

F/YR15/0985/F

Applicant: F-15 MX

**Agent : Mr R Halstead
Robert Halstead Chartered Surveyor**

Land At Block Fen, Block Fen Drove, Cambridgeshire,

Change of use of land to motocross and recreational riding of motorcycles 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

Reason for Committee: More than 6 letters of support received contrary to Officers recommendation.

1 EXECUTIVE SUMMARY

The application seeks planning permission to extend the usage of the site for motorcross events, practice and training from 28 days per year through existing permitted development rights, to up to 60 days per year which would also involve the permanent siting of race track paraphernalia.

This application has been submitted following pre-application discussion with the Council, particularly with the Council's Environmental Health Team who provided advice in respect of the Noise Management Plan indicating that further work was required in order to demonstrate that noise levels emanating from the use would be quantified and managed effectively. The submission aims to address the reason for refusal under the previous application F/YR15/0857/F

Whilst it is acknowledged that the development would enable the expansion of an existing recreation facility for local communities and would attract motorsports enthusiasts on a national scale benefitting both the economic and social elements of sustainable development, it is considered that the applicant has not adequately addressed the concerns regarding the impact of noise raised by Fenland District Council's Environmental Health Team as detailed in the 2013 application under F/YR13/0857/F and therefore fails to satisfy the environmental aspects of sustainability.

As such it is concluded that the benefits of the proposal do not outweigh the identified harm through noise which leads to a significant adverse effect on the amenity of nearby residents which is contrary to the aims of policies LP2 and LP16 of the Fenland Local Plan 2014, and paragraph 123 the NPPF 2012

The application is therefore recommended for refusal

2 SITE DESCRIPTION

- 2.1 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 north and south east the nearest being approximately 1.5Km away (0.95miles).
- 2.2 The site extends to approximately 8 hectares and has been operational at various levels for motorsport for the last five to six 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. 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. 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.
- 2.3 Access to the site is taken from a relatively narrow single track road (Block Fen Drove) which is adopted along most of its route and incorporates a number of passing places. A planning condition from previous consents requires Block Fen Drove to be widened and reconstructed at the cost of the mineral extraction companies and some resurfacing of the access has recently been undertaken.
- 2.4 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.

3 PROPOSAL

- 3.1 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.
- 3.2 The proposed use of the site is for the period from 1st October to 31st 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;
- Every other weekend use (24 weekend days of which 12 may be race days).
 - Wednesdays prior to weekend use and Tuesdays and & Thursdays prior to no weekend use (36 days).
 - Race days 09.30 to 17.00 or dusk (whichever is earlier)
 - Practice days 10.00 to 16.30 or dusk (whichever is earlier)

3.3 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

3.4 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. The vehicles are generally motorcross bikes or quad bikes

3.5 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.

3.6 Following the previous planning refusal, the main starting area has been relocated to the most north eastern point of the track.

4 SITE PLANNING HISTORY

REFERENCE	DESCRIPTION	DETERMINATION
F/YR13/0857/F	Change of use of land to motocross and recreational riding of motorcycles 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	Refused 16.12.2014
F/YR11/0752/F	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
F/YR02/2031/CM	Creation of a lagoon for dust suppression purposes involving the removal of minerals(part retrospective) – deemed consent	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/0760/77/F	Construction of an underground culvert for mineral transportation	Granted 17.01.1978

5 CONSULTATIONS

Manea Parish Council

Object, on the basis that

1. the noise nuisance and the relentless level of use would have a detrimental impact upon the amenities of nearby residents
2. there is a basic conflict between the peaceful wildlife and associated existing recreational plans for the area and with a noisy motor cross track. It is known that planning permission exists which requires the land to be reverted for wildlife/wetland, which is being pursued by the County Council.

Chatteris Town Council

Recommend Refusal on the grounds of noise nuisance, detrimental impact on the locality, incompatibility with the nature of the Fens, negative impact on the open countryside and that noise limits cannot be enforced. Also wishes the restoration of the land as soon as possible.

