

**4/03082/16/ROC - REMOVAL OF CONDITION 1 (TWO-YEAR TEMPORARY PLANNING PERMISSION) OF PLANNING INSPECTORATE DECISION (APP/A1910/C/14/223612) APPEAL OF PLANNING APPLICATION 4/00435/14/ENA (MOTORCYCLE/MOTOR VEHICLE ACTIVITIES AND ASSOCIATED STORAGE/PARKING).  
LAND AT RUNWAYS FARM, BOVINGDON AIRFIELD, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2RR.  
APPLICANT: Ms Drift Limits and Cathy Leahy.**

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[Case Officer - Andrew Parrish]

## **Summary**

The application is recommended for a further temporary approval but with a limit on drifting. The proposal seeks full permission (through the removal of Condition 1) for motorcycle and motor vehicle activities and associated storage and parking following the temporary 2 year permission granted by the Inspectorate on appeal in 2014. Permission was granted for a trial period only to give the applicants the opportunity to demonstrate that the noise aspects of the motor uses, in particular the drifting activities, could be suitably controlled so as not to cause unacceptable noise nuisance to surrounding residential properties. There has been some reduction in noise threshold exceedances during the two year trial period due to changes in operating practices. However some residents are still experiencing detrimental noise on a regular basis to the extent that the Bovington Action Group (BAG) commissioned their own noise consultants to report on the use. The applicants have not demonstrated that they have employed all the best practicable means available to a motor sports business. Tyre squeal is now the major cause of residents' complaints, largely due to the annoying characteristics of the noise rather than the volume. During measurements taken by council officers in February 2017, even when both tyre noise and some engine noise were audible from the track, the sound level meter did not register the variation at any of the 5 locations visited which were residential areas in Bovington. The Environmental Health Officers' review of the monitoring set up supports their opinion that the degree of track wetting has a major effect on tyre squeal, as do meteorological conditions but the gains from recommending additional noise monitoring on site are marginal. The Environmental Health Officer's recommendation is that the frequency of complaints supports the view that the current Management Plan for Runways Farm is inadequate but that significant improvements could be achievable in terms of the level of noise at source, principally through improvements to the track wetting but also improvements to the noise monitoring and the effects of wind, other mitigation measures such as low noise paints and better information sharing through regular reviews of complaints with the applicants.

The applicants have not demonstrated satisfactorily that the activities at the site can be carried out with acceptable noise characteristics that do not cause significant nuisance to neighbouring properties. Furthermore, there are concerns that the proposal to retain the existing structures, together with the lack of landscaping, would be harmful to the rural character of the area and the visual amenities of the Green Belt in the long term and therefore are not appropriate for a permanent permission. The removal of Condition 1 to allow a permanent permission for the use at the site is therefore not recommended.

In line with the Environmental Health Officer's comments, an extension of the trial period is recommended to allow the applicant the opportunity to update the management plan and put in place amended measures to further reduce and mitigate the noise nuisance from the site, in particular from the drifting, and demonstrate that the use can be conducted with *"acceptable noise characteristics"*. However, during this extended trial, it is recommended that drifting should be limited to one day per week. This is in recognition of the significant ongoing nuisance that would be caused to residents if this activity were allowed to continue unabated at the current level. A reduction to one day is considered a reasonable compromise between residents' amenities and allowing ongoing testing of the use to continue. It should be noted in this respect that the Inspector was quite clear that *"If it is not possible for the activities at the site to be conducted with acceptable noise characteristic in relation to engine revving and tyre*

*squeal, these should not be allowed to continue.*" If, at the end of this extended period, it has not been demonstrated that the use can be conducted with acceptable noise characteristics, then the use, or at least the drifting use, should not be allowed to continue. Alternatively, if the opposite has been demonstrated, then consideration can be given to extending the drifting / permanent permission.

## **Site Description**

Runways Farm comprises part of Bovingdon Airfield, which was built in 1941/2 as a bomber airfield, but was used as a United States Air Force training base. The airfield was closed in 1968 and properties disposed of by 1976, reverting back to private ownership. The airfield extends over 340 acres and is mainly flat and exposed. Bovingdon Airfield is designated Metropolitan Green Belt.

The site comprises former runways and connecting roads, and their use for various authorised driver related activities, agricultural land, together with buildings relating to a car bodywork repair garage (Runways Farm Buildings), a building relating to the Speed skills driver use, and a number of steel storage containers relating to this use.

The site is situated in the northern part of Bovingdon Airfield with access off Upper Bourne End Lane. The site does not fall within any settlement boundary. The nearest settlement to the site is Bovingdon, approximately 300m to the south at its closest point. The site is as set out in the Enforcement Notice which was served in January 2014. The site can be divided into five main areas:

- A. The Main Runway – This is a 500m long concrete section of the SE-NW runway.
- B. The Circuit – This is a circular route, with asphalt now added to some of the concrete. The circuit includes the final 290m of the west-east runway and two sections of perimeter tracks.
- C. Connecting tracks – These connect the main runway to the circuit and also include a section leading eastwards towards the entrance into Runways Farm, off Upper Bourne End Lane. The majority of the containers, vehicles and other facilities associated with the motor uses are stored here.
- D. Land between the main runway and the connecting tracks / circuit and land in the middle of the circuit – These areas are being put into productive agricultural use.
- E. The Market Land – This is a 300m long section of the west-east runway and presently accommodates the Bovingdon Market stalls. This section is bordered by pollarded trees to its north and south. This area is in different ownership to the applicant.

The immediately surrounding area comprises agricultural fields and a prison, HMP The Mount, which is located at its closest point 65m from the circuit. There are residential areas to the south and east of the site in Bovingdon and along Hempstead Road, to the west of the site in Whelpley Hill together with isolated properties such as Runways Farm itself, Duckham Farm and two properties at the top of Bourne End Lane.

The site falls within the Metropolitan Green Belt and comprises an area of flat open fields on an exposed plateau with extensive sight lines across open countryside.

## **Proposal**

In January 2014 temporary permission was allowed for motorcycle and motor vehicle activities and associated storage and parking following an appeal against an enforcement notice against these activities (4/00435/14/ENA). The permission was subject to several conditions including Condition 1 which restricted the use to a maximum of two years after which the use should be discontinued and the land restored to its former condition.

The application seeks the removal of Condition 1 through section 73 of the Planning Act. The

removal of the condition would effectively grant a full permanent planning permission for the use and the operation development such as storage buildings / office.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Bovingdon Parish Council.

### **Planning History**

4/02130/15/DRC DETAILS REQUIRED BY CONDITIONS 3 (MANAGEMENT PLAN) AND 5 (STORAGE BUILDING) OF PLANNING PERMISSION 4/03237/14/FUL (CHANGE OF USE OF THE LAND TO EMERGENCY SERVICES AND PROTECTION DRIVER TRAINING FOR NOT MORE THAN 180 DAYS A YEAR WITH ASSOCIATED CLASSROOM).  
Delegated

4/02650/16/DRC DETAILS REQUIRED BY CONDITION 8 (STORAGE AND FACILITIES PLAN) OF PLANNING INSPECTORATE DECISION (APP/A1910/C/14/223612) APPEAL OF PLANNING APPLICATION 4/00435/14/ENA (MOTORCYCLE/MOTOR VEHICLE ACTIVITIES AND ASSOCIATED STORAGE/PARKING) RESUBMISSION  
Granted  
13/10/2016

4/01484/15/DRC DETAILS REQUIRED BY CONDITION 8 (STORAGE AND FACILITIES PLAN) OF PLANNING INSPECTORATE DECISION (APP/A1910/C/14/223612) APPEAL OF PLANNING APPLICATION 4/00435/14/ENA (MOTORCYCLE/MOTOR VEHICLE ACTIVITIES AND ASSOCIATED STORAGE/PARKING)  
Refused  
30/06/2016

4/00933/15/DRC DETAILS REQUIRED BY CONDITION 5 (MANAGEMENT PLAN) OF PLANNING INSPECTORATE DECISION (APP/A1910/C/14/223612) APPEAL OF PLANNING APPLICATION 4/00435/14/ENA (MOTORCYCLE/MOTOR VEHICLE ACTIVITIES AND ASSOCIATED STORAGE/PARKING)  
Granted  
15/06/2015

4/00177/16/FUL USE OF CAR TRACK FOR CYCLING EVENTS AT WEEK-ENDS AND MID-WEEK EVENINGS AND CONSTRUCTION OF EQUIPMENT STORE  
Granted  
29/03/2016

4/01889/14/MFA RELOCATION OF MARKET FROM EAST/WEST RUNWAY TO NORTH-WEST/SOUTH-EAST RUNWAY, RECONFIGURATION OF ASSOCIATED CAR PARKING AREAS, INSTALLATION OF OFFICE AND TOILETS, AND FORMATION OF LANDSCAPING (INCLUDING NEW BUND)

Granted  
23/04/2015

4/03237/14/FUL CHANGE OF USE OF THE LAND TO EMERGENCY SERVICES AND PROTECTION DRIVER TRAINING FOR NOT MORE THAN 180 DAYS A YEAR WITH ASSOCIATED CLASSROOM

Granted  
02/04/2015

4/00435/14/ENA APPEAL AGAINST ENFORCEMENT NOTICE(MOTORCYCLE/MOTOR VEHICLE ACTIVITIES AND ASSOCIATED STORAGE/PARKING)

Delegated  
Appeal allowed 14/01/2015

4/00140/13/LDE MIXED USE COMPRISING AGRICULTURE, OPEN AIR SPORTS INCLUDING MOTOR VEHICLE ACTIVITIES AND MOTOR VEHICLE STORAGE AND TRAINING CENTRE, CAR PARKING AND MARKETS

Refused  
15/01/2014

4/02626/03/FUL CHANGE OF USE TO POLICE DRIVER TRAINING FOR NOT MORE THAN 60 DAYS A YEAR

Granted  
19/03/2004

4/00940/95/RET for retention of extended market area and parking was granted

4/01327/95/RET for use of land for "fun kart" circuit (renewal) was granted temporary planning permission. This permission has now expired.

