhancing the Natural Environment
Section 12:	Conserving and Enhancing the Historic Environment

### 3.2 Fenland Local Plan 2014:

LP1:	Presumption in favour of sustainable development
LP6	Employment, Tourism, Community facilities and Retail
LP16:	High Quality Environments
LP18:	The Historic Environment
LP19:	The Natural Environment

## 4. CONSULTATIONS

### 4.1 Chatteris Town Council:

*Recommend Refusal on the grounds of noise nuisance and detrimental impact on locality (particularly local residents and the Mepal Outdoor Centre), detracts from the open countryside, noise limits cannot be enforced, failure to comply with environmental conditions and object to increase of up to 114 days use a year when current use is just 14 (28) days a year under permitted development.*

We will also be recommending refusal on application F/02006/13/CM (the variation of a condition relating to the restoration of the south lake) and will be recommending the restoration takes place as set out in Condition 2 of planning permission F/00363/98.

#### 4.2 Mepal Parish Council:

The council wish to strongly to oppose the application for use of land at Block Fen upon the following grounds (summarised):

- *Residents suffering high levels of noise nuisance, adversely affecting quality of life*
- *Noise from the track is causing repeated annoyance to residents of the village and of properties less close to the track.*
- *The activity is entirely inappropriate to the site, both for the above reason, and because it runs counter to the vision for the Block Fen/Langwood Fen gravel extraction area, set out in the Cambridgeshire and Peterborough Minerals and Waste Development Plan Block Fen / Langwood Fen Master Plan Supplementary Planning Document, adopted July 2011.*
- *The application site forms part of the area where restoration is to be commenced from Spring next 2014. It notes that extraction-related activities are much less noisy than motocross, and believes that the initial stages of restoration will have a plain value in themselves in mitigating the deleterious effects of climate and weather-pattern change on the Washes, enabling UK the sooner to fulfil its RAMSAR obligations, and in attracting leisure use. Restoration should not therefore be deferred.*
- *The application is further inappropriate in that it destroys the tranquillity which is one of the major features of our area. Not only is it this which has attracted householders to our village and parish, it is also a 'unique selling point' for the major Lottery project, 'Ouse Washes the Heart of the Fens' which was successful in achieving first stage approval from the Lottery and has recently submitted the required documentation for second stage approval for a nearly £1m scheme to raise awareness of the importance of the area around the Washes and to attract sympathetic internal and external tourism, to the benefit of local pride and the local economy.*
- *The applicant notes the leisure and recreation opportunities offered by his plans. The Council notes that the established preferred recreational activities of our residents and our visitors are walking, fishing and bird watching. There is clear conflict between those and the use of the application site for motocross. The Block Fen / Langwood Fen Plan includes among its objective (para 2,2): to provide for new and enhanced recreational opportunities, including a local visitor centre*
- *The Council believes that immediate commencement of restoration of the application area to form a nature reserve will provide much more significant and attractive benefits to the local population and to visitors (and thus to their health) than motocross will do.*
- *The council notes that the applicant also suggests, though the suggestion is not evidenced, that the economy of the local area will be stimulated by motocross meetings at the application site (though he accepts that the effect will be 'limited' (planning statement para 35).*

*Very little if any such benefit has so far been noticed within our own locality, and the impression evidenced to us is that most participants park caravan and motor-homes at the site, and bring with them their own supplies. Indeed the impact on the local economy is likely to be negative as the major existent local businesses (Mepal Outdoor Centre, and The Three Pickerels Public House) - who provide accommodation as well as meals and alcohol) rely upon the tranquillity of the area to attract and house visitors.*

- *The Council has in addition long held the vision that creation of a nature reserve and associated viewing and leisure facility on Block Fen can be so engineered as to enhance the economic prospects of our parish, where 'second parent' work is at present very limited, and where travel to Ely for work is far from easy for those who have no car. The Council is anxious that these opportunities are not unnecessarily deferred, and believes that building successfully towards them depends upon tangible evidence that restoration will proceed as suggested. Deferment of the planning condition is not therefore acceptable.*
- *The Council also notes that restoration of the quarry area is dependent upon extreme care to ensure that no pollutants are introduced into the area, and is concerned at a report of oil spillage left in the site parking area.*

#### **4.3 Witcham Parish Council:**

Witcham Parish Council objects to the application for the following reasons;

- *Noise. Some residents in Witcham hear the motorbikes and it is particularly a nuisance during the warmer months when windows and doors are open or residents are outdoors. This is a pretty constant noise and, of course, under the present proposals will be all day and into the mid-evening almost every weekend plus Wednesdays. The flat landscape allows the noise to travel a long way particularly on days when the wind is blowing towards local settlements. These residents find this noise depletes the quality of enjoyment of the amenity of their own homes and gardens – which in a rural location completely defeats the object of living in the countryside in a small community for peace and tranquility.*
- *Restoration of the worked gravel pits to a nature reserve. My Councillors are concerned that this application would postpone the restoration work for 5, or even 7 years. This is counter to original plans, to which other bodies have been working, i.e. the noise will disturb birdlife on the Ouse Washes, a RAMSA site, and a project of the Environment Agency involving the investment of a great deal of money in providing further resources for wildlife by way of the Ouse Washes Habitat Creation Project including areas around Witcham/Wardy Hill/Coveney.*

*It would be incongruent with the vision in the Cambs and Peterborough Minerals and Waste Development Plan for Block Fen and we understand local County Councillors are concerned.*