Also requests that the application is considered by Fenland District Council's planning committee.

Manea Parish Council

Comments not yet received - due to convene 14 December

Mepal Parish Council

Objection on the grounds that it would be detrimental to the amenity of the area and would be a continuing noise nuisance. Keen that the reinstatement of the land be completed as soon as possible.

Witcham Parish Council

Objects - Noise nuisance. Delay in restoration

Coveney Parish Council

Raises concerns over noise. Advises can be heard in Wardy Hill. Requests that measures to reduce the noise nuisance are enforced.

Wildlife Officer (on behalf of FDC)

No objections subject to a condition requiring the monitoring of wintering birds, with a scheme to be agreed prior to the commencement of the development.

Royal Society For Protection Of Birds (RSPB)

Objection:

Does not consider that the Application risks a likely significant effect on the interest features of the Ouse Washes Special Protection Area in terms of the Conservation of Habitats and Species Regulations 2010.

However, considers that the application has not presented adequate justification for the deferral of the permitted restoration. Accordingly the application should not be permitted and restoration should proceed.

Natural England

Do not object in principle however;

Likely to have an adverse effect on habitats and the species they support outside the site through increased trampling, noise levels, visual disturbance, pollution etc.

Potential impacts and mitigation measures are not fully considered in the Ecology Report. Expects the development to be restricted to the area indicated, through a suitably worded planning condition [if permission granted].

Will compromise delivery of the objectives of Hanson's proposed restoration scheme and have concerns as to whether motorcross can be considered a sustainable use of the site in light of the requirement for site restoration and maintenance and enhancement of biodiversity.

The Wildlife Trust

Objects:

Considers the application fails to demonstrate that they are not having an adverse impact on the County Wildlife Site (CWS) or its constituent fauna and flora. Continuation of the motocross use will compromise the delivery of the strategic restoration of the land. The applicants have failed to demonstrate the need for their proposed development and failed to properly assess alternative less damaging locations, or to prove that their proposals outweigh the need to conserve the CWS

Environment Agency

No flood risk concerns.

Middle Level Commissioners

No comments received at time of report

Anglian Water Services Ltd

Anglian Water have no comment to make on this application.

CCC (Lead Local Flood Authority)

No comments to make

Conservation Officer (FDC)

Objects due to the impact of noise on the setting of one or more of the listed buildings in locality.

Historic England

Do not wish to offer any comments. Advises that the application should be determined in accordance with national and local policy

Sport England (Eastern Region)

Sport England supports this application which will provide an enhanced, regulated site for motor sports in the local area. Acknowledges some concerns locally regarding noise disturbance from the site. Sport England has not published any detailed guidance on this subject in relation to motor sports, and therefore accepts that this issue is best considered and monitored by the local authority under existing environmental protection legislation.

East Cambs District Council (ECDC)

Objects: Considers the application does not adequately provide sufficient confidence that proposed levels and controls will be sufficient to prevent a significant adverse impact on certain occasions.

The applicant needs to demonstrate the effectiveness of the mitigation measures they are proposing and justify the reasons that the number of days requested will not adversely impact on residential amenity with regard to noise impact for 2

weekends out of 4. Considers a week day to be less sensitive than a weekend as background noise levels are likely to be higher and less people are likely to be using the track. However, raises concerns that on some weeks there would be a potential for 4 days of use in a 7 day period.

Advises that since October 2013 ECDC have received complaints from 6 properties within the East Cambs district. The number of complaints regarding noise did decrease in 2014, however complaints were still received.

FDC Environmental Protection (EHO)

Objects: Notes that the noise impact assessment from the 2013 application (F/YR13/0857/F) has been resubmitted alongside a further noise management plan with additional information. Concludes the additional information has not addressed the concerns regarding the impact of noise raised by Fenland District Council Environmental Health Team, East Cambridgeshire District Council Environmental Health Team or the peer review undertaken by MAS Environmental Ltd as detailed in the 2013 application and committee report.