4/00128/96 for use for general bodywork repairs including sand blasting and welding and repainting was granted

Relevant enforcement history for this site is as follows:

E/12/00284 - use of land for sports car driving experience

E/04/00164 - racing of motor cycles and other vehicles

E/03/00225 - alleged bike racing taking place

E/02/00223 - alleged unauthorised use of land for motor cycle training

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

### Adopted Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS5 - Green Belt

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS25 - Landscape Character  
CS29 - Sustainable Design and Construction  
CS35 - Infrastructure and Developer Contributions  
Section 26 - Countryside Place Strategy

#### Saved Policies of the Dacorum Borough Local Plan

Policies 13, 51, 58, 61, 62, 63, 79, 82, 100, 111, 113, 129  
Appendices 1 (updated through the sustainability checklist), 5, 8 and 9

#### Supplementary Planning Guidance/Documents

Environmental Guidelines  
SPG 'Area Based Policies' Chapter 1: Bovingdon Airfield

#### Advice Notes

Sustainable Development Advice Note (Dec 2016)  
Refuse Storage Guidance Note (Jan 2015)

#### Article 4 Direction

Land North of Bovingdon Airfield

### **Summary of Representations**

#### Bovingdon Parish Council

The Parish Council's Planning Committee met on 15 February and considered the additional information received.

The Council's view is that the additional information does not address the fundamental concerns that we submitted to you following our meeting held on 9 January 2017 and, therefore, our original objections still stand.

In addition, there are excerpts on YouTube dated 13 November 2016 and 31 December 2016 of Drifting, and it would appear that the track has not been watered and also demonstrates the unacceptable level of 'screeching' made by the high performance vehicles.

<https://www.youtube.com/watch?v=RjpVLGO--mc>

#### Bovingdon Parish Council

The Parish Council's Planning Committee considered this application at its meeting held on 9 January 2017. The meeting was attended by over 20 residents including representatives of the Bourne End Village Association. The majority of residents attending object to this application and the Parish Council supports the concerns raised by the residents and therefore, wishes to also strongly object to this application.

The reasons for our objections are:

1. We understand that the applicant has put in place measures to attempt to monitor the noise levels and endeavoured to introduce other measures to help reduce the noise caused by

the high performance vehicles. However this has not proved satisfactory and on days when motor vehicle activity is taking place there is for some residents living in closer proximity a totally unacceptable level of noise, which affects their lives unreasonably. The level of noise is at times dependent on the wind direction and weather generally and this also has a bearing on the intensity and level of noise experienced by residents living all over the settlement of Bovingdon and in other neighbouring areas. Residents living in Whelpley Hill, which comes under Ashley Green Parish Council and also in Bourne End have voiced their concerns at the level of noise and intrusion this activity makes into their lives. The main respite from noise has been the suspension of these activities on Bank Holidays, Saturday afternoons and Sundays.

2. Comments made by residents about the loud engine roar and tyre screech noise and how it affects their daily lives were:
  - I make a point of going out every Saturday morning from May to September to avoid the irritating noise; excessive noise pollution from this activity
  - I cannot sit in my garden and have to close windows and doors when I go inside and the noise can still be heard; loss of peaceful enjoyment of our home and garden
  - Causes us stress; danger to my health and mental well being
3. The applicant conceded that the noise monitoring has not been totally effective and indicated that birds or a tractor could affect the noise levels recorded. It is clear that the noise nuisance described by some residents as intimidating is made by the high performance vehicles and not birds, etc. We understand that there are insufficient sound monitors and some of these have been found not to be functioning properly.
4. Concerns were expressed about the safety of people using the public footpath near to where the motor vehicle activity takes places and that there are insufficient barriers to safeguard footpath users.
5. Unfortunately the Noise Management Plan for the two-year trial period has been insufficient and appears not to have been properly implemented. Contrary to the Management Plan we understand the runway and circuit are not being properly watered when cars are running and if it was, it would appear to have been ineffective. It is evident that the Management Plan has not worked. If the Borough Council is minded to remove Condition 1 we would ask that prior to this very serious consideration should be given to the implementation of a properly managed and effectively monitored plan.
6. In our view this is an inappropriate activity in the Green Belt.

We therefore, ask that the Removal of Condition 1 is not approved and that this activity ceases.

#### Ashley Green Parish Council

Ashley Green Parish Council debated this appeal at their meeting on 18th of January. They have received complaints about the noise from activities from Whelpley Hill residents. But some residents support the local businesses bringing employment to the area.

Therefore the Parish Council have decided not to comment on the application.

#### Chiltern District Council

No comment

#### Highway Authority

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

HCC as Highways Authority was not consulted on Planning Application 4/00435/14/ENA (Motorcycle/motor vehicle activities and associated storage/parking) and therefore has no comments on this application for removal of condition.

#### Public Rights of Way Officer

The application site is crossed by Bovingdon public footpath 29.

Given the nature of the activity, safety of members of the public is the main priority. I believe this has been given due consideration during the 2 years 'probationary' period. Despite this members of the public have reported that they are not prepared to use the footpaths when cars are on the circuit.

The visual and, particularly acoustic, effect of the applicants activities on this site are impossible to mitigate against and can only be seen as detrimental to the public accessing the area via public rights of way.

On the previous application to remove the conditions the site was depicted larger than the area used during the previous 2 year period for the drifting activity. This is concerning as, to use the additional area, there is potential that the activity could affect a larger section of the footpath. Having these activities crossing the public footpath would be unacceptable.

I am not aware, although may be wrong, that motor cycle activity has been a feature of the previous two years. I feel sure it would have attracted, or been a part of, complaints if it had been. Is this motorcycle activity purely road and safety training? If so should it be part of the same application and are there safeguards to limit the drifting activity to its current extent? All the concerns raised to me have related to the drifting activity (safety of members of the public using the footpath, and associated noise from the drifting).

#### Environmental Health (in summary) (full comments reproduced at **Appendix 1**)

Despite reductions in exceedances of the noise thresholds set in the temporary planning permission, residents continue to complain that activities on the site are detrimental to the amenity of the area.

The frequency of these complaints supports the view that the current Management Plan for Runways Farm is inadequate.

In the event that permission is given to continue current activities, it is recommended that the Management Plan for the site is significantly revised to help address these concerns:

- The Management Plan must be updated to cover current and planned activities as well as improvements e.g. re-location of drifting to the main runway. It should include regular consideration of best practicable means to control noise, for example improvements to monitoring technology, tyre technology -, use of low noise paints to set out the routes for various activities.
- Quarterly reviews of the Management Plan with the council regarding exceedances of noise thresholds, complaints received and mitigation measures taken as a result.
- Improve the effectiveness of the track wetting where drifting takes place – with a requirement to share details of the use of the system and volumes of water used.
- The static noise test for exhaust monitoring be changed to that laid down by the Motor

- Sports Association, i.e. readings to be taken at  $\frac{3}{4}$  of maximum revs.
- Consideration to the use of an anemometer on site to better correlate complaints to wind direction.
  - A proper, costed, consideration to providing real-time noise data with a similar, costed, consideration of providing an additional noise monitoring point.
  - Quarterly external field calibration checks of the noise monitors

There has been some reduction in noise threshold exceedances during the two year trial period due to changes in operating practices.

However some residents are still experiencing some detrimental noise on a regular basis to the extent that the Bovingdon Action Group commissioned their own noise consultants. The applicants have not demonstrated that they have employed all the best practicable means available to a motor sports business.

The Council's environmental health officers have reviewed the applicants' records, historical measurements and residents' complaints, in addition to taking new measurements, in order to arrive at some conclusions regarding this application.

The level of engine noise complaints has dropped substantially over the past two years and it appears that tyre squeal is now the major cause of residents' complaints.

I believe this is largely for real psychological reasons rather than the actual volume of the noise involved. The tyre squeal is very distinctive and there may be a natural tendency for people to tune into this sort of sound because of its association with cars crashing.

This review has centred on the reasoning behind the current monitoring set up and the standards previously set. The information gained so far supports our opinion that the degree of wetting on the track has a major effect on tyre squeal, and less effect on other aspects of noise produced during drifting.

The target set for the operators is that the sound level due to motorsport should be at least five decibels below the measured background level at five identified locations. In practice this has to be achieved by measurements at source and calculation because it is technically impossible to measure noise levels that are below the background level at the recipients location.

Subsequently, noise levels were set at the track that were calculated to produce sound levels at the nearest potential complainants premises which would be a minimum of five decibels below background.

During measurements taken by council officers in February 2017, even when both tyre noise and some engine noise were audible from the track, the sound level meter did not register the variation at any of the 5 locations visited. The monitoring points were all away from the track and within the residential areas of Bovingdon. This is the result expected given the limits imposed on the site operators.

It therefore appears that the ongoing complaints are testimony to the human ears ability to pick out unusual noises, especially noises that might indicate danger, rather than any overall rise in the volume of noise above the existing background noise levels within the village.

We have come to the conclusion that the current noise limits are still the appropriate means of controlling the overall noise levels from the motor activities on Runways Farm. However there is an ongoing problem with perception of the noise due to its nature and characteristics.

We also conclude the gains from recommending additional noise monitoring on site are marginal.



Instead the concentration should be on achieving cumulative minor reductions of noise at source. It appears to us that significant improvements could be achievable beyond the current situation and it would therefore be worthwhile extending the trial period in this instance.

#### NATS Ltd

Any comments received will be reported at the meeting

#### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

'Wayside' Upper Bourne End Lane, Chilterns', 2 Old School Cottages, 'The Gable', 'Barton Colyers', 'Flint Cottage', 'Spencers Farm', 21 Whelpley Hill Park, Whelpley, 'Foxmeadow Cottage' Grove La Chesham, 'Green Lodge' Vicarage Lane, 'Pastures' Vicarage Lane, 17 Hamilton Mead, 'St John House' Church Lane, 'Woodcote' Hempstead Rd, 'Long Meadow' Flaunden Lane, 'Hazels' Bushfield Road, 7 Homefield, 'Random Farm Bungalow' Stoney Lane, 41 Green Lane Hempstead Road, 'Highcroft Farm' Hempstead Road, Rymill Close, 'The Spinney' Hempstead Road, 'Hill Cottage' Hempstead Road, 'The Cottage' Stoney Lane, Bovington, 'Linton' Ley Hill, plus 12 other unaddressed objections - Object:

- Continuing and disruptive noise nuisance over the last 2 years
- Noise level same as when first started
- Loud engine roar
- Tyre screeching
- Burning rubber smell on hot days
- Screeching can be heard indoors with double glazed windows closed
- Unpleasant to use garden
- The character of the noise is the nuisance, not the decibels
- As it is primarily the nature of the sound which is causing the problem, it is difficult to see how a satisfactory solution can be arrived at
- This noise is inconsistent, loud and very irritating
- Loud enough to be heard above everyday traffic
- The wind direction has a great effect
- No consideration has been given to wind direction in the Management Plan
- Even when noise threshold are exceeded Drift Limits invariably blame other causes
- The Noise Management Plan has been insufficient
- Runway and circuit not being properly watered
- even when the track is wet due to the weather, this makes little improvement to the noise
- The move from the recently resurfaced circuit to the runway with its old rough surface has made the screeching louder not quieter
- Insufficient noise monitors and not always functioning
- Drifting on runway is contrary to the approved Management Plan
- Exhaust noise exceeds approved Motor Sport Association Standards
- Restricted operating times does not help people who are at home during the week
- A properly monitored plan should be in place before Condition 1 is removed
- Intimidating screeching and revving noise can also be heard from Public Footpaths in the area
- Walkers and ramblers have stopped using the paths due to the unpleasant noise
- Storage area for the cars and equipment is visually harmful to the Green Belt
- No barriers to prevent out of control cars crossing the footpath
- Vehicles do not have the necessary tax, licence plate, MOT and insurance for parking / using the highway of which there have been incidents

- Concern that Drift Limits may not be licensed to store and handle fuels
- Unauthorised signage advertising race track on the highway contravening the temporary permission
- Horrified that children were being strapped into cars and being driven at high speed in the thick fog
- Sure there is a better use of the runway that would provide employment without the noise
- Claims of jobs provided have not be substantiated
- Never had cause to complain about the other activities - learner driving, emergency services
- Drifting and motorsport were never suitable uses for this land in an otherwise peaceful landscape
- If allowed will inevitably attract further noisy activities
- Conditions imposed by the Inspector have not been met
- Runways Farm should find another site away from the close proximity of the village
- struggle to understand how the applicants can claim that there is no longer a noise issue

In addition there have been some 130 noise complaints / logs / diaries registered with Environmental Health on various days during the course of the application.