#### **4.4 Natural England:**

*The proposal is unlikely to have a significant adverse effect on the Ouse Washes SSSI, SAC, SPA and Ramsar site, located approximately 1.4km from the proposal. On this basis Natural England does not object to this proposal subject to the inclusion of relevant conditions to restrict the motocross activity to the area proposed and to ensure the wider site is restored to suitable biodiversity habitat as soon as practicable.*

*Natural England's key concern with this proposal is the potential for conflict with the objectives of the Block Fen / Langwood Fen Master Plan and in particular the delay to the timescale for restoration of this land to biodiversity habitat, including habitat to support the Ouse Washes SPA. The area proposed for development also incorporates part of Block Fen Gravel Pits CWS which appears to have been overlooked in the ecology report. In addition, we are aware from discussion with the Cambridgeshire County Council ecologist and from information provided by the Wildlife Trust that the ecology report may not have fully considered the potential impacts of this development on ecology including plants and invertebrates.*

#### **4.5 The Wildlife Trust:**

*The revised Ecological Restoration and Management Plan is supported by the Wildlife Trust in principle, though we have made a few detailed comments in a separate response to the County Council, attached for your information.*

*However, our previous comments regarding the implementation of this restoration plan remain unchanged, in that the Wildlife Trust believes it is now time to restore this site for the reasons set out in our original response to you of 16<sup>th</sup> December 2013, and we therefore **object** to the current application even if it is for a time limited period of 5 years.*

*Should the planning authorities be minded to grant this application, we would request that the council enter into a legally water-tight agreement with the applicant to require that implementation of the submitted ecological restoration and management plan commences in 5 years time and that there can be no further extension of motor-cross use.*

#### **4.6 RSPB:**

*In case comments on the above may still be of use, please find below a copy of the comments I have just provided to the County Council on their consultation on the same plan.*

#### **Overall comments**

*As noted in the covering letter, BSG Ecology sought views from the RSPB on an earlier version of the Plan. Our recommendations centred on seeking an increase in the most beneficial features for target species of the Block Fen / Langwood Fen Master Plan habitat (wetland waders and waterfowl) and avoiding introducing any that may conflict with these.*

*It is therefore welcome that the updated plan acknowledges and describes the Block Fen/Langwood Fen Master Plan SPD to the Minerals and Waste Core Strategy that seeks to create wet grassland habitat for breeding waders and wintering waterfowl of the Ouse Washes designated site close to the Mepal Quarry site, in time. Similarly, the additional points that describe that areas of scrub/woodland can be problematic close to wet grassland habitat for the species due to attracting predators, reduction in indicative area of willow under the plan (Figure 3a) and the setting of a limit to the extent of individual areas of scrub set in the revised restoration plan (of no greater than 300m<sup>2</sup>), which will help towards reducing this potential problem for the Master Plan habitat. It would be helpful if the plan additionally noted that scrub/woodland can obstruct open vistas preferred by the Master Plan target species of waders and waterfowl as well as attract their predators.*

*The RSPB would also welcome incorporation of minor further measures that will help ensure the habitats of the restored Mepal Quarry site can enhance the primary species objectives of the Master Plan.*

### **Comments on specific sections and specific recommendations**

*4.12 The RSPB would like to see some provision for creating/maintaining open, shallow margins to the edges of waterbodies as this can provide feeding habitat for wetland birds. Also, for expansion of extensive reedbed to be managed (currently envisaged as proliferating across the wetland zone (section 5) to prevent predators of wetland birds being encouraged but still provide the benefits of reedbed habitat outlined in the management vision (and so achieve the aim of section 4.14 in a way that is more in keeping with the primary objectives of the Master Plan). Recommendation: describe the issues of scrub/reed/woodland close to areas &/or target areas for wet grassland birds in the plan and further amend the target coverages on pages 13/20 and Figure 3a for the wetland habitats to include open margins and reduce down upper limits of reedbed and set a limit to number of 300m<sup>2</sup> areas of scrub that will be tolerated, if possible.*

*7.1 The RSPB supports the recommendation for annual reporting as described in this section.*

#### **4.7 Environment Agency:**

*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).*

*By its nature, the site would provide excellent drainage for any pollutants, including sewage and fuels, which could flow into the underlying groundwater and then emerge into the adjacent lakes and other water bodies causing pollution of the water environment. Drainage layout plans and proposed pollution prevention measures have not been provided with this application. As such, we consider that planning permission should only be granted if a pollution control condition is imposed to include;*

1. Prior to the commencement of any development, a scheme for the provision and implementation of (i) pollution control, (ii) surface water and (iii) foul water drainage shall be submitted and agreed in writing with the Local Planning Authority.
2. Within a period of six months of the granting of planning permission, a remediation strategy that includes the following components:
  - i. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
  - ii. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
  - iii. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
  - iv. A verification report demonstrating completion of works set out in the remediation strategy in (3).
3. If 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 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.
4. A scheme for surface water disposal should be submitted and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. Any further development shall be carried out in accordance with the approval details.