Advises that over the last two years 8 households have raised complaints about the impact of the noise and that all complaints are currently active, with the latest complaints received regarding site activity on the 21st and 22nd November 2015. The proposed level of use will equate to noise impacting on the residential amenity 50% of weekends and 30% of weekdays for 6 months a year. The extent of the usage requested is considered as significant. The frequency of usage should have been considered in the noise impact assessment.

Concludes that the application;

- has not adequately monitored or modelled the noise impact
- has not demonstrated the effectiveness of mitigation measures
- has not achieved a balance between site use and residents amenity.

Therefore considers that the application does not adequately demonstrate that the proposal would not lead to a significant adverse effect on the amenity of nearby residents.

Police Architectural Liaison Officer

I have no objections, recommendations, or further observations

Cambridgeshire County Council Minerals & Waste Planning

The application was the subject of a report to the Planning Committee on 10 December 2015. Members endorsed the officers' recommendation which is to OBJECT to the proposed development for the following reasons:

1. The proposed use of the land for motocross and the recreational riding of motorcycles is contrary to the terms of paragraph 5 of Part II of the second schedule of the S106 agreement between Cambridgeshire County Council, Church Commissioners for England and Hanson Quarry Products Europe Limited dated 28 November 2002.
2. To permit the proposed development of delaying by 5 years the restoration of land which is identified as a nature reserve within the Cambridgeshire and Peterborough Minerals and Waste Development Plan Block Fen/Langwood Fen Master Plan Supplementary Planning Document (July 2011) would be unacceptable and considered contrary to policies CS1, CS3, CS25 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (July 2011).

Local Residents/Interested Parties

26 letters of objection received raising the following concerns;

- Unwanted delays to the restoration scheme
- Interruption to peace and tranquillity of the area
- Adverse impact on residential amenity through noise
- Difficulty in monitoring/ enforcing the proposed level of use
- Breach of conditions requiring the restoration of the site
- Devaluation of property
- No improvement on previous application
- Canvassing by the applicant
- Encourages off-road motorcycle use in the area (added risk of trespass and break ins of local businesses)
- Increase in traffic – highway hazard
- Impact on birds
- No economic benefits
- Not in-keeping with the area

165 letters of support received with the following comments;

- Provides a sporting venue
- Provides a well-run and safe environment for the riders
- Does not consider the level of use would be annoying
- Enables young riders to further careers in the sport
- Provides a positive activity for young people offering a safe controlled environment
- Offers facilities for sports – healthy lifestyles
- Attracts riders from all over the country
- Ideally situated in the Fens away from built up areas
- The improved facility would enable accommodation of national level competitions
- Financial benefit for the District (and businesses in adjacent district)
- Effective use of land
- Less intrusive impact than use before
- The proposal is only for 5 years
- Helps prevent illegal riding/ trespass
- The clay shooting is noisier
- More noise from aircraft overhead
- Attracts people to the area
- The permission would enable
- Socially beneficial
- Granting permission would enable the permanent siting of toilets
- Ideal track due to sandy terrain

6 POLICY FRAMEWORK

National Planning Policy Framework (NPPF);

Paragraph 17: Securing a good standard of amenity

Para 73 Opportunities for sport and recreation

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

National Planning Policy Guidance (NPPG);

Noise: Paragraph: 001 Reference ID: 30-001-20140306

Fenland Local Plan 2014;

LP1:	Presumption in favour of sustainable development
LP2:	Health and Wellbeing
LP6	Employment, Tourism, Community facilities and Retail
LP15	Highways
LP16:	High Quality Environments
LP18:	The Historic Environment
LP19:	The Natural Environment

7 KEY ISSUES

- Principle of Development
- Noise Impacts
- Impact on Heritage assets
- Ecological Impacts
- Restoration of the site
- Economic Growth
- Social Impact

8 BACKGROUND

- 8.1 This application has been submitted following pre-application discussion with the Council, particularly with the Council Environmental Health Team who provided advice in respect of the Noise Management Plan indicating that further work was required in order to demonstrate that noise levels emanating from the use would be quantified and managed effectively. The submission aims to address the reason for refusal under the previous application F/YR15/0857/F which was as follows;

“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”.