'Redgrove' Chipperfield Road, 'Delta Force Paintball' Bovingdon Airfield, 38 Ryder Close, 7 Lysander Close, 'Old Dean', 'Kenwood Farm' Flaunden Lane, 38 Austins Mead, 43 Hyde Meadows, Bovingdon, 'Sunhaven' Northchurch Common Berkhamsted, 'Community Action Dacorum' 48 High Street, 'Hemel Hempstead West Premier Inn' A41 Service Station, Hemel Hempstead Cycling Club', Hemel Hempstead, 35 Ashlyns Road, Berkhamsted, plus 1 other unaddressed representation - Support:

- As the closest neighbour, the operation of DL is not in any way disturbing to our location at Delta Force Paintball
- Loss of DL would be detrimental to DF Paintball and leave the airfield in a disused state
- DL has kept the area clean of litter blowing across from the Bovingdon Market
- As first hand users of the track, HH Cycle Club has experienced first hand the hard work put in by DL to keep the site tidy and clean and to upgrade facilities. The high tariff can only be afforded by the car drifters, as HH Cycling Club can't attract the level of income required to do this
- The loss of DL would close other activities, in particular cycling events
- DL brings business and employment to Bovingdon and a great day out
- Emissions is not a concern as livestock farming is responsible for 20% of greenhouse gas emissions
- The noise is not an issue
- DL brings beneficial bookings to West Premier Inn
- Concerns of village residents have been addressed by Drift Limits
- DL has enabled Community Action Dacorum to support many voluntary groups in the borough.
- Having watched on a Saturday morning, it is not overly noisy and cannot envisage it being a problem to local residents
- No impact on the village as all traffic arrives via Bourne End Lane
- There is more noise and traffic from the prison and the market
- Find it ridiculous that there are people opposing
- Continues the tradition of motorsport on the airfield
- Majority of people who turn up to Parish Council meetings tend to be those opposed to something
- Parish meeting not a fair representation of the village of Bovingdon
- DL has made significant changes to the way the business operates

- Unfortunately every sound that happens at RF is blamed on DL
- Residents complaining about noise at RF had little interest in hearing about other causes
- Whether you can hear noise does depends on the wind direction
- Significant that a relatively small number of complainants attended the PC meeting
- Unfair to jeopardise DL's business
- Many more people turned up to the Charity Fayre run by DL in December than attended the PC meeting
- If DL were to cease using the land it could end up being used for housing development
- DL provide direct and indirect commercial benefits

*Bourne End Village Association* - It is clear from the Inspector's finding at appeal ( APP/ A14910/C/14/2213612 refers ) that permission was to be granted for this activity for two years. Re-instatement was to follow.

This application cannot be for the removal of a temporary condition ( which of course has almost passed) but should be for the desired approval of the total activity. It should be appropriately put together therefore, including full details of the various proposed management plans, noise plans etc.

The area of application impacts in noise and access terms upon the area of Bourne End. This is via Upper Bourne End Lane ( noise and access) and upon the main area of Bourne End (noise).

In considering this application attention must be paid to the temporary two year period. In this respect it has failed in two important areas :

Firstly, and even recently, the amount of noise and its nature (a key consideration for the Inspector) has exceeded reasonable limits and its disturbing nature has not been mitigated (irrespective of any plan).

This has been reported on a number of occasions to the authorities, including the planning area. The noise comes from the revving, and particularly, the tyre squeal and its repetitive nature. The noticeable noise has been heard as far away as Pix Farm Lane, as recently as a few weeks before Christmas.

It would also appear, from residents, that attempts to mitigate noise, for example by watering the track, have at best been applied spasmodically or not at all.

Finally it is disingenuous to suggest that background noise e.g. birds add on top of the noise to exceed limits - whatever they are! It is of course the opposite and both peak and sustained noise should be monitored and acted upon.

Secondly we have a number of photographs of the vehicles kept for the activity driving up and down Upper Bourne End Lane. It would appear that some (we haven't had the resources to check on all) are unlicensed and do not have MOTs. They appear to be travelling to and from a repair / tuning facility and a petrol station.

Whilst insurance cover and safety must also be a concern, the planning aspect is that the operators are carrying out business in an area outside the permitted one.

It is evident, from experience, that all is not right with the activity either because:

- 1) Plans and controls are inadequate
- 2) Compliance with controls is not being carried out or monitored
- 3) The operators or the users actively do not wish to comply or are lackadaisical in approach.

Given the experience, the impact upon residents and walkers, we urge you to reject this application and its implications.

Whelpley Hill Village Hall - The Committee of Whelpley Hill Village Hall (also known as Coronation Hall) have asked me to contact you to express our objection to this application to use this land for Motorsport on the grounds of excessive noise (tyre screeching and engine noise) as, on the occasions our Hall is hired out, particularly at weekends, this noise affects our hirers when using the garden facility at the Hall. One of the benefits we offer our hirers is a quiet garden area which, particularly in the summer months, is used for wedding receptions, parties, etc.

Bovingdon Action Group Response to Planning Application 3rd May 2017 (see comments at Appendix 2)

At the conclusion of the 2 -year trial, motorsport activity on Runways Farm continues to cause unacceptable harm to the living conditions of neighbouring residents in Bovingdon, Whelpley Hill, Bourne End and along the Hempstead Road.

During the 2-year trial period the applicant allowed Drift Limits to move drifting from the Circuit to the Runway in violation of Condition 6(j) of the Noise Management Plan.

During the 2-year trial period the applicant has not complied with Condition 6(k) of the Noise Management Plan which requires the surface to be kept wet when drifting takes place.

Despite the motorsport activity conducted on the runway and circuit being significantly modified during the trial period, the applicant has not ensured that the noise monitoring equipment is now appropriately repositioned resulting in a significant under reporting of noise nuisance.

As such and in line with the Inspector's decision the drifting and super car activity on Runways Farm should cease.

Bovingdon Action Group response to additional information (in summary) (full comments at Appendix 3) - Strongly objects to this application. The Planning Inspector's decision was very clear: If the motorsport noise nuisance on Runways Farm could not be eliminated within the two-year trial period then the activities should cease.

The motorsport noise nuisance continues to negatively impact residents whose homes border the runway, despite the fact that Runways Farm was given 2 years (until 14 January 2017) by the Inspector to resolve the problem.

This additional information provided confirms residents' fears that the Inspector's decision is not being properly implemented and highlights the applicant's hesitancy to accept or address the issues which is causing ongoing and unacceptable noise nuisance to residents.

Gerald Eve's response to the Clarke Saunders recommendations to help solve the noise nuisance clearly highlights that the applicant has neither a clear grasp nor an understanding of the points that the Inspector made very clear in his decision, particularly in respect of the noise nuisance residents are experiencing:

*"it is not just the loudness of the noise that makes it annoying to the residents but the characteristics and repetitive nature and even low sound levels could become annoying".*

As demonstrated by the noise complaints still being submitted by local residents, the noise nuisance that the Inspector witnessed during his site visit is still occurring, six weeks after the 2-

year trial period has ended.

In his decision, the Inspector makes it very clear that during the 2-year trial the operations should be modified to prevent the noise nuisance to neighbouring occupiers. The Gerald Eve document makes it very clear that the applicant has grasped a theoretical, computer generated noise threshold with the aim of preventing noise nuisance exceedances. While the Inspector agreed that in principle this is a good approach he raised the concern:

“but in practice I have concerns that any reliance on the theoretical impact prediction is unlikely to be satisfactory...”

The applicant is offering nothing of significance to address the noise nuisance especially with regards to drifting, falsely claiming that watering is always taking place, denying there is any noise generated on the concrete and describing the noise as a squeak which, with respect, is laughable. After the 2-year trial period the latest proposal is to paint the curbs, which will make no material difference. It is time to face up to reality; Drift Limits have no response and cannot address the noise nuisance created by drifting.

*Bovingdon Action Group (in summary)* - In June 2016 with no end to the ongoing motorsport noise nuisance on Runways Farm in sight, local residents through BAG agreed to hire a specialist consultant in motorsport acoustics to:

- Analyse why local residents whose homes border the airfield continue to experience unacceptable motorsport noise nuisance and why that significant noise nuisance experienced is not triggering the monitoring system.
- Recommend possible solutions to resolving the motor sport noise nuisance once and for all.

We commissioned Clarke Saunders Acoustics. Clarke Saunders are a highly respected and established expert in motorsport acoustics whose company provides expert consultancy advice to many UK motorsport circuits including Silverstone, Brand Hatch and Oulton Park.

At a meeting in October 2016 with the Environmental Health and Enforcement Officers, it was agreed that Clarke Saunder's findings and recommendations would be shared with the applicants in the hope that they would be incorporated into RWF upcoming planning application.

When it transpired in December 2016 that very little detail had been provided in the current application, the planning case officer requested further information from the applicant via their consultant Gerald Eve in support of the application.

In February 2016 Gerald Eve submitted further detail in response. However, only 1 of the 6 recommended improvements was incorporated into the updated application but not accurately. Instead Runways Farm and their consultants defended the existing noise management plan and ignored the continuing noise nuisance that local residents are experiencing.

Clarke Saunders' analysis of the 'additional' information supplied by Gerald Eve's is attached (see Appendix 4).