*[In relation to requirements for the fuel area in the Mepal motor track] We would normally request for a dedicated sealed impermeable hardstanding area to be used for refuelling with sealed drainage; however we understand this is not practical due to the scale of the proposal. We, therefore, request that as a pollution prevention measure for potential spills from the bikes on site refuelling mats are used by every driver (spill kit mats under bikes) on the hardstanding area during refuelling. Furthermore, any additional spills should be cleaned up with spill kits.*

#### **4.8 Middle Level IDB:**

*Based on the evidence submitted, it would appear that the proposal...does not detrimentally affect the Board's system. Recommend referring to the 'Standard Advice relating to Development management and Flood Risk Issues (April 2013)'*

#### **4.9 English Heritage:**

*The application(s) should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.*

#### **4.10 FDC Conservation:**

*Within the wider vicinity of the application site are a number of heritage assets. Fortrey's Hall is a grade II listed building which is located circa 1600m south east of the motocross site. There are a further 9 listed buildings (eight grade II, one grade II\*) within Mepal (which falls under East Cambs District Council) which are 3KM from the application site and 4 Scheduled Ancient Monuments (SAMs) within a 3KM radius of the site. It is noted that the Planning Statement does not identify Heritage Assets within the vicinity of the Motocross site which could be impacted upon by this proposal nor does it give specific consideration as to how these could be affected by the proposal.*

*The comments received from FDCs Conservation Officer have been noted in respect of the nearest residential property being Grade II listed 17th Century property (Fortrey's Hall). It is concluded that due to the age of the building and inability to sympathetically mitigate against the noise generated from the track use by virtue of the single glazed windows and general building fabric which forms its character, noise levels experienced in and around the property may be more noticeable than would otherwise be expected.*

#### **Listed Property in Mepal**

*(vi) The impact that noise associated with the motocross track has on the setting of the 9 listed buildings within Mepal should be a consideration in determining this proposal as per point (iii) above. At this time it is not clear if the noise is a specific issue to the setting of the listed buildings in Mepal, 3Km away, although it is known that there are noise nuisance complaints raised by residents in the Mepal area. This matter needs to be given further consideration with the benefit of further specific assessment on noise issues affecting these specific listed buildings.*

#### **Scheduled Ancient Monuments (SAM's)**

*(vii) In this instance it is not felt the 4 SAM's within the 3Km vicinity of the site could be viewed to be adversely affected by the proposal. These SAM sites comprise of earth works. The motocross activity is on a distinctly separate site and would not involve any risk of activity going over the SAMs which could physical damage to them. These types of sites would not be tangibly harmed by noise as they are uninhabited areas of land.*

#### **4.11 CCC Minerals and Waste**

*I refer to your email of 17 November 2014 in which you ask for the County Council's current position on this application to which we have previously objected.*

*A revised restoration scheme was submitted by F-15MX on 27 October 2014 in connection with the application currently before the County Council as mineral planning authority (F/02006/13/CM - variation of condition 2 of planning permission F/0363/98 to defer restoration of the site for approximately 7 years to allow it to be used for motorcycle riding). It was devised in consultation with the RSPB, Natural England and The Wildlife Trust who are supportive of the proposals (with some minor suggestions).*



*The proposed restoration scheme takes into account Hanson's decision not to remove the remaining small amount of mineral from the northern part of the site (the motocross area) and is a better fit with the conservation objectives of the nearby Ouse Washes and important bird populations than Hanson's scheme that was approved in 2004. It is considered to be in accordance with relevant policies in the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD July 2011 (CS1- Strategic Vision and Objectives for Sustainable Minerals Development; CS3 – Strategic Vision and Objectives for Block Fen / Langwood Fen, Earith/Mepal; CS25 – Restoration and Aftercare of Mineral and Waste Management Sites; CS35 Biodiversity and Geodiversity and the Block Fen / Langwood Fen Master Plan Supplementary Planning Document). For that reason it is my view there is now no mineral planning reason for the County Council to object to application no F/YR14/0857/F. The merits of the motorsports use are a matter for your authority.*

*It is likely that officers will be recommending approval of the application that is before the County Council. The recommendation will be tied to the application before your authority being approved, either by the LPA or in the event that is refused, on appeal. If the final decision is refusal, there will be no reason for the restoration of the mineral site to be deferred. However, this is an officer view and the decision on the County Council application will be made by our Planning Committee on 11 December 2014 and as you know, members may not support the recommendation. My report will be published on 2 December.*

#### **4.12 FDC Environmental Health**

*Based on the existing application our recommendation is for refusal. Attempts have been made to work with the applicant to achieve an outcome that is likely to minimise the impact on the nearby residents and other noise sensitive premises. These have not been wholly successful. They have not adequately monitored or modelled the noise impact under a range of weather conditions. Since the track started to run under the new track operator we have been continuing to investigate whether noise from the track could be giving rise to a Statutory Nuisance under Section 80 of the Environmental Protection Act 1990 (EPA 90) at nearby residents homes. It should be pointed out that in the past under previous management a notice was served and not challenged.*

*Up until Christmas 2013 apart from the complainants in East Cambridgeshire District we were only investigating one complaint in our district to the south of the track. Since Christmas, due in part to the track use over the Christmas Holiday break we now have 6 complainants from residents in Fenland District. Despite how sparsely populated the area is between the two Councils involved there are now 12 active noise complainants about the track under investigation. These are located to the north and the south of the track. This means that, even with differing wind directions, most of the time there will be residents will be affected to some degree.*

*The most recent noise assessment was carried out on Saturday 1st March 2014. These were different to the previous sets of monitoring undertaken as a prior arrangement was made with the Track Operator to have a period of quiet during the middle of the day when the track would not be operating. The weather conditions were suitable for monitoring with the wind speed between 2ms-1 and 3 ms-1 and in a north to north easterly direction coming from the direction of the track towards the residents on Engine Bank.*