- 8.2 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.
- 8.2 The site has an extant 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 November 2014 for water and nature conservation uses.

8.3 An enforcement notice was served on the land in 2012 by Fenland District Council due to the unauthorised use of the site for motorsports over the 28 days permitted under the GPDO. This notice 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.

9 ASSESSMENT

9.1 Principle of Development

9.1.1 Policy LP6 supports 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).

9.1.2 Therefore the principle of the proposal can be supported subject to its compliance with other relevant policies of the Development Plan

9.2 Noise Impacts

9.2.1 Policy LP2 is concerned with ensuring that development proposal should positively contribute to creating a healthy, safe and equitable living environment. Policy LP16 echoes this and aims to ensure amongst other things that high levels of residential amenity are delivered and protected through development.

9.2.2 It is acknowledged that the LPA has received 165 letters of support for the proposal with several considering that the use of the site does not give rise to amenity harm through noise.

9.2.3 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 26 letters 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.

9.2.4 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.

Noise Assessment

9.2.5 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.

9.2.6 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. Paragraph 123 of the NPPF advises LPAs when determining Applications to “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”.

9.2.7 The NPPF’s supporting ‘Planning Practice Guidance’ (NPPG) 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.”

9.2.8 Whilst noise can override other planning concerns, the NPPG and NPPF expects noise to be considered together with the economic, social and other environmental dimensions of proposed development. Local planning authorities’ decision taking should take account of the acoustic environment and in doing so consider:

- 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.

9.2.9 In-line with the Explanatory Note of the Noise Policy Statement for England¹, this would include identifying whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. A table used in understanding the thresholds and associated actions with noise is attached as Appendix A.

Applicants supporting information on noise factors

9.2.10 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 significant adverse impacts. These mitigation measures consist of a reduced frequency of operation being approximately 60 days per annum of which 24 will be at weekends and 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 (0.9 Miles) from the site.

The Council's consideration of the submitted noise evidence

- 9.2.11 The assessment of the application carried out by FDC's Environmental Health Officers (EHO) concludes that the application fails to demonstrate that the proposal would not lead to a significant adverse effect on the amenity of nearby residents i.e. that significant injury to the amenity of neighbouring properties will not occur as a result of the proposal. This is due to a lack of adequate monitoring and modelling of the noise impact of the site and its use. Additionally, the submitted details have not demonstrated the effectiveness of mitigation measures or that a balance between the use of the site and residential amenity has been achieved.
- 9.2.12 The applicant's submitted noise assessments are considered to indicate that the use for motorcross 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 *Appendix A*).
- 9.2.13 Accordingly, it is concluded that the proposal would result in a significant adverse effect to residents and in-line with advice contained within the NPPG, following the recommended actions for the associated table (*Appendix A*) the proposal should be avoided in this instance. As such the proposal does not protect residential amenity, would not positively contribute to creating a healthy and equitable living environment and therefore fails to satisfy the aims of policies LP2 and LP16.

9.3 Impact on Heritage assets

- 9.3.1 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. However, FDC 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.
- 9.3.2 The comments received from the 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.
- 9.3.3 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 weekdays during 6 months of the year (cumulative 60 total occasions maximum). Notwithstanding this, the noise impact on occupants of the property has been identified to be of concern which is addressed in the reasons for refusal. However, it is not considered so substantive so as to seriously impact upon the setting of the Heritage asset in including Fortrey's Hall, several Listed Buildings in Mepal and three Scheduled Ancient Monuments.