*Clarke Saunders Review on behalf of BAG (in summary) (full comments at **Appendix 4**)* - Noise disturbance to surrounding residents has prompted an independent review of noise emissions from motorsport activities at Runways Farm, Bovingdon Airfield. The site is approaching the end of a two year trial planning consent, issued following an appeal to the Planning Inspectorate.

In his report, the Planning Inspector set out his expectations for this trial period to establish and

refine noise control and monitoring procedures, due to his scepticism over the predicted acceptability of noise emissions submitted by the site operator (see paragraphs 21, 27, 28, 40 and 41 of the Inspector's report). In paragraph 42 of his decision the Inspector made his expectations clear "...a trial run be allowed for a two year period, in which time the operations can be modified to prevent noise nuisance to neighbouring occupiers...".

This review has confirmed the Inspector's view that the initial noise impact assessment did not fully reflect the disturbance caused by the activity. Engine revving and tyre squeal from drifting activities is more disturbing than was anticipated by a somewhat simplistic assessment which did not consider the highly directional characteristics of performance exhaust systems nor the prevailing or typical meteorological conditions on site, along with the inherent variability of these conditions.

Noise disturbance from the site is not adequately monitored or controlled. The system installed to monitor noise levels can be undermined relatively easily, either deliberately or sub-consciously by driver behaviour, and does not provide the transparency and clarity neighbouring residents could reasonably be expected to demand.

In terms of practical noise impact control, the static engine noise test regime appears to be incorrectly implemented, both in terms of the test method and the acceptance threshold established, and the track wetting commitment to minimise tyre noise during drifting activities appears to be poorly observed.

In summary, for a number of clearly set out reasons, it would not be appropriate for Dacorum Borough Council to consider allowing the activity to continue under the current noise monitoring and control regime, significant improvements to which are required.

*Bovingdon Action Group initial comments (in summary) (full comments at **Appendix 5**)* - Raises a number of points that BAG feels need to be considered.

An independent noise report was commissioned by BAG from a leading motorsport noise expert (Clarke Saunders) to help residents understand why they were still being impacted by the noise and what was missing / required that should have been implemented during the two year trial to demonstrate the noise nuisance could be appropriately managed. It concludes that the noise disturbance from the site is not adequately monitored or controlled and offers a number of areas for improvement which were expected to be implemented in the trial period but were not.

*Duration:*

Residents have had to endure unauthorised noise nuisance from drifting at Runways Farm for 5 years plus a 2 year trial period following the Inspector's decision. Residents expected and had assurances that the noise could be controlled which has not materialised.

*The noise / levels:*

The nuisance relates to tyre screech and high power engine noise which causes irritation / stress along with the loss of amenity. The noise is random / sporadic and the only guarantee of some quiet is Saturdays pm / Sundays and Bank holidays when the cars are not allowed to operate.

It is the nature of the noise which is out of character with the environment and causes nuisance and stress which was also clearly noted by the Inspectorate in his report.

The wind direction and wind strength has a major impact on who receives the noise nuisance as set out in Clarke Saunders report.

*The Trial period:*

Little improvement has been noted during this period and some days the noise is worse than before the two year trial. Despite the trial period to improve matters, the noise continues

Tyre screeching is as bad as ever. Assurances were given at the appeal that track surfaces would be watered and made adequately and continually wet to help reduce the noise (also stated in management plan). Drifting has moved from the circuit to the runway but it remains questionable whether the track is being watered correctly or even if this is practicable.

Even when wet it should be appreciated that it doesn't remove the nuisance altogether as noted on rainy days.

Tyre screech is primarily from the drifting but also from the cars running on the Circuit.

Residents understood that the applicant / operators would be working with DBC and residents to continually make adjustments in measurements and mitigation in line with complaints. There has been little or no engagement since the management plan in this respect. This was clearly the intention of the two year trial noted by the Inspector.

As noted by the inspector what is being experienced on the site is not the same as experienced by neighbours.

The approach taken to noise reduction appears to be about avoiding the noise from triggering the noise monitoring equipment by keeping away from the microphones rather than understanding how residents are being affected and addressing this.

Whilst the applicant claims that many exceedances are due to third party causes, it is suggested that the position of the microphones mid runway is likely to favour noise from the Met Police than noise from drifting which takes place mainly at either end of the runway.

The noise is clearly being created by the operators at Runways Farm as witnessed by residents.

It has to be questioned how accurate the schedule of events provided in advance aligns to the actual activity that took place when comparing / aligning noise complaints.

BAG are not aware of any changes to noise levels / setting changes in line with complaints.

*Compliance to the management plan:*

Assurances were given at the appeal that the surface would be made wet for drifting which was a key part of the appeal and consent for the two year trial. Evidence would suggest that the surface is not being made wet and if / when it is, not sufficiently to make any difference.

On a number of occasions the activities have overrun, particularly on Saturdays.

*The complaints:*

It may be claimed that as the noise complaints have reduced then there has been improvements - but such a correlation cannot be made given that residents will become tired of complaining over time.

The noise nuisance will impact residents differently depending on their noise tolerance, lifestyle and geographic location.

Some residents are reporting they are having to go out to avoid the noise.

In the spring / summer it's expected activity will increase and naturally more residents are impacted when trying to enjoy their properties with windows and doors open or whilst seeking the peaceful enjoyment of their gardens, which sadly they can no longer enjoy.

*Other:*

Some consideration / weight may be given to the benefit for Bovingdon but considering the access to Drift Limits is via the A41 and not via Bovingdon, the benefit to Bovingdon is limited. Extract from Drift limits web site – directions (avoid navigation systems as they will take you to Bovingdon).

The site could be used for other activities which at the same time could be a lot less harmful to the environment and one the local community could embrace. This has already been demonstrated with the planning request for a cycling event, auto jumbles etc.

*The Inspectors report:*

The Inspectorate granted a two year trial based on a management plan agreed by DBC “at which time the operations can be modified to prevent noise nuisance to neighbouring occupiers” (42)

The Inspector clearly recognised the unacceptable noise impact to residents (21 / 27 / 28)

- Restricted weekends (except Saturday mornings) and Bank holidays (41)

The Inspector understood and noted the noise nuisance was caused more by the characteristics than the level of noise (21 / 27)

- What is occurring on the track is not what is being experienced by residents and the annoying characteristics

The Inspector highlights his concerns on the reliance of theoretical impact predictions along with what is occurring on the track is not what is being experienced by residents and the annoying characteristics (41)

The Inspector stated that the current uses are causing unacceptable disturbance and unless they can be controlled by the conditions proposed the use should cease (47)

The Inspector noted if it is not possible for the activities to be conducted with acceptable noise characteristics in relation to engine revving and tyre squeal these should not be allowed to continue (40)

The Inspector stated that if the noise nuisance cannot be agreed/achieved within the 2 years, then at the end of the trial run the use should cease (42)

UKIP, 55 Downside, Hemel Hempstead - We wish to lodge an objection against this planning application, after the Planning Inspectorate placed certain conditions on operating times, noise levels and other restrictions on the events that were to take place on Runways Farm, there was a lot of alleged infringements on the constraints laid down, such as noise, working hours etc. Residents complained and provided proof of these alleged infringements however the council interpreted the Inspectorates decision and allowed for these to continue as the days went on more alleged infringements continued unchallenged and residents complained, pictures of these can be provided upon request.

As Runways Farm sits within the green belt and is surrounded by residential properties these



restrictions are valuable for the continued benefit of the residential properties surrounding the area.

Article 1 of the Human Rights Act:

Permits any person the right of peaceful enjoyment of their possessions including their home.

The local residents had previously been subject to heavy noise and pollution on a Sunday by a local banger racing on a neighbouring property still in the Greenbelt, the surrounding properties also had to now endure this from Runways Farm prior to the temporary planning permission being put in place.

Noise and pollution from Runways Farm would be a daily occurrence which is how the planning Inspectorate was involved. Runways Farm had previously been subject to an Enforcement notice also.

Other conditions set by the Planning Inspectorate have also been Allegedly infringed, such as the watering of the track before cars are allowed on the track, this has not been complied with on most occasions when the cars are racing which then causing pollution in the form of burning rubber as these cars drift, watering the track was supposed to mitigate this.

The mitigating facts for the noise is the wind direction which plays a part in the noise levels and pollution levels direction however Runways Farm is surrounded by residential properties so where as one part may have relief for a little time from these nuisances other parts may suffer.

Another Condition was for the monitoring of the noise levels which was undertaken by a professional company however these results do not seem to appear on the website as proof for allowing this to planning application to continue unmonitored.

Then we have the planning application 4/03179/15/APA which has been granted permission for a barn to be used as a garage.

This allows for cars to be driven up and down Upper Bourne End Lane adding to an already congested situation as to add to this traffic are cars travelling up to paintball and other events held on Runways Farm and other businesses in the area, planning applications have been given approval without the council doing a proper survey of the road.

We believe that these cars are allegedly being driven to and from this garage and the local garage without Tax, Insurance, MOT and with such a busy road an accident would be inevitable, pictures also available upon request.

Upper Bourne end lane has a foot path along its length so having a greater quantity of vehicles travelling along it poses a higher risk of accidents to walkers, cyclists and horse riders.

There would also be an added concern as some of these cars are fitted with Nitrous Oxide although not illegal on public roads they can present a very big hazard in an accident and I believe none of these cars carry a warning sign.

Over a number of years advertising signs have appeared at the bottom of Upper Bourne End Lane, these advertise various events and have been removed on a number of occasions, and the council has taken no action against the perpetrators, again signs have appeared at the bottom of the lane which impedes on the natural beauty of the area These signs constitute advertising by use of the word 'Race' (which has been taped over but can still clearly be seen) and by use of the word 'Track'. Track as well as Race suggests an activity which Planning have said is not allowed as 'Track' when used as a noun is *"a prepared course or circuit for motor vehicles (amongst other uses), to race on - a Formula One Grand Prix track for example"*. By allowing 'Race' not to be obscured properly and by using the word 'Track' the sign is advertising

for Drift Limits and so should not be permitted by Highways under its own rules.

In conclusion it is our belief that if this restriction was allowed to be lifted then it would allow other noisy and polluting activities to take place which would blight residents lives even more the council needs to consider its residents over a business on the Greenbelt. It has been demonstrated by residents supplying proof of alleged infringements that the restrictions have not been enforced properly and residents have continued to suffer with unacceptable noise and pollution as a result.

We believe this restriction should stay in place as the council cannot monitor or police these activities effectively, which would leave it to the general public to again report any alleged contraventions, it is the councils duty to safe guard its residents and to make sure they are able to live in peace.