*Although the day started misty it had cleared before monitoring commenced to leave a cloudy day with sunny spells. There was a large race meet spanning the whole weekend. According to the track operator the event broke down into race classes and they would each have a practice and qualifying session followed by a race on the same day. According to the 'My Laps' website there were 128 racers listed as taking in part in 7 different classes of racing with the number of riders on track at any one time ranging from 5 to 20 riders.*

*It is clear that there is a substantial difference between when the track is being used, and when not. When in operation the overall dominant noise feature of an otherwise very peaceful location was that of the noise from the track. The lasting impression from the assessment of noise levels from the Mepal Motocross track carried out on 1st March 2014 was that the noise from the track often poses a significant adverse impact from motocross noise upon local residential amenity.*

#### **4.13 East Cambs Environmental Health**

The consultants calculations at the properties are lower than our observations which combined with FDC's equate to a number of visits, where the dominant noise was the track (i.e. no impact from other sources). I consider we can only advise planning with regard to our monitoring and experience.

The quote from PPG 24 in Section 2.13 and 3.02 of Mr Riggs report:

*Former PPG 24 included the statement that, for outdoor leisure noise 'the local planning authority will have to take account of how frequently the noise will be generated and how disturbing it will be, and balance the enjoyment of the participants against nuisance to other people'.*

I consider this is what ECDC and FDC are aiming to achieve. ECDC are not against some use of the track, however due to the impact the current use is having on residents within the vicinity we do not consider the number of days requested will be 'a balance'. Members of the public want to enjoy their properties, including gardens throughout the year. They should not have the constant concern that their upcoming weekend will be ruined due to noise, nor should they have to abandon their gardens for 6 months of the year as is indicated here in Section 5.06:

*'The concession of no weekend motor sport activities between April and September should carry significant planning merit as it is these periods of the year when residents would be most likely to be in their gardens. This will ensure there is no unacceptable loss of external amenity'.*

We consider this new proposal would still result in an unacceptable loss of residential amenity.

ECDC Officers have been in two residential properties where the Motocross noise was clearly audible within the property with the windows partially open. The result being residents either have to close windows and utilise some form of distraction or limit the use of those rooms. This cannot be considered a balance.

Other relevant points to briefly highlight:

Section 4.04 & 4.05 – Mr Rigg identified a ‘*classic temperature inversion situation*’ was occurring during one of FDC’s monitoring exercises. Mr Rigg goes on to say: ‘*Under conditions of temperature inversion (temperature increasing with increasing height), the sound will be refracted downwards and therefore will be heard over larger distances*’. As I understand it temperature inversions are common in autumn and winter and therefore this may be an additional factor showing why we are receiving complaints from a number of people some distance away.

ECDC consider, from the evidence collected by officers monitoring the site, that the noise is intrusive and therefore requires limiting and adequate controls. It is appreciated that there will be some noise from this use and in order to achieve a balance to minimise adverse impact on nearby residents we remain supportive of your proposed conditions received via e-mail on the 13<sup>th</sup> March 2014. These allow for a higher level of usage than we had initially suggested, however we consider if all of the advised conditions are utilised there is the scope to increase the number of days to those suggested by FDC to allow more use of the site whilst protecting the residential amenity, and we would not want to see any increase in the number of events from that.

#### **4.14 CCC Archaeology**

*Further to comments sent to you for the former application F/YR11/0752/F in October 2011, I confirm that archaeological excavations have occurred ahead of mineral extraction in this area and we, therefore, have no further archaeological requirements for this area.*

*Scheduled monuments relating to prehistoric funerary monuments and settlement occur between 750m and 2km to the south and southwest of the application area, and we would advise that an opinion is sought from English Heritage regarding any concerns that they may have regarding the settings of these designated heritage assets as no reference to them has been made in the planning submissions.*

#### **4.15 Police Architectural Liaison Officer**

I confirm that I have viewed the application and paid particular attention to the details in relation to the, **Community Safety and Crime Reduction** aspects of the proposal.

Having assessed the information provided by the applicant/applicant's agent and carried out research as to crime levels in the area, which is medium to low, I can inform you that I have no significant comments to make at this present time concerning these proposals in respect of crime prevention and fear of crime.

#### **4.16 CCC Highways**

Whilst the additional information provided in the applicant's statement of 3/3/2014 isn't as comprehensive as I may have wished, we have discussed the proposal internally, and concluded that we have no objections in principle to the extension of increase days of activity in activity as described in the proposal and the subsequent statement.

The approach roads from the A142, once improved by existing obligations in respect of sand and gravel extraction at adjacent sites, will be suitable to cater for the intensification of use that this proposal will engender.

However, we are concerned to ensure that the areas provided for parking/ turning/ servicing on the site are optimised to minimise any potential incidence of overflow on to the highway. To this end I would request that a Condition is appended to any consent granted requiring a suitable layout of areas allocated for such purposes to be submitted to and approved in writing by the LPA.

#### **4.17 Ecology Officer (on behalf of FDC )**

I would advise that prior to determination the LPA requests further information be submitted from the applicant with regard to impacts on the County Wildlife Site including plants, invertebrates and wintering birds, **including details of how such impacts will be avoided or mitigated**. I therefore **object** to the granting of planning permission at this moment in time with regard to this application.

Regarding the restoration scheme, I am pleased to note that the scheme has been revised to reflect the objectives of the Masterplan SPD. **However the application still lacks further justification relating to the delay to restoration** including, for example, a clear plan as to how the motocross facility is to be provided at an alternative location in the short-term future.