9.4 Impacts on Ecology and the Restoration of the site

- 9.4.1 As part of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (July 2011) and associated Block Fen/Langwood Fen Master Plan SPD there is a proposal for a Nature Reserve for the wider area and including the application site.
- 9.4.2 Policy LP19 of the Fenland Local Plan focuses on conserving, enhancing and promoting the biodiversity and geological interest of the natural environment throughout Fenland. This includes 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.
- 9.4.3 The site is within 1.4Km of the Ouse Washes (SSSI) and the site is within a County Wildlife Site (CWS) and a restoration scheme was previously submitted to the County Council and ran alongside the previous submission to Fenland for the motorcross track use.
- 9.4.2 Comments received from Natural England and the RSPB and the Wildlife Trust have been considered. They mainly raise concerns over the delay to of the area of the restoration scheme which comprises the application site and the impact this may have on the overall restoration scheme as a whole.
- 9.4.3 The timing of delivery and enforcement of the restoration scheme is essentially controlled via a section 106 obligation between Cambridgeshire County Council's Waste and Minerals Planning Team and the land owner. The County Council have objected to the current application on the basis that this application to extend the motor sport use would delay the overall restoration scheme which is contrary to policies contained with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (July 2011). Whilst this is a material consideration, it is concluded that as another authority (Cambridgeshire County Council) controls the deliverability of the restoration scheme and has enforcement powers to do so if necessary, regardless of any planning permissions granted by the LPA for the site, it would be unreasonable for the LPA to refuse the application on the grounds that the restoration of the application site would be delayed through the granting of a planning permission. Additionally, the previous application was not refused on these grounds therefore it could be considered unreasonable to introduce a refusal reason on this ground unless there had been a material change in planning circumstances. It is concluded that this submission is not materially different in this regard so as to justify a refusal reason on these grounds.
- 9.4.4 Natural England and The Wildlife Trust also object to the application on the grounds that the use of the site is likely to have an adverse effect on these habitats and the species they support through increased trampling, noise levels, visual disturbance, pollution etc. The Council's Wildlife Officer and the RSPB do

not consider that the proposal risks a likely significant effect on the interest features of the Ouse Washes Special Protection Area in terms of the Conservation of Habitats and Species Regulations 2010 (subject to winter bird monitoring).

- 9.4.5 As advised, the previous application ran in parallel with a revised restoration scheme which was submitted to Cambridgeshire County Council. Natural England at that time concluded that the restoration scheme was acceptable and that the proposal would be unlikely to have significant adverse effects on the Ouse Washes Special Protection Areas and likewise the scheme was supported in principle by the Wildlife Trust. As such, given that a revised restoration scheme would again need to be submitted to the County Council should this proposal be granted, it is anticipated that the objection currently received by Natural England and the Wildlife Trust in respect of habitat harm could be addressed. Notwithstanding this, Officers are mindful of the historic and continued use of the site under permitted development rights for motorsports use which would similarly impact on the site, regardless of whether an express planning permission was granted by the LPA.
- 9.4.6 Therefore, subject to conditions requiring the monitoring of wintering birds, with a scheme to be agreed prior to the development commencing, the proposal would mostly satisfy the requirements of Policy LP19.

9.5 Highways Impacts

- 9.5.1 The LHA have raised no objections to the proposal. As previously concluded the proposal would not cause severe harm to users of the highway. Therefore the development accords with policy LP15 of the Fenland Local Plan.

9.6 Economic Growth

- 9.6.1 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. Therefore, the development could assist in the economic growth of the District in-line with the aims of policy LP6 whilst providing a recreation facility which is one of the aims of policy LP2.

9.7 Consideration of letters of support

- 9.7.1 It is noted that a larger number of letters of support have been received than that of objection. The reasons for supporting the application mainly centre around the provision of a sports venue which could be enjoyed by a range of people, providing a financial benefit to the district capable of holding national events and would prevent illegal trespass by motorbike users in the locality. Additionally, the granting of permission would enable the permanent siting of sanitation.
- 9.6.2 Whilst these comments have been carefully considered, it is concluded that they do not outweigh the harm identified through the noise impacts which would result from an authorised, intensified use of the site. Additionally, the site would still benefit from permitted development rights enabling the continued use of the site for up to 28 days per year to host events. Whilst in refusing permission the site would not be entitled to permanently site toilets etc, it is understood that portable toilets are regularly used at this location to cater for participants and spectators

and again the permitted development rights would allow for this during operational days.