## **Considerations**

### Policy and Principle

The site is located within the MGB wherein, under Policy CS5 and NPPF, the construction of new buildings is inappropriate. Exceptions are however allowable for various uses including, inter alia, provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. However, the change of use is not identified in paragraph 90 of the NPPF and it follows therefore that it is inappropriate development in the Green Belt. This was common ground at the appeal with which the Inspector agreed.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be given to harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In considering the appeal in 2014, the Inspector came to the view (heavily caveated) that the harm to the Green Belt, the landscape and neighbouring occupiers would be outweighed by the cumulative weight of the benefits he'd identified which amounted to very special circumstances.

The Inspector noted that the site has been historically used for motor uses - the police permission is of particular relevance in this regard, the track itself causes no harm to openness (as it already exists), cars using the track would have negligible impact on openness and the use makes use of previously developed land rather than a new green field site.

The Inspector nevertheless considered that there was harm to the openness of the Green Belt, mainly resulting from the location, size and spread of the supporting facilities provided (i.e. the buildings and car parking, including shipping containers). However, he also noted that the provision of the facilities could be greatly improved by resiting them well away from the brow of the hill at the centre of the site, clustered, reduced and rationalised near to the existing buildings and access, and in this way the impact on the openness of the Green Belt, as well as the visual amenities of the countryside, could be substantially reduced so as to be consistent with paragraph 89 and Policies CS12 and 26. The Inspector also gave substantial weight to the benefits in terms of recreation, driver training, jobs and commercial spin-off to the Hemel Hempstead locality.

Balanced against this was the issue of noise nuisance to surrounding residential occupiers, and he was quite clear that:

*"If it is not possible for the activities at the site to be conducted with acceptable noise*

*characteristic in relation to engine revving and tyre squeal, these should not be allowed to continue."*

He noted that the appellant indicated that the tyre squeal could be acceptably controlled by track wetting (with video evidence) before drifting takes place, and that the appellant's acoustic consultant indicated that acceptable noise levels could be set at the track side with permanent monitoring taking place to ensure that these are complied with and the cars altered as necessary. The Inspector was nevertheless not entirely convinced that reliance on the theoretical impact prediction would be satisfactory in practice at the residential receptors, in particular in relation to the annoying characteristics of the noise. That said, he noted that the situation would be helped by a restriction on operating on Saturday afternoons, Sundays and Bank Holidays and that this was a situation where a trial run should be allowed for a two year period, in which time the operations could be modified to prevent noise nuisance to neighbouring occupiers, ancillary facilities rearranged to reduce impact on the openness of the Green Belt, and provide reasonable protection for adjacent footpaths. Conditions were imposed to this effect. His conclusion was nevertheless caveated as follows:

*"If this cannot be agreed/achieved in that time, then it is reasonable that at the end of that trial run the use should cease."*

It follows that whilst a two year temporary permission was granted, this was on the understanding that the noise issues relating to the use would be resolved and made acceptable through application of the measures in the management plan (including noise plan), and that the storage and other facilities on the site would be rationalised in accordance with the storage/facilities plan. In addition, he considered that measures should be put in place to ensure the safety of users of the footpath network crossing the site.

The key issues therefore with this application seeking permanent permission for motorcycle and motor vehicle activities and associated storage and parking relate to the impact of the storage and facilities on the openness of the Green Belt and visual amenities of the countryside, the safety of members of the public using the footpaths across the site and the acceptability of the use in noise terms.

#### Impact on the Green Belt and visual amenities of the area

In accordance with Condition 8 of the appeal decision, a Storage and Facilities Plan dated 22nd September 2016 was submitted to and approved by the Council on 13th October 2016.

The applicant states that the approved storage and facilities plan sets out the current location of the site's storage and facilities units to ensure any perceived impact on the openness of the Green Belt is minimised.

*"The units are sited well away from the brow of the hill at the centre of the site, and have been reduced and consolidated into one location near to the existing buildings and access, in accordance with the Inspectors requirements."*

The applicant goes on to state that:

*"In the appeal decision, the Inspector acknowledges (paragraph 13) that any impact on openness of the Green Belt "could be substantially reduced by a designed approach to storage and facilities and thoughtful consideration of their location at the site." The approved Storage and Facilities Plan considered carefully the location of the units through a sequential testing exercise, as well as the design and consolidation of units."*

Whilst it is accepted that relocation of the storage containers has been approved for the temporary consent, the issue is whether this plan is acceptable for a permanent long term

permission at the site. In this regard, it should be noted that the Inspector considered the structures to be utilitarian and of *"generally poor design quality and not specific for the current purpose, such as some being old shipping containers."*

The location of the storage and facilities is generally acceptable. However, the visual appearance of the structures is considered poor and not sympathetic to this open countryside location or the rural character of the landscape where members of the public frequent the footpath network that crosses the site. The structures, in particular the 7 shipping containers, have a harsh, jarring effect that appear alien to the landscape and it is suggested that a softer more traditional appearance of a pitched roof structure or structures would be more appropriate, similar to the existing Drift Limits office on site. It is also considered that the proposal, in particular the car park, would benefit from some screening in the form of hedge / tree planting along the southern edge where it adjoins the adjacent agricultural field. This would help mitigate the visual impact of parked cars / structures on the wider landscape.

It is considered that the proposal to retain the existing structures, whilst acceptable in the short term for the temporary use, would be harmful to the rural character of the area and the visual amenities of the Green Belt in the long term. The proposal is therefore contrary to Policy CS5, CS12 and CS13 and saved Policy 100 of the Local Plan. Whilst it would be possible to condition landscaping, it would not be reasonable to condition the provision of alternative / replacement operational development. Therefore in this respect the recommendation is that a full permission should not be granted at this stage.

#### Impact on footpaths

There are a number of footpaths that cross the airfield. The affected ones are footpath 31 which skirts around the eastern edge of the circuit and footpath 34 which skirts along the northern edge of HMP The Mount before abutting the western part of the circuit and heading west where it abuts the southern end of the runway.

At the appeal the Inspector raised concerns at the proximity of cars to public footpaths and the lack of protection for users of the footpaths to out of control cars. He considered that the provision of hay bales would provide little protection and would deter use of the footpaths but nevertheless considered that the concerns could be resolved through the installation of safety barriers such as those used on motorways through imposition of a condition. In the circumstances a specific condition was not imposed but details of means of protecting the footpaths were approved instead under the Safety of People section of the Management Plan under Condition 5.

The approved details comprise post and rail fencing with 90 degree corners to guide pedestrians along the correct path at appropriate points, a solid barrier of straw bales and concrete blocks at the point where the footpath crosses the east/west runway, and an earth bund at the point where the footpath crosses the north/south runway.

Since approval of the Management Plan, in consultation with BAG and an independent safety expert, the applicants have modified the measures to provide a double height straw bale barrier along both stretches of footpath where it abuts the Runway and Circuit. The earth bund was also removed from the point where the footpath crosses the north/south runway and on both footpaths a single layer of 1 tonne straw bales were placed for a further distance away from the driving areas and additional signs installed.

It is also understood that all driving activity has been managed to reduce the likelihood of a car reaching the footpaths, and that the risk of an accident has been further reduced through the use of dual controls, the training and instructions that drivers are given, and the employment of trained driving instructors.

There have been no reported accidents or incidents to pedestrians.

These measures are considered acceptable for the purposes of the temporary permission but the Management Plan should be updated accordingly to reflect these changes.

The Public Rights of Way Officer has stated that the safety of members of the public has been given due consideration but that despite this members of the public have reported that they are not prepared to use the footpaths when cars are on the circuit. This may in large part be due to the visual and acoustic effects of the activities.

With regards to the visual effects, it is noted that the barriers installed are visually unappealing in this open landscape despite the use of natural materials for the straw bales. The addition of metal barrier fencing, concrete blocks, tyres, blue plastic piping and the fact that the straw bales have in part weathered away all contribute to a run down and disruptive appearance to the landscape that cannot be considered conducive to the quiet contemplative enjoyment of the countryside by walkers.

Any permanent permission would need to consider a more visually acceptable barrier which could be secured by a condition seeking alternative details which might include a bund and landscaping.

#### Impact on residential amenities

The major issue with this proposal relates to the impact of noise on the residential properties surrounding the Runways Farm site. A large number of residents in the surrounding area of Bovingdon and Whelpey Hill have raised objections to the permanent use of the site for motor related uses, in particular to the 'drifting' activities. It is clear that this is creating on-going complaints because Environmental Health have reported some 130 noise complaints since the submission of the current application in December and some 650 in the two or so years since the temporary permission was granted. This is testament to the significant nuisance that the use appears to be creating and is backed up by a significant number of objections to the current application.

It is clear that the Inspector in considering the appeal proposal was of the view that it was more the characteristic and repetitive nature of the noise that was the issue rather than the loudness per se. This is perhaps the reason why there continue to be complaints whilst the applicants submit that the number of noise exceedances has reduced over the last two years. This is backed up by the Inspector's view that "*the noise report, while not doubting its veracity, does not seem to place enough weight on these important noise characteristics and the effect they have on listeners.*"

The Environmental Health Officer (EHO) concludes that the frequency of complaints supports the view that the current Management Plan for Runways Farm is inadequate. As such he recommends amendments to the Management Plan should permission be granted.

Effect of wind: The EHO notes that the frequency and severity of complaints may also be influenced by the wind direction and weather conditions. The effect is well documented at [http://www.noisenet.org/Noise\\_Enviro\\_Weather\\_WindSpeed.htm](http://www.noisenet.org/Noise_Enviro_Weather_WindSpeed.htm). In this respect many residents have reported that the noise from 'drifting' activities on the site is subject to wind direction, such that on days when they aren't being affected by the noise, others more than likely are. However, whilst the EHO has attempted to correlate complaints to wind direction, due to the lack of reliable historic wind data, reliable conclusions have not been possible. He has recommended that on site monitoring of wind through installation of an anemometer / weather station should be considered.

Track wetting: At the appeal, the appellant indicated that tyre squeal could be acceptably

controlled by wetting the track before 'drifting' of cars took place. The approved Noise Management Plan June 2015 states that:

*"When "drifting" is taking place, the surface of the circuit must be maintained in a wet condition, using water hoses as often as necessary. The hoses are laid around the southern and eastern sections of the circuit. The hoses have holes at regular intervals which allow water to escape along the whole of the area where drifting takes place."*

The EHO has noted that 'drifting' has been relocated to the main runway, yet the Management Plan has not been updated to reflect this which is a major deficiency. Objections from residents have noted the lack of visible wetting of the runway during 'drifting', (including video evidence), and a large majority of complaints received by Environmental Health refer to the noise of tyre squeal. The EHO noted on 10th January 2017 that *"the wetting is restricted to two small areas."* and he has questioned the adequacy of hoses laid at the edge of the runway as a means of wetting the drifting area. Measures used elsewhere where drifting takes place have relied on sprinkler systems which, whilst less efficient in terms of water usage, is likely to be more efficient at dispersing water across a track than hoses which appear only to result in partial wetting. One issue with wetting the runway as opposed to the smooth tarmaced circuit where drifting used to take place is that the rough concrete surface does not appear to be very conducive to holding water on the surface and therefore the efficiency of the wetting in reducing tyre squeal must be questioned.