The LPA has a duty under s.40 of the Natural Environment & Rural Communities (NERC) Act 2006 to have regard to biodiversity, and this includes the above species and habitats as listed under s.41 of the NERC Act and as stated in the Council's Core Strategy (Policy LP19 The Natural Environment) and I consider that the Council is not currently in a position to be confident that this duty has been adequately discharged.

In addition this proposal is contrary to the Cambridgeshire & Peterborough Minerals & Waste Development Plan (CS35 Biodiversity & Geodiversity) in relation to the potential negative impact on the CWS.

#### **4.18 Residents/ Interested Parties**

##### **In Support**

3 individual letters of support have been received in respect of;

- The local benefits the sport can bring to the economy and community
- The benefit of the facility to Fenland
- Important place to teach riders how to ride on sand
- Living just over a mile away to the south, the noise is sometimes audible but not disruptive
- The operation of the site prevents trespass

346 standardised signed letters of support provided by the applicant.

## Objections

47 individual letters of objection received raising concerns over;

- The interruption to the peace and tranquillity of the area through noise
  - Adverse impact on residential amenity
  - No justification to delay the restoration proposal which would impact on the County Wildlife Site
  - How to the benefits of the proposal outweigh the benefits that would be brought about by the restoration of the site
  - Noise impact on nearby businesses
  - Poor access roads leading to the site
  - There are already 4 other motor cross sites in the area at Chatteris, Doddington, Wisbech and Chippenham.
  - A permanent site should be sought if such a demand is needed
  - The noise generated by the arrival of large numbers of vehicles along Block Fen Drove at weekends
  - Unable to enjoy the garden
  - No conceivable benefit for local people given the loss of quiet rural peace
  - The proposed frequency of activity is far too excessive
  - Adverse impact on the wetland site and rural pursuits
  - The proposal offers no [noise] respite to residents in the vicinity
  - Impact on natural habitats
  - Detrimental impact to existing motocross sites by virtue of the number of days proposed
- 
- The number of bikes on the track leads to unacceptable noise
  - Operating only 6 months of the year does not reduce the actual noise

1 petition supplied with 192 names and addresses objecting to the proposal on the following grounds;

- Noise pollution,
- negative impact on local wildlife and
- inconsistency of the application with local plans

## 5.0 SITE DESCRIPTION

5.1 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 and adjoining south by flooded ponds and 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 to the south of the site approximately the nearest being approximately 700m away, and with further dwellings to the north and south east approximately 1.5Km away (0.95miles). Access to the site is taken from a relatively narrow single track road (Block Fen Drove) which is adopted along most of its route.

- 5.2 The site, which was formerly used for aggregate washing, extends to approximately 8 hectares and has been operational at various levels for motorsport for the last four to five years. The sandy material existing on site, which has a consistent grade across the whole of the site and is particularly suitable for motocross, 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 5 metres high. They are intended to act as sound barriers and, in part, viewing platforms for spectators.
- 5.3 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 at the cost of the mineral extraction companies although implementation works in this regard are not evident.
- 5.4 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, temporary toilet units and motor bike preparation.
- 5.5 The site incorporates part of Block Fen Gravel Pits County Wildlife Site (CWS) and is situated approximately 1.4Km (0.9Miles) from the Ouse Washes wetlands which is a Site of Special Scientific Interest (SSSI), a Special Area of Conservation (SAC), a Special Protection Area (SPA) and a Ramsar site, therefore recognised for its fundamental ecological functions of wetlands and its economic, cultural, scientific, and recreational value.
- 5.6 It is understood that the site has been operational since 2009 for motor cross under a temporary use permitted by virtue of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO). This entitles land to be used for the purposes of motorsport for a period of 28 days comprising 14 days use for competitive events, and 14 days for training in any one year.
- 5.7 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 permission F/0363/98. Condition 02 of this permission requires the land to be restored by May 2014 for water and nature conservation uses. As the proposal would conflict with this timescale an application for an has been made to Cambridgeshire County Council's Minerals and waste department to delay the restoration for 7 years to enable the proposal with an alternative scheme. The scheme would have to accord with the principles of the Cambridgeshire and Peterborough Minerals and Waste Development Plan's 'Block Fen/ Langwood Fen Master Plan DPD' and would have to demonstrate that delaying the restoration of the site was in the best interest of the area.
- 5.8 An enforcement notice was served on the land in 2012 and remains extant. The enforcement notice prevents the permanent siting of motorsports paraphernalia within the site and prevents the site from being used for more than the aforementioned 28 days per annum unless express planning permission grants otherwise.

## **6.0 PROPOSAL**

6.1 This is a part-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 2no storage containers, toilets, marshalling boxes, litter bins, waste skip and site cabin together with operational development including raised areas, race track, car parking, track fencing posts, railings and spectator fencing.

6.2 Following consultation the applicant has revised the proposed level of use which removes the proposal to operate the track from 1<sup>st</sup> April to 30<sup>th</sup> September.

6.3 The proposed use of the site therefore is for the period from 1<sup>st</sup> October to 31<sup>st</sup> March annually therefore capturing Autumn, Winter and early Spring as the track activities are best suited to this climate. The council have been asked to consider operations as follows;

During the weekends from 1<sup>st</sup> October to 31<sup>st</sup> March – Not more than 48 days

On each Wednesday from 1<sup>st</sup> October to 31<sup>st</sup> March (This use would not be for race events or practicing for race events)

This equates to approximately 75 days per annum during the autumn, winter and spring.