9.7 Consideration of letters of objection

9.7.1 The main concerns raised focus on noise disturbance and the impact on the sensitive wildlife sites and overall tranquillity of the area. Whilst most concerns raised have been assessed as above, the following additional concerns have been raised and assessed as follows;

-Difficulty in monitoring/ enforcing the proposed level of use

The site is remotely located and the Council have previously undertaken monitoring for the use of the site. Whilst this does require resources to monitor, the applicant has recently worked with the Council in providing a projected diary of usage which could be conditioned were a permission forthcoming and would form part of the Council's monitoring program.

-Breach of conditions requiring the restoration of the site

The control of the site at present fall under Cambridgeshire County Council's Waste and Minerals Planning Department. As such, this is a matter for the County Council to enforce against if they feel a breach of condition has occurred.

-Devaluation of property

This is not a material planning consideration.

-Canvassing by the applicant

This falls outside the control of the District Council.

-Encourages off-road motorcycle use in the area (added risk of trespass and break-ins of local businesses)

No evidence has been provided to establish that the current use under permitted development rights or that could otherwise be undertaken under express planning permission would encourage or reduce illegal trespass of motorcycle users or illegal activity per-se.

10 CONCLUSIONS

10.1 The proposal has been assessed against policies contained within the Fenland Local Plan and requirements of the NPPF and associated planning guidance (NPPG). The development would enable the expansion of an existing recreation facility for local communities whilst attracting motorsports enthusiasts on a national scale. However, it is considered that the applicant has not adequately addressed the concerns regarding the impact of noise raised by Fenland District Council Environmental Health Team, as detailed in the 2013 application under F/YR13/0857/F. As such it is concluded that the benefits of the proposal do not outweigh the identified harm through noise which leads to a significant adverse effect on the amenity of nearby residents which is contrary to the aims of policies

LP2 and LP16 of the Fenland Local Plan 2014, and paragraph 123 the NPPF 2012.

11 RECOMMENDATION

Refuse for the following reason

Policy LP2 seeks to ensure that development proposals should positively contribute to creating a healthy, safe and equitable living environment. Policy LP16 along with LP2 aims to ensure amongst other things that high levels of residential amenity are delivered and protected through development. The proposed use of the site for Motocross use and associated activities for a period of up to 60 days per year would result in an unacceptable level of cumulative activity and associated noise to the detriment of the amenities of local residents contrary to policies LP2 and LP16 of the Fenland Local Plan 2014 (adopted May 2014), and paragraph 123 the NPPF 2012.