Although it does not seem to be born out by video evidence, or anecdotal evidence from residents, Drift Limits has suggested that the cause of tyre squeal is the cars slipping across the painted white lines, and that they are researching new paints to resolve this issue. However, it is unclear if this has been implemented yet, but any measure that reduces the noise nuisance can only be supported. The Management Plan should therefore be updated accordingly.

#### Response to request for further information in support of the application

The applicant has addressed a number of issues in response to a request for further supporting information. This information is considered below.

Amount / position / quality of noise monitors: Concern has been expressed by residents affected by noise from the site that the existing noise monitoring system is inadequate, in particular the two monitoring points, one for the circuit and one for the runway, are insufficient. A report by Clarke Saunders Acoustic Consultants (on behalf of BAG) recommends that at least 3 monitoring locations were required to reduce the under reading effect of driver moderation.

The applicant's noise consultants Sharpe Redmore however say that the science behind the noise monitoring is that it relies on modelled data to predict noise levels away from the monitors on the basis of noise contours and therefore additional monitoring points in different locations would be of no benefit.

Concern has also been raised that the monitors are not recording what residents are hearing and it is questioned why monitors are not sited at receptor locations. The applicant's consultants have stated that the addition of noise monitors on adjoining properties would not add anything, and could give large amounts of spurious data because existing noise levels from road traffic, dogs barking, bird singing, etc. would be higher than the noise from track activity which is designed to be 5dB below background noise levels at residential properties.

The EHO agrees with this conclusion, which is backed up by their own monitoring in February 2017 which appears to confirm that it is the characteristic of the noise from the motor activities that is the issue, rather than its loudness. Nevertheless the EHO notes that no attempt has been made to validate the modelling despite changes in operating practices at Runways Farm.

The EHO has reviewed the noise complaints received compared to the exceedances of the noise limits set in the Management Plan. He notes that there are a lot of exceedances recorded that are unrelated to motor noise events and furthermore, of the motor noise exceedances, only 19% were due to activities by Drift Limits on the runway, whilst the proportion of exceedances by Drift Limits on the circuit was 41% of the total recorded. The majority of the other motor activity exceedances were due to the Metropolitan Police, who operate under their own planning permission reference 4/02626/03/FUL.

In view of the disparity between the number of complaints made by residents and the incidents of exceedances recorded, the EHO has advised that the gains from the additional information have to be balanced against what could be a significant financial cost for installing additional noise monitors.

The above said, it should be acknowledged that the position of one of the monitors mid-runway would appear to be biased towards picking up Metropolitan Police activity rather than 'drifting' activity with its tyre squeal concentrated towards either end of the runway. The effect of wind should also not be discounted as on windy days this could prevent the microphones picking up screeches from either end of the runway, yet residents in the wind path could still be affected. Conversely, the microphone is more likely to pick up exceedances from the Police who it is understood tend to concentrate their activities mid-runway and moreover do not moderate their activity in this part. This may partly explain the discrepancy between complaints received against 'Drift Limits' and the low level of actual exceedances recorded against that company, yet the relatively higher level of apparent exceedances recorded against the Police. The report of one local resident who visited the Metropolitan Police Driving School recently which noted that the Police activity resulted in minimal if any nuisance to local residents in contrast to that caused by drifting activity on the same day appears to corroborate this anomaly.

There would therefore appear to be insufficient validation of the monitoring results, and a case for reviewing the location if not the number of noise monitors and for monitoring the effect of wind on the exceedances. It should be noted that the Police have their own separate permission which is not bound by the noise management regime of the appeal decision. Therefore it would seem that the noise monitors would be better placed where the noisy activity covered by the appeal decision takes place rather than where the Police activity takes place.

The above notwithstanding, the main issue that the EHO has highlighted is that the sounds that disturb residents are of short duration and are not louder than other sounds in the local environment (road traffic, aircraft, tractors, birds, etc.). This makes setting a reliable threshold level that is unique to motor noise, in particular tyre squeal, impossible.

With a view to trying to resolve this issue, the EHO has arranged to carry out some noise testing on site on the 5th June 2017 to benchmark noise from tyre squeal during wet, partially wet and dry conditions, and to try and isolate specific frequencies associated with the noise. This may then allow more reliable noise thresholds to be set. An update will be provided at the meeting.

Provision of real-time noise data: To provide more transparency for the Council and local residents the applicants were asked to consider publishing real time monitoring results on line. This would allow residents to relate their experience of noise to activities on the track. However, this has been rejected by the applicants on the grounds of the problem of false negatives, the fact that the majority of exceedances are not caused by motor activities or training and due to the cost of the software licensing.

However, no estimate of the cost has been provided and without this it is impossible to determine whether or not this is unreasonable.

Noise thresholds: The Noise thresholds set out within the approved Management Plan are as follows:

- a. Main runway – 72 dB LAeq1min and 88 dB LAmax at any time.
- b. Circuit – 69 dB LAeq1min and 86 dB LAmax at any time.

These thresholds were calculated to ensure that motor noise from Runways Farm activities would be 5dB below the background level at receptors (i.e. nearest residential property).

The Metropolitan Police are not bound by these limits but are limited to 60 days per year.

The applicants have suggested that the 1 minute LAeq time period should be relaxed to represent the time taken for the driving experiences. However, the EHO has rejected this on the basis that the complaints received are not about continuous noise but rather short periods of intrusive engine revving or tyre squeal. It is the character of the noise rather than its loudness that the residents report as detrimental.

Exhaust noise standards: The approved Management Plan sets out the exhaust noise standards as being recorded for an engine speed of 2/3 of max. revs. with the maximum reading of 110dB for any vehicle that is to be used. However, this is not consistent with the standards laid down by the MSA (Motor Sports Association) and it is recommended that “The meter reading must be recorded for an engine speed of ¾ of max. revs.”

It is understood that all vehicles meet this standard but the Management Plan nevertheless needs to be updated accordingly.

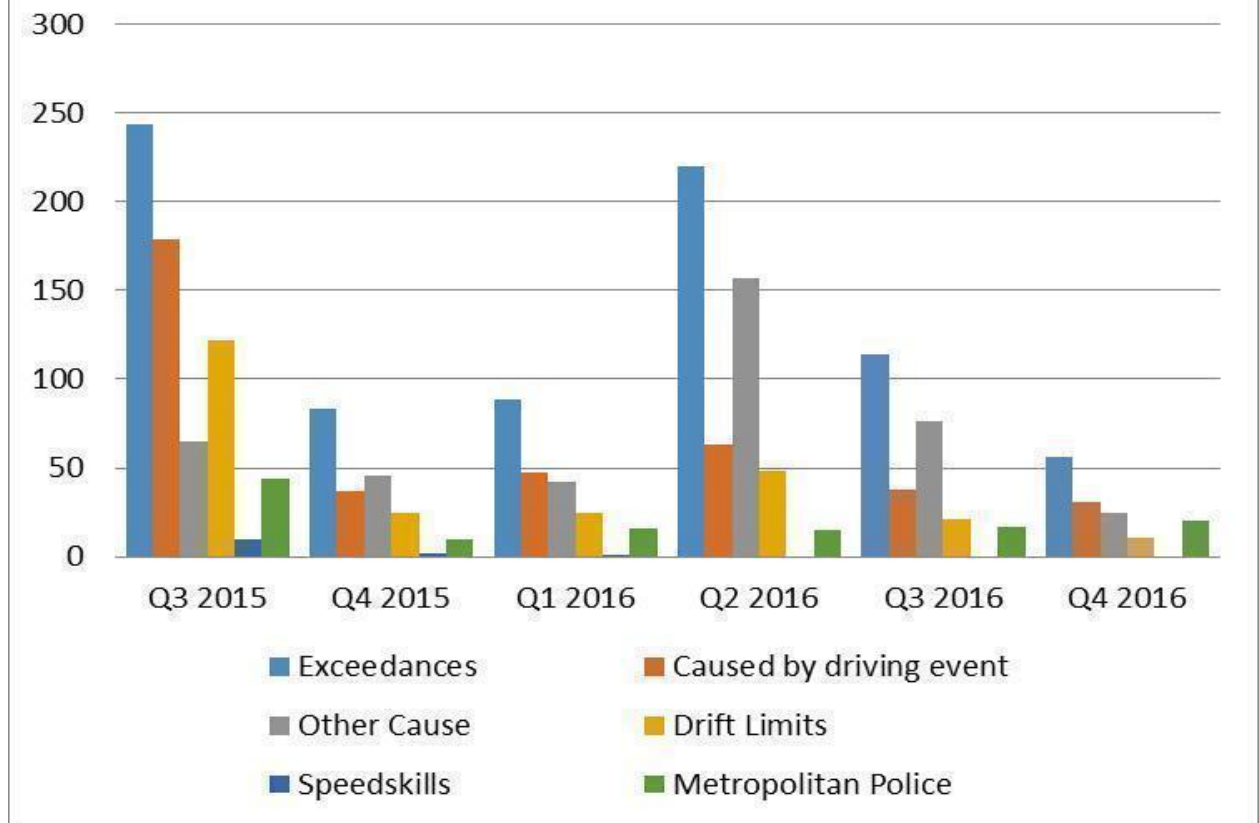
Transparency of the noise monitoring data: The noise monitoring arrangements set out in the Management Plan are in place and in general function well. The monitors are active 24 hours a day seven days a week, although there were teething problems at the beginning of the trial which meant that reliable data was not available. If the noise thresholds are exceeded, the applicant records the name of the operator, the time and date of the exceedance, the type of activity taking place, the circumstances leading to the transgression, and the remedial action taken or required to prevent its re-occurrence.

The Council receives email alerts of any exceedances and events affecting the noise monitors. However, this procedure does not provide independent corroboration of the actual sources of noise exceedances and the EHO therefore proposes that the Management Plan be amended to require a quarterly review of exceedances with Runways Farm Partnership. This would provide more transparency for the site operators and enable the Council to feedback on the effectiveness of measures taken relative to any complaints received from local residents.

Breakdown of noise exceedances, their causes, and the evidence that the exceedances have reduced: The Council has received a Noise Violation Log of all noise exceedances at Runways Farm including a summary of the exceedances as shown in the following graph.