6.4 Weekend operating hours are proposed as;  
10:00hrs to 16:00hrs on Saturdays  
09:30hrs to 17:00hrs on Sundays – race days only  
10:00hrs to 16:00hrs on Sundays – non-race days

6.5 The vehicles using the track will range in engine size dependant on the category of racing. The engine sizes have not been specified however it is common for these to range from small 65cc units to larger 450cc engines.

6.6 A substantial vehicle parking area is provided within the track and an overspill area has been allocated if required. The applicant expects up to 100 riders at peak times on Wednesdays (e.g. school holidays) and up to 200 riders and 100 spectators on event days i.e. weekends. Participants generally arrive in vans, motor homes or cars with trailers. In addition, a catering van and support vehicle and ambulance are generally present at events.

## **7.0 ASSESSMENT**

7.1 The application is considered to raise the following key issues:

- Principle and Policy Implications
- Impact on residential amenity and existing commerce
- Impact to existing and future Ecology

- Impact on Heritage assets
- Economic Growth
- Social Impact

## **8.0 PRINCIPLE & POLICY IMPLICATIONS**

Policy LP1 of the Fenland Local Plan 2014 reinforces the presumption in favour of sustainable development and seeks to deliver sustainable growth that is not for its own sake but that which brings benefits to the all sectors of the community. Therefore planning applications that accord with the policies of the plan will be approved unless material considerations indicate otherwise.

- 8.1 Policy LP6 of the same seeks to support tourist and visitor attractions in appropriate locations and proposals which promote the use of recreational activities will be supported, subject to there being no significant negative impact (especially on protected species or habitats).
- 8.2 Therefore the principle of the proposal can be supported subject to its compliance with other relevant policies of the Development Plan.

## **9.0 IMPACT ON RESIDENTIAL AMENITY**

- 9.1 Policy LP2 is concerned with ensuring that development proposal should positively contribute to creating a healthy, safe and equitable living environment. Whilst the activity provides positive benefits in terms of leisure activity and employment this needs to be balanced with avoiding adverse impacts. In this case the harm caused by the cumulative impact of leisure activity, and at a more intensive level than currently operated causes an unacceptable level of harm to local residential amenity. LP16 echoes this in its drive to provide high quality environments. To satisfy this policy certain criteria must be met which includes making a positive contribution to the local distinctiveness and character of the area, identifying, managing and mitigating against any existing or proposed risks from sources of noise, emissions, pollution and contamination.
- 9.2 It is widely understood that motor cross activity will generally impose a degree of noise into its surroundings. This can vary dependant on the location, the design of the track, the type and frequency of activity and any mitigation measures in place at that time. Following consultation, the LPA has received a large number of objections to the proposal, mostly due to the perceived noise disturbance experienced by the activity and therefore a perceived harm to their amenity which would be contrary to policies LP2 and LP16.
- 9.3 Understanding noise and its impact is a complex and technical exercise. It is therefore important to understand how the impact of noise is assessed in planning terms.



#### 9.4 **Noise Assessment**

The NPPF confirms that planning decisions should aim to;

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason

9.5 The NPPF considers the importance of tranquillity and the need for tranquil areas to be relatively undisturbed by noise which may undermine the intrinsic character of the area. Such areas are likely to be already valued for their tranquillity and are quite likely to be seen as special for other reasons including their landscape."

9.6 The NPPF's supporting 'Planning Practice Guidance' (PPG) states that; *"Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment."*

9.7 The key issue will :-

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

#### 9.8 **Applicants supporting information on noise factors**

9.9 The applicant has concluded that the levels of noise experienced by residents living nearby would not cause 'Significant Adverse Impacts' on health and quality of life as a result of the proposal, when balanced with the social, economic and environmental benefits the development would bring. The applicant considers that they have employed suitable mitigation measures to prevent this. These mitigation measures consist of a reduced frequency of operation being approximately 75 days per annum, operational times of year being restricted to October through to March whereby they consider residents are most likely to be indoors and with windows closed. Notwithstanding this, the applicant has concluded that based on their noise assessments, the noise levels associated with the activity are relatively low at the nearest residential dwellings which are approximately 1.45Km (0.9Miles) from the site.

## 9.10 **The Council's response on environmental impact**

- 9.11 The assessment of the application carried out by FDC's Environmental Health Officers (EHO) concludes that the application fails to demonstrate that significant injury to the amenity of neighbouring properties will not occur as a result of the proposal. The applicant's noise assessments found that the use for motorcross often poses a significant adverse impact from noise upon local residential amenity – thereby changing residents' attitudes and behaviours to overcome the noise they are experiencing e.g. remaining indoors during activity, keeping windows closed during this time and a perceived loss to quality of life due to change in acoustic character of the area (see also 4.12). When referring these findings to the table at 9.9, the actions required in order to make the development acceptable would be between; mitigating and reducing to a minimum; and avoiding altogether.
- 9.12 Whilst the monitoring undertaken by FDCs EHOs was to investigate noise nuisance under the Environmental Protection Act 1990 legislation, it is important to recognise that statutory nuisance applies different tests but generally planning controls would not permit nuisances and prevention of demonstrable harm to amenity is arguably a stricter test (allowing less noise impact) than nuisance.
- 9.13 Due to the disparity in findings and conclusions between the Local Authority and the applicant, the LPA instructed an independent acoustic consultant (MAS Environmental Ltd) to evaluate the methodology and findings of both parties and provide conclusions as to whether or not the proposal was acceptable in noise terms.
- 9.14 **Findings of independent noise consultant MAS Environmental Ltd (MAS) on behalf of the Council.**
- 9.15 Having assessed the applicant's evidence on noise MAS dispute the interpretation of the noise evidence submitted as they consider that the methodology used to assess the noise departs from recognised and validated procedures. Therefore the findings by the applicant, that residents experience less noise impact from the activity, than the findings of FDCs EHOs is considered to be unfounded.
- 9.16 Having considered these factors and the noise data provided by both the Council and the applicant, MAS have concluded that there is no basis in this case for extending the impact to more than 28 days a year as currently allowed under permitted development.
- 9.17 The findings of MAS support that of FDC's Environmental Health team in that the methodological approach taken, the noise data produced and the conclusions provided by the applicant does not adequately demonstrate that the proposal would not lead to a significant adverse effect on the amenity of nearby residents. In summary the use even if operated over a period of six months would have a significant adverse effect on the amenity of neighbouring residents and the location in general. This is particularly pertinent taking into account the low ambient noise levels in an area which, during the weekend is largely undisturbed by noise from human caused sources.