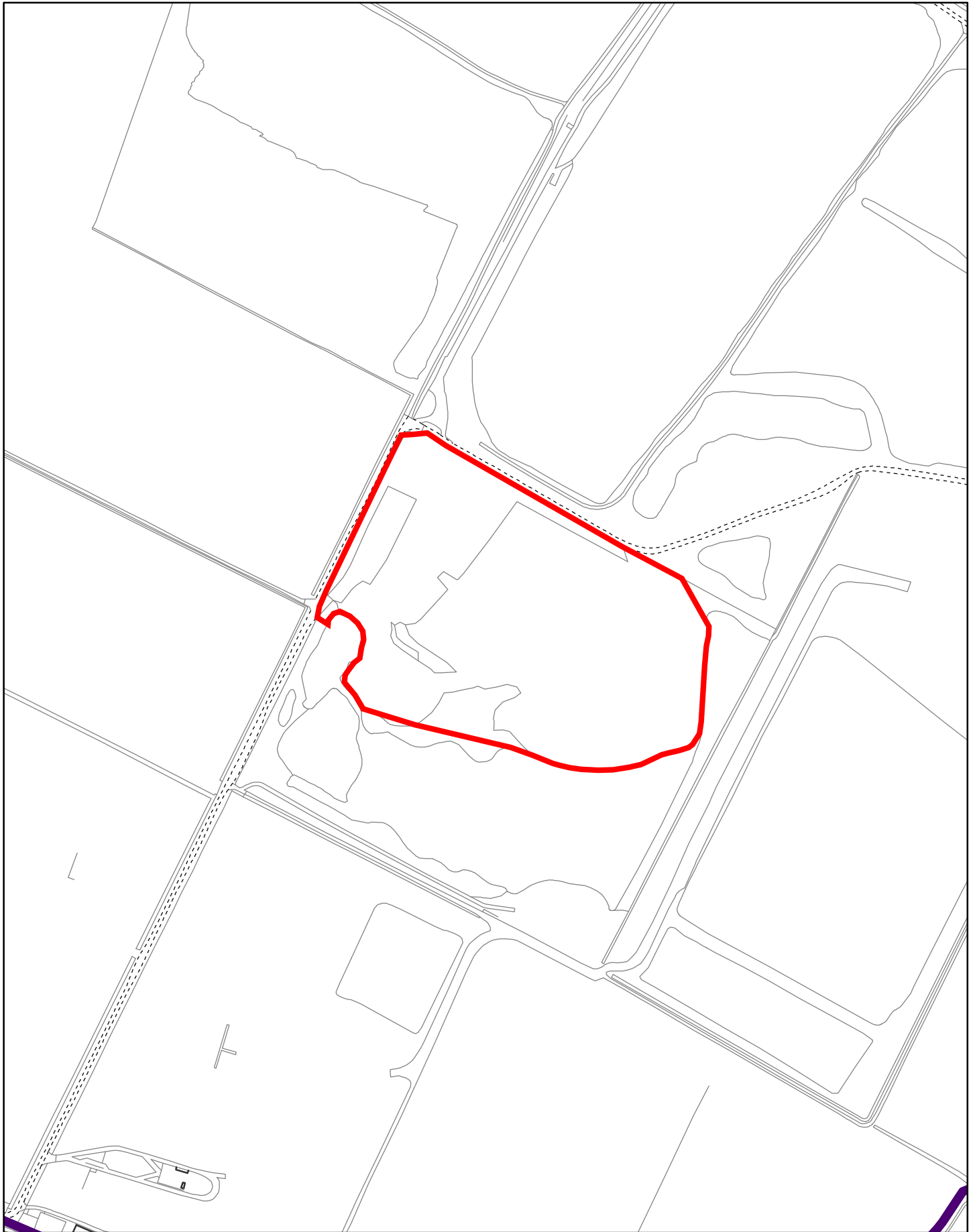
¹-Explanatory Note of the Noise Policy Statement for England. DEFRA, March 2010.

APPENDIX A

F/YR15/0985/F

Perception	Examples of Outcomes	Increasing Effect Level	Action
Not noticeable	No Effect	No Observed Effect	No specific measures required
Noticeable and not intrusive	Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed Adverse Effect	Mitigate and reduce to a minimum
Lowest Observed Adverse Effect Level			
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			
Noticeable and disruptive	The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent

Source: NPPG. Paragraph: 005 Reference ID: 30-005-20140306. Dated March 2014.
 Last accessed 16 December 2015