## Exceedances caused by operators



The first two bars in each quarter are summaries respectively of 1) all exceedances, and 2) exceedances caused by driving event (i.e Speedskills, Drift Limits and Met Police). Looking at this chart, it is clear that both the total number of exceedances recorded and exceedances caused by driving events have reduced significantly since quarter 3 in 2015. There has been a 78% reduction in all exceedances and an 83% reduction in exceedances due to driving events. The proportion of exceedances caused by driving events has dropped from 73% to 55% (it was as low as 29% in quarter 2 of 2016).

With regards to individual driving events, whilst exceedances by the Metropolitan Police (outside the scope of this planning application) reduced by 55% during the 6 quarters, Drift Limits reduced their exceedances by 81%.

Only Quarters 3 and 4 can be realistically compared between 2015 and 2016. We do not have comparable data for Quarters 1 and 2 from 2015. It is possible therefore that some of the perceived improvement could be due to some seasonal (meteorological) variation or other external factor (e.g. to do with the monitoring equipment). Likewise there is no information to explain why the exceedances from Metropolitan Police training activities and driving events by others such as Speedskills have also reduced.

It is noteworthy nevertheless that the large drop in exceedances for Drift Limits between Quarters 3 and 4 in 2015 coincided with the removal of the Formula Renault experience after September 2015.

Catalogue of measures that demonstrate the efforts that have been made to reduce noise nuisance and the effect of these measures in practice, including the effect of wind direction and inconsistency of track wetting: Since the start of the two year permission, the applicants have implemented a number of measures to minimise noise emissions from the site. These

measures and their effects are listed in the following table:

MEASURE	EFFECT
Slick soft race compound tyres fitted	The applicant claims that this eradicates tyre squeal generated going tyres during hard cornering on tarmac in dry conditions.
b. Installing larger back boxes /additional exhausts /more restrictive wadding/ additional bungs to tailpipes/ catalytic converters / different exhaust manifolds/ repair exhaust leaks	Drastically reduces noise output and changes tone from exhausts Easily quantifiable with static noise Db tests as per section 6 of the management plan.
c. Installing more restrictive air filters or additional ducting and filters	Reduces intake noise levels and pitch
d. Removing gear sets from Formula Renault gearboxes – only 3rd gear retained	
e. Tightening up torque setting on Formula Renault rear limited slip differential	"
f. Installing sound deadening acoustic foam to Formula Renault hood and side pod cowlings	"
g. Planned and methodical upkeep of the cars maintained professionally by 'Drift Limits Performance Ltd'	Ensuring cars are kept in good overall mechanical order with no belts or tensioners that would otherwise create any unnecessary noise
h. Ensuring staff driver training is carried out and by a senior instructor	Staff are trained how to considerably deal with a customer who driving too aggressively or loudly, anticipate untoward skids and them from happening thus reducing incidents and noise levels, and achieve smooth driving, keeping inappropriate and erratic driving to a minimum, guide the customer around the circuit in third gear, excessive revs to a minimum
i. Clear and concise safety briefing made by a senior member of staff	Makes the drivers aware of the implications of driving dangerously aggressively / loudly thus resulting in the right mind frame for a experienced driver
j. Removal of event vehicles from site if they do not adhere to noise limitsVehicles are removed from site and remedial action taken to rectify the problem. This is a definitive way of ensuring noise thresholds are met. Formula Renaults resulted in a significant number of	

exceedances, and these are no longer offered

- k. Reduced noise complaints by relocating the loudest experience (drifting) from the Circuit to the Runway in December 2015, which is further away from residential properties and has a higher noise threshold. It is claimed that the Runway has the added advantage that its concrete surface is rough and abrasive which essentially cuts the tyres so drastically that it reduces tyre squeal. By comparison, when drifting took place on the tarmac Circuit, a high pitched squeal resulted unless wetted.

The Formula Renault Experience was also moved from the Runway to the Circuit in order to reduce noise levels but subsequently the Formula Renault experience is no longer offered.

- l.
- m. Minimal gear changes required – 3rd gear around the whole standard practice. No long straights and bends the whole way reduces the opportunity for drivers to go full throttle for long periods ameliorating high RPMs and noise output.
- n. *The applicant states that “The use of water to lubricate the track is an extremely effective way of reducing tyre squeal. When drifting to take place on the tarmac Circuit it was a mandatory. Drift Limits a water line that runs at mains pressure and delivers water on the track at two different points. Water reduces tyre noise further.”*
- o. The applicant states that a specialist contractor, WJ UK, has subcontracted back to redo the apex curbs on the drift track on the runway. They argue that the painted white lines and apex curbs are the main cause of tyre squeal when a vehicle is sliding over them rather than the rough concrete/stony asphalt surface.

With regards to the application of slick soft race compound tyres, whilst it is quite possible that this may have reduced tyre squeal to some extent, there is no noise monitoring evidence to substantiate this. In any event the Council continues to receive noise complaints as shown by the Log of Complaints 2015 and 2016. In the 4th quarter of 2016 no less than 40 out of the 45 complaints received mentioned tyre squeal.

The applicant states that "track wetting is undertaken when the drift track or skid pan is dry and there is no inconsistency in application." However, anecdotal and video evidence suggests the

contrary, and there remains some concern as to whether the track wetting on the Runway is adequate as the areas wetted are small and some way before the points at which drifting actually takes place. If track wetting had been fully effective in reducing tyre squeal, one would have expected the number of complaints mentioning tyre squeal to have drastically fallen away but this does not seem to be borne out in practice. It should be noted that track wetting was one of the principle measures put forward by the appellants at the appeal Inquiry that persuaded the Inspector that drifting activities could be acceptable. However that was on the circuit, not the runway where drifting now takes place. The EHO therefore recommends improvements to the effectiveness of the track wetting where drifting takes place. Unfortunately, the current version of the Management Plan (June 2015) still refers to drifting on the circuit rather than the runway and should be updated to reflect current and planned activities.

It is accepted that the volume of the tyre squeal is not the main issue, it is the character of the high pitched sound and frequency that causes complaints. Drift Limits have indicated that they plan to apply anti-skid paint to the curbs which should abrade with the tyres and prevent the tyre squeal. However, no noise monitoring evidence has been provided to back up this assertion but any measure that potentially addresses this problem is to be welcomed.

It would appear that wind direction and speed make a big difference to whether motor activity can be heard or not. However, the potential influence of meteorological conditions on noise complaints was not considered when the temporary planning approval was given and is not part of the Management Plan. As such no wind monitoring takes place at the site. The applicant states that *"operators have managed to reduce the noise output of their experiences enough so that they operate within a margin to cater for strong winds blowing in any direction."* However, clearly there still remain a large number of exceedances by Drift Limits (105 in 2016) so therefore it is questionable whether this statement is true. Nevertheless it is the character of the noise that is the issue rather than its loudness per se and the extent to which this can be picked out by complainants will be influenced by the wind. However, the lack of measuring equipment on site means that it is not possible to correlate complaints to wind and therefore to discount the effect of wind or indeed other influences such as atmospheric pressure. The EHO has recommended that the Management Plan includes consideration to the use of an anemometer / weather station on site.

It should be noted that BAG do not agree that many of these measures have made any significant difference.

#### Should drifting be allowed to continue, despite the large number of complaints

The applicant argues that since the two year planning permission was issued in February 2015, they have taken a number of steps to operate within the noise thresholds agreed with the Council. The applicant's view is that the site is operated without an adverse impact on the amenity of surrounding residents, as witnessed by the *"undeniable reduction in noise levels emitted from Drift Limits and complaints received..."*. It is stated that drifting and motor activity is justified as a result of improved and enhanced operation and management, and adherence to the noise standards advocated by experts.

The applicant notes that the Metropolitan Police have an existing planning approval that Drift Limits say demonstrates that this type of use is suitable for the Runway and that the drifting experiences on the runway are similar in nature to the activities of the Metropolitan Police during their Anti-Hijack training. They point to the fact that Drift Limits appear to have achieved quieter operating procedures than the Metropolitan Police, noting that in the last three months during which both operators used the Runway (July, November and December 2016), Drift Limits exceeded the noise levels 10 individual times out of a total of 55 event days, compared to 37 exceedances from the Police out of a total of 21 event days.

However, whilst motor noise is only generated on 2 to 3 days during the week (mornings and

afternoons) and Saturday mornings, a significant number of residents continue to complain about noise nuisance. Restrictions on hours of operation do nevertheless limit the adverse effects so that the noise is below the threshold for statutory nuisance, but it is clear from an assessment of complaints received by Environmental Health that the majority of these relate to event times run by Drift Limits and not by the Police (For instance, in July, November and December 2016, only 3 complaints could be attributed to the Police activity out of a total of 68 complaints, of which only 15 were unattributable to either the Police or Drift Limits). It is also clear that there exists some doubt as to whether the position / number of monitors, when combined with meteorological effects, may somehow affect the number of recorded exceedances against each party differently.

The applicant draws attention to regular meetings held with Bovingdon Action Group, Drift Limits and DBC Officers, the last one (29 September 2015) in which it is stated that there was *"positive feedback with regards to the vast improvements."*

The applicants make the point that residents complain to the Council rather than the site operators, so they find it difficult to comprehend the precise nature of the complaints particularly when they do not correspond with recorded exceedances. They note in this respect that there were no exceedances on the Circuit between October and December 2016 and only 11 minutes of exceedances on the Runway over 49 events.

The EHO has responded that this is another area where the Management Plan could be improved if details of the complaints received by the Council were shared with the site operators on a more regular basis so that they could inform mitigation measures required. The provision of real time noise data would also allow a better, more informed, response to complaints.

The applicants understand from previous meetings with Drift Limits, Bovingdon Action Group and Environmental Health that it seems to be the screeching itself on the painted apex curbs which is considered to be the noise issue, rather than the volume. In consideration of this, WJ UK (road marking specialists) are understood to have been commissioned by the applicants to install anti-skid coating on the painted curbs. They claim this will have the effect that when a vehicle slides over the curb it will no longer create a squeal. The works are understood to have been carried out early in February 2017. However, complaints continue to be received in the Environmental Health mailbox as before so the paint does not appear to have made any difference.

The applicant argues that drifting is a valuable skillset and has been used as part of community projects with Dacorum Borough Council. It is stated that this leisure activity should also help prevent accidents on the roads. This may be the case but it remains that this is not the main driving force behind the activity.

It is also stated that Drift Limits employs 17 FT and 20 PT staff locally, draws national and international trade to the area, boosting the local economy and that, without the diversity of drifting, the business may not be able to support itself. However, BAG note that there are other diversifying activities that are less noisy.