- 9.18 The proposal is therefore considered to fail policies LP2 and LP16 as it would fail to promote high levels of residential amenity due to the significant cumulative adverse impact of noise generated by the activity. It would therefore not make a positive contribution to the local distinctiveness and character of the area.

## 10.0 **ECOLOGICAL IMPACT**

- 10.1 As part of the policy objective there is a proposal for a Nature Reserve for a wider area including the application site.
- 10.2 Policy LP19 of the Fenland Local Plan focuses on conserving, enhancing and promoting the biodiversity and geological interest of the natural environment throughout Fenland including protecting and enhancing sites which have been designated for their international, national or local importance to an extent that is commensurate with their status, in accordance with national policy in the NPPF.

Working closely with stakeholders the policy seeks to promote the preservation, restoration and re-creation of priority habitats, and the preservation and increase of priority species identified for Fenland in the Cambridgeshire and Peterborough Biodiversity Action Plans. Opportunities will also be taken to incorporate beneficial features for biodiversity in new developments, including, where possible, the creation of new habitats that will contribute to a viable ecological network extending beyond the District into the rest of Cambridgeshire and Peterborough, and other adjoining areas.

- 10.3 The site is within 1.4Km of the Ouse Washes and itself is recognised as a County Wildlife Site (CWS). The Ecological Officer, the RSPB, Natural England and The Wildlife Trust all support the revised restoration scheme which will effectively postpone the restoration of the site as part of the overall Block Fen/Langwood Fen Master Plan SPD to the Minerals and Waste Core Strategy during the intervening 5 year use of the site as a motor cross track.
- 10.4 Whilst the wider restoration scheme has been largely accepted, it is considered that the report submitted does not consider, address or mitigate against the possible impact of the proposal on the biodiversity immediately within the CWS such as plants, invertebrates and wintering birds. The recommendation by the Ecology Officer is to request further evidence to demonstrate that biodiversity within the site area is not at risk from the activity and has been considered as part of the overall scheme.
- 10.5 It is considered therefore that the proposal fails to satisfy policy LP19 of the Fenland Local Plan, in that insufficient detail has been provided to demonstrate that the proposed intensification of motor cross activity and associated development will not adversely affect existing biodiversity within the CWS. The LPA are therefore unable to identify whether demonstrable harm would be caused to protected habitat or species. Neither has the applicant provided details as to the need for and public benefits of the proposal so that they may be considered as to whether they outweigh any potential harm to existing and future biodiversity at the site. Therefore it is considered that the requirements of policy LP19 have not been met.

## **11.0 IMPACT ON HERITAGE ASSETS**

- 11.1 Policy LP16 of the Local Plan seeks to protect and enhance any affected heritage assets and their settings to an extent commensurate with policy in the NPPF and in accordance with Policy LP18 of the Local Plan. Whilst no heritage statement has been submitted with the application no objection has been received from English Heritage and FDCs. However, FDC's Conservation Officer has carried out an appraisal of the site and surroundings for heritage assets, and has raised some concerns about the impact upon a local heritage asset.
- 11.2 The comments received from FDCs Conservation Officer have been noted in respect of the nearest residential property being Grade II listed 17<sup>th</sup> Century property (Fortrey's Hall). It is concluded that due to the age of the building and inability to sympathetically mitigate against the noise generated from the track use by virtue of the single glazed windows and general building fabric which forms its character, noise levels experienced in and around the property may be more noticeable than would otherwise be expected.
- 11.3 Whilst the setting of the Listed Building may be affected at times of motor cross operation, this will not be permanent – restricted to weekends and weekday during 6 months of the year. Notwithstanding this, the noise impact on occupants of the property has been identified to be of concern which is address in the reasons for refusal. However, it is not considered so substantive so as seriously impact upon the setting of the Heritage asset in including Fortrey's Hall, several Listed Buildings in Mepal and three Scheduled Ancient Monuments.

## **11.0 ECONOMIC GROWTH**

- 11.1 The applicant stipulates that “the proposal will have a beneficial albeit limited economic impact in terms of employment and the provision of activity generated by sporting and recreational activity.”
- 11.2 The applicant has not provided comprehensive details as to the economic benefits of the proposal. It is understood that the recreational activity attracts many visitors to the district as well as local riders who may choose to visit other attractions or use local services.

## **12.0 SOCIAL BENEFITS**

- 12.1 The proposal would provide obvious benefits to those engendered in the motor cross community.