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Scale = 1:5,000





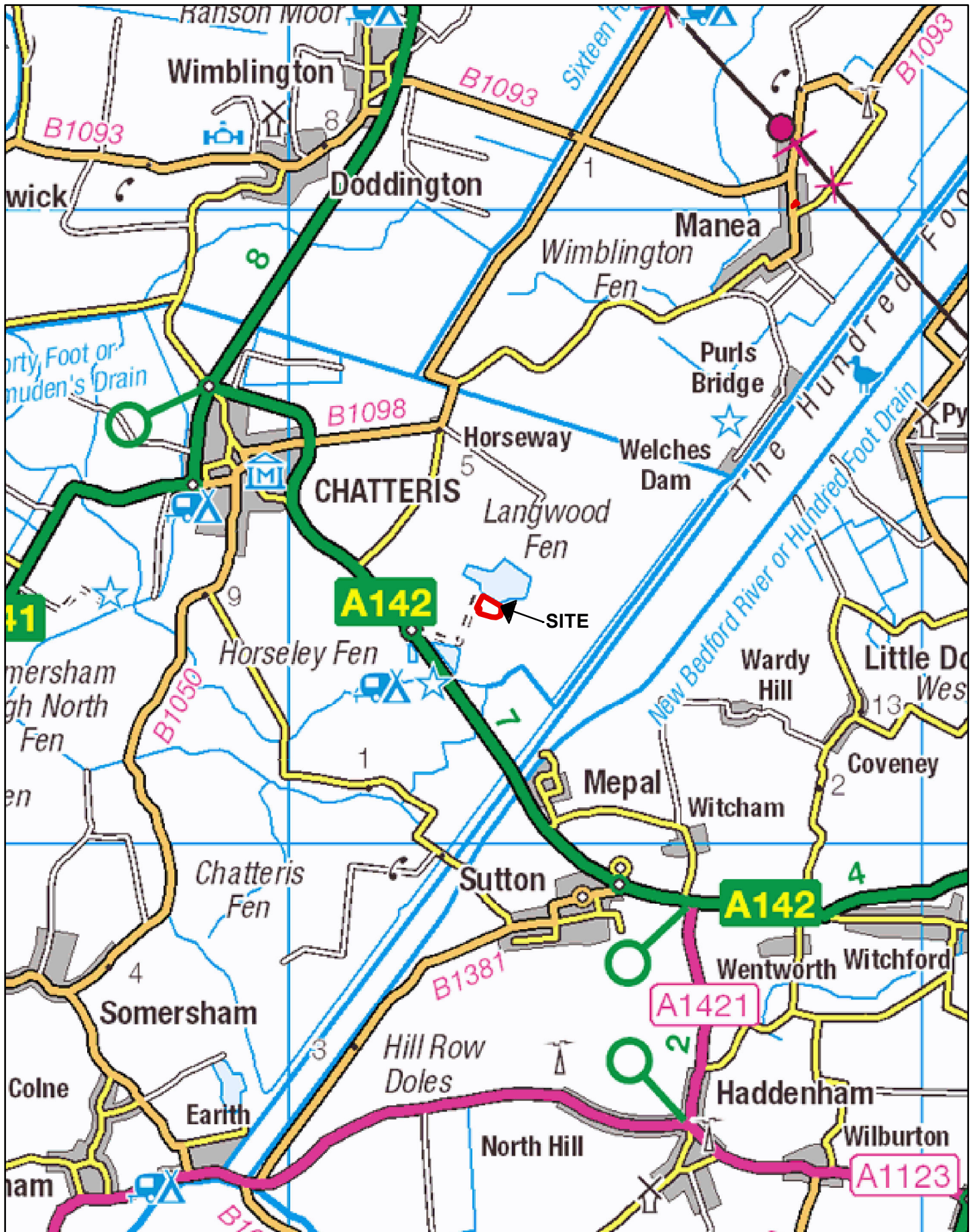
- KEY
- Existing bund with fence
 - New bund with fence
 - New bund
 - New fence
 - New fence (to be removed)
 - 11.25m High x 2m wide x 1m high
 - 12.25m High x 2m wide x 1m high
 - 13.25m High x 2m wide x 1m high
 - 14.25m High x 2m wide x 1m high
 - 15.25m High x 2m wide x 1m high
 - 16.25m High x 2m wide x 1m high
 - 17.25m High x 2m wide x 1m high
 - 18.25m High x 2m wide x 1m high
 - 19.25m High x 2m wide x 1m high
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 - 47.25m High x 2m wide x 1m high
 - 48.25m High x 2m wide x 1m high
 - 49.25m High x 2m wide x 1m high
 - 50.25m High x 2m wide x 1m high

4179

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Project: Cross Stock Farm
Site Plan

Scale: 1:1000
Drawn by: [Name]
Checked by: [Name]



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Scale = 1:80,000