Whilst accepting that there are factors in favour of the use continuing, these need to be balanced against the factors against and it should not be forgotten in this regard that the appeal Inspector was not convinced that a permanent permission should be given unless the noise nuisance from the activities, in particular the characteristics in relation to engine revving and tyre squeal, were resolved. Although accepting that there has been a reduction in engine noise (largely as a result of the removal of Formula Renault from the activities), this has resolutely not been demonstrated to have been done as there continue to be a significant number of complaints against the use (in particular tyre squealing) and on balance it is not considered appropriate to give a permanent permission. The above said, based on the comments and recommendations of the EHO, there are a number of identified weaknesses to the current

Management Plan and it is considered that these should be addressed and an opportunity given to assess the impact of further changes. The key weaknesses identified in the current management plan relate to the following:

(1) Drifting has been relocated to the main runway, yet the noise monitoring system has not been updated in response, nor have meteorological effects been properly considered or taken into account. Improvements may ensure a better understanding of the real impacts and ensure a better mitigation response.

(2) The effectiveness of track wetting is questionable and consideration needs to be given to a more effective and reliable system, such as sprinklers. This would be anticipated to significantly reduce tyre squeal.

(3) Other mitigation effects have not been trialled or the management plan updated in response, such as the use of low noise paints and the static noise test.

(4) Information sharing between the parties in respect of real time noise data, calibration of noise monitors and correlation of noise exceedances with complaints received has been poor. More regular reviews with the applicants would assist with the installation of more appropriate mitigation measures.

## **Summary and Conclusions**

A two year temporary permission was granted on appeal with the express purpose of allowing a trial period to give the applicants the opportunity to demonstrate that the noise aspects of the motor uses, in particular the drifting activities, could be suitably controlled so as not to cause unacceptable noise nuisance to surrounding residential properties.

The EHO has noted that there has been some reduction in noise threshold exceedances during the two year trial period due to changes in operating practices, but it is clear that there continue to be complaints from many residents on a regular basis.

The level of engine noise has dropped and it appears that tyre squeal is now the major cause of residents' complaints, largely due to the annoying characteristics of the noise rather than the volume. Whilst this cannot be classed as a statutory nuisance under Environmental Health legislation, nevertheless the protection of residential amenities remains a material planning consideration to the extent that the Inspector felt that it was so material a consideration that a permanent permission should not be granted unless it could be demonstrated that the use could be conducted with acceptable noise characteristics.

The EHO has noted that the applicant has not demonstrated that they have employed all the best practicable means available to a motor sports business. The EHO's review of the monitoring set up supports their opinion that the degree of track wetting has a major effect on tyre squeal, as do meteorological conditions, but the gains from recommending additional noise monitoring on site are marginal. That notwithstanding, there remains some doubt as to whether the position / number of monitors, when combined with meteorological effects, may somehow affect the recorded exceedances. There would appear to be insufficient validation of the monitoring results in this respect, and a case for reviewing the location if not the number of noise monitors and for monitoring the effect of wind on the exceedances. To this extent the EHO has recognised the need for meteorological data and the need to review the position of the monitors in the light of the relocation of drifting to the runway.

The EHO concludes that the current noise limits are still the appropriate means of controlling the overall noise levels from the motor activities on Runways Farm. However there is an ongoing problem with perception of the noise due to its nature and characteristics.

The Environmental Health Officer's recommendation is that the frequency of complaints supports the view that the current Management Plan for Runways Farm is inadequate but that significant improvements could be achievable in terms of the level of noise at source and subject to changes to the Management Plan, an extension of the trial period would be worthwhile.

In our view, the applicants have not demonstrated satisfactorily that the activities at the site can be carried out with acceptable noise characteristics that do not cause significant nuisance to neighbouring properties. Furthermore, there are concerns that the proposal to retain the existing structures, together with the lack of landscaping, would be harmful to the rural character of the area and the visual amenities of the Green Belt in the long term and therefore are not appropriate for a permanent permission. The removal of Condition 1 to allow a permanent permission for the use at the site is therefore not recommended.

Whilst acknowledging that the appeal Inspector stated that *"If it is not possible for the activities at the site to be conducted with acceptable noise characteristic in relation to engine revving and tyre squeal, these should not be allowed to continue"*, given that the Environmental Health Officer does not recommend outright refusal of the application but instead that an extension of the trial period should be considered to allow the Management Plan to be further improved, and noise at the site further reduced, it is considered that a refusal of the application would be unwise because 1) it is only the drifting activities that are the major cause of complaints, and 2) outright refusal may simply prolong the nuisance caused to residents as an immediate lodging of an appeal would put the council in a weak position in being able to take action. That said, it is acknowledged that the Council would have a good case at appeal.

The alternative is to allow for an extension of the trial period as suggested by the Environmental Health Officer but to limit the extent of drifting activities until more assurances are forthcoming that it won't cause a noise nuisance. BAG have suggested a number of options including an option of allowing very limited drifting and temporary planning for supercars operating on the circuit with the drifting limited to one day per week. A restriction on drifting is considered reasonable on the grounds that continuation of the current unabated level of use would cause significant ongoing nuisance to residents' amenities and because it has not been satisfactorily demonstrated that it can be carried out with acceptable noise characteristics. A restriction to one day is considered to be a reasonable compromise between the protection of residents' amenities and the need to allow for ongoing testing of the use.

Mindful of the potential ongoing nuisance that may be caused to residents that have already had to tolerate significant noise nuisance from the site for over two years, and bearing in mind that the Management Plan and noise monitoring systems are already in place, it is considered that any extension of the trial period should be limited to no more than a year. This is considered sufficient time for the applicant to put in place amended measures to further reduce and mitigate the noise nuisance from the site, in particular from the drifting, and demonstrate that the use can be conducted with *"acceptable noise characteristics"*. Should this not be the case at the end of this extended period, then the use, or at least the drifting use, should not be allowed to continue. Alternatively, if the opposite has been demonstrated, then consideration can be given to an extension of the use and a permanent permission.

**RECOMMENDATION** – That a further temporary planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The use hereby permitted shall be discontinued on or before 1 year of the date of this permission, and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority.**

Reason: The proposed use could be detrimental to the amenities of the locality, contrary to Policy CS12 of the Dacorum Core Strategy September 2013, and the local planning authority wishes to have the opportunity to review the development in the light of operational experience.

**2 The permission enures solely for;**

- **The use of vehicles owned and operated by the emergency services and other government agencies;**
- **use of vehicles by media organisations for the purpose of photography or display;**
- **the use of go-karts, vehicles which are operated for the purposes of corporate entertainment / experience days / drifting and use of the site by motorcycles and Harrow Car club.**

Reason: For the avoidance of doubt and to ensure control over the extent of the permission in the interests of residential amenities in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

**3 The use hereby permitted, including any preparatory/warming up/winding down vehicle uses, shall only be carried out during the following times;**

- **Emergency services (no restrictions);**
- **Driver tuition for pupils under 17 - 0900-1800 Monday to Sunday;**
- **All other forms of driving tuition - 0900-1800 Monday to Friday and 0900-1330 Saturday and at no time on Sundays and Bank Holidays;**
- **Media, go-karts, entertainment, motorcycling - 0900-1800 Monday to Friday and 0900-1330 Saturdays and at no time on Sundays or Bank Holidays;**
- **Drifting - 0900-1800 on one day per week only (as set out within the Management Plan required under Condition 5) and at no time on any other days of the week.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

**4 All motor vehicle uses approved under this planning permission shall be recorded within an operational log diary, setting out the activity taking place, the time of the event, location on site and the users. The up-to-date operational log diary and noise monitoring records should be made available for inspection by the local planning authority within ten working days of receipt of a written request from the local planning authority.**

Reason: To enable the local planning authority to be able to associate any noise disturbance with a particular activity on site for the purposes of considering any noise complaint in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

**5 Within two months of the date of this decision the Management Plan (including noise management) approved under application reference 4/00933/15/DRC shall be updated and submitted for the approval in writing of the local planning authority. The details to be included in the update shall include, but not be limited to, the following:-**

- **Times and day(s) of week for Drifting activities, and types of vehicles used;**
- **Current and planned activities as well as improvements e.g. re-location of**



drifting to the main runway. It should include regular consideration of best practicable means to control noise, for example improvements to monitoring technology, tyre technology, use of low noise paints as track markers;

- Quarterly reviews of the Management Plan with the council regarding exceedances of noise thresholds, complaints received and mitigation measures taken as a result;
- Improvements to the effectiveness of the track wetting where drifting takes place – with a requirement to share details of the use of the system and volumes of water used;
- The static noise test for exhaust monitoring be changed to that laid down by the Motor Sports Association, i.e. readings to be taken at  $\frac{3}{4}$  of maximum revs;
- Consideration to the use of an anemometer / weather station on site to better correlate complaints to wind direction, atmospheric pressure, etc.;
- A proper, costed, consideration to providing real-time noise data;
- A proper, costed, consideration of providing an additional noise monitoring point(s);
- Quarterly external field calibration checks of the noise monitors.

**The development shall be carried out in accordance with the approved details.**

Reason: In order to manage the operations at the site in the interests of residential amenities in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 6 **There shall be no racing of vehicles or competition, with the exception of go-karts and Harrow Car Club.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 7 **No external lighting other than that agreed in the Management Plan shall be erected.**

Reason: In the interests of the visual amenities of the Green Belt and this area of dark landscape in accordance with Policies CS5, CS10, CS12 of the Dacorum Core Strategy September 2013 and Appendix 8 of the Dacorum Borough Local Plan 1991-2011.

- 8 **The development shall be carried out in accordance with the storage and facilities plan approved under application reference 4/02650/16/DRC, and no other part of the site shall be used for these purposes.**

Reason: To limit the impact of the development on the openness of the Green Belt, its visual amenities and the character and appearance of the rural landscape in accordance with Policies CS5, CS10, CS12 and CS25 of the Dacorum Core Strategy September 2013.

- 9 **The use hereby permitted (use of the site for motorcycle and motor vehicle activities and associated storage and parking (other than those approved under planning references 4/02626/03/FUL, 4/03237/14/FUL and 4/01259/16/FUL) shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 9 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-**

- i. within the identified period of the date of this decision, schemes and details associated with the conditions set out above, shall have been submitted for the written approval of the local planning authority and the schemes/details shall include a timetable for their implementation.
- ii. if within 6 months of the date of this decision the local planning authority refuses to approve the scheme/details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv. the approved schemes shall have been carried out and completed in accordance with the approved timetable. In any case, the use shall cease in accordance with condition 1 in one year.

Reason: To ensure control over the use of the land in the interests of the openness of the Green Belt and the character and appearance of the landscape in accordance with Policies CS5, CS10, CS12 and CS25 of the Dacorum Core Strategy September 2013.

- 10 **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**Location Plan**

Reason: For the avoidance of doubt and in the interests of proper planning.