## **13.0 CONCLUSION**

- 13.1 It is considered that the increased use of the site, and it associated activity from its current operation of 28 days per year for motocross meetings to a substantially more intensive use for the same, would cumulatively result in an unacceptable level of disturbance to the detriment of the amenities of local residents.

- 13.2 The demonstrable harm caused to the local community, as a result of the proposal by virtue of the noise disturbance resulting from the motor cross use in the Council's view cannot be mitigated in this case by planning condition.
- 13.3 Furthermore, insufficient detail has been provided to demonstrate that the proposed intensification of motor cross activity cumulatively and associated development, will not adversely affect existing biodiversity within the County Wildlife site. This is taking into account the wider plans to restore the land for water and nature conservation.

### **Recommend: Refusal**

#### **Reason for Refusal 1**

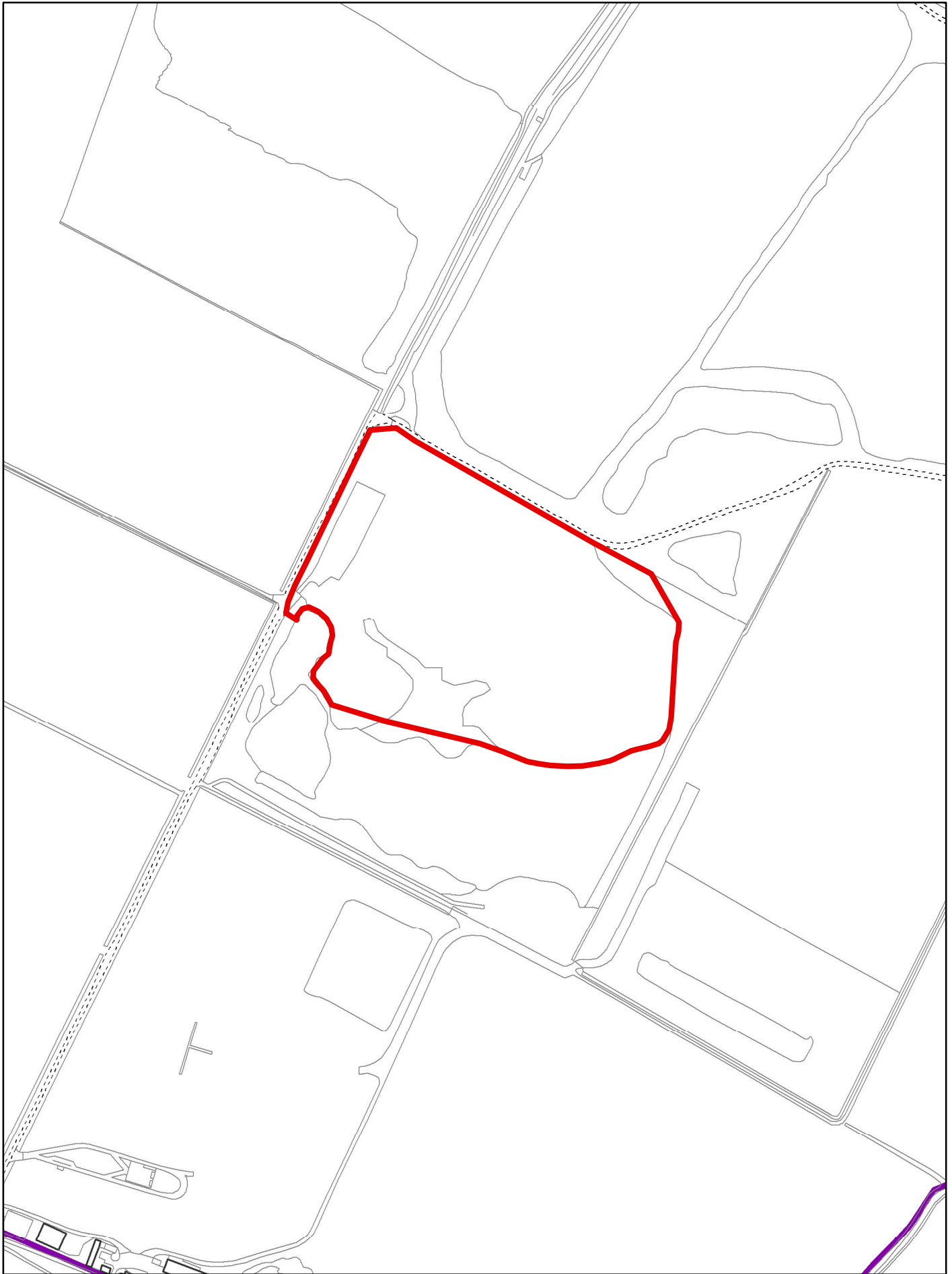
**The increased use of the site, and associated activity for Motocross use and associated activities from its current operation of 28 days per year to a substantially more intensive use, would result in an unacceptable level of cumulative activity and associated noise to the detriment of the amenities of local residents contrary to policy LP2 and LP16 of the Fenland Local Plan 2014, and para 123 the NPPF 2012**

#### **Reason for Refusal 2**

**Insufficient detail has been provided to fully demonstrate that the proposed intensification of motor cross activity and associated development cumulatively, will not adversely affect existing biodiversity within the County Wildlife site. The proposal therefore fails to satisfy policy LP19 of the Fenland Local Plan and Para 118 of the NPPF 2012**

### **FOOTNOTES**

- 1- Explanatory Note of the Noise Policy Statement for England



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