

Public Document Pack



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872452
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

16 May 2018

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 24 May 2018 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at kate.batty-smith@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kate Batty-Smith", written over a white background.

Chief Executive

Planning Committee Membership:

F J W Scales (Chairman)
B W Butcher (Vice-Chairman)
S F Bannister
P M Beresford
T A Bond
D G Cronk
B Gardner
D P Murphy
M J Ovenden
P M Wallace

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 4)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **ITEMS DEFERRED** (Page 5)

To consider the attached report of the Head of Regeneration and Development.

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING

(Pages 6 - 9)

5 **APPLICATION NO DOV/15/00827 - LYDDEN HILL RACE CIRCUIT, WOOTTON**
(Pages 10 - 102)

Erection of a part two-storey, part three-storey spectator hospitality building, two grandstands, a two-storey building comprising competitor hospitality, administration and scrutineering facilities, 14 no. two-storey engineering units (Use Class B1 and B2), and a single storey site entrance building, formation of access road, together with associated hard and soft landscaping and drainage, retention of motor racing, and proposed use for drifting, driving schools (including beginner, advanced and police driver training), bicycle training and racing, 'track days' (including corporate and experience driving days), use for educational purposes, filming, non-driving based events (including car shows, craft fairs and hot-air ballooning) and ancillary camping

To consider the report of the Head of Regeneration and Development.

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

6 **APPEALS AND INFORMAL HEARINGS**

To receive information relating to Appeals and Informal Hearings, and appoint Members as appropriate.

7 **ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE**

To raise any matters of concern in relation to decisions taken under the above procedure and reported on the Official Members' Weekly News.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA

system and hearing loop within the Council Chamber.

- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Services Officer, telephone: (01304) 872303 or email: kate.batty-smith@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 24 MAY 2018

CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN DEFERRED AT PREVIOUS MEETINGS

Members of the Planning Committee are asked to note that the following application(s) have been deferred at previous meetings. Unless specified, these applications are not for determination at the meeting since the reasons for their deferral have not yet been resolved.

- 1. DOV/17/00876 Erection of 120 dwellings, including 36 affordable homes with new vehicular and pedestrian access, internal access roads, car parking, landscaping, provision of 0.84 hectares of open space and a locally equipped area for children's play (LEAP) – Woodnesborough Road, Sandwich (Agenda Item 7 of 22 March 2018)**

Background Papers:

Unless otherwise stated, the appropriate application file, the reference of which is stated.

MIKE EBBS

Head of Regeneration and Development

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Support Team Supervisor, Planning Section, Council Offices, White Cliffs Business Park, Dover (Tel: 01304 872468).

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

The file reference number, a description of the proposal and its location are identified under a) of each separate item. The relevant planning policies and guidance and the previous planning history of the site are summarised at c) and d) respectively.

The views of third parties are set out at e); the details of the application and an appraisal of the proposal are set out at f) and each item concludes with a recommendation at g).

Additional information received prior to the meeting will be reported verbally. In some circumstances this may lead to a change in the recommendation.

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Planning Support Team Supervisor (Tel: 01304 872468).

It should be noted, in respect of points raised by third parties in support of or objecting to applications, that they are incorporated in this report only if they concern material planning considerations.

Each item is accompanied by a plan (for identification purposes only) showing the location of the site and the Ordnance Survey Map reference.

Site Visits

All requests for site visits will be considered on their merits having regard to the likely usefulness to the Committee in reaching a decision.

The following criteria will be used to determine usefulness:

- The matter can only be safely determined after information has been acquired directly from inspecting this site;
- There is a need to further involve the public in the decision-making process as a result of substantial local interest, based on material planning considerations, in the proposals;
- The comments of the applicant or an objector cannot be adequately expressed in writing because of age, infirmity or illiteracy.

The reasons for holding a Committee site visit must be included in the minutes.

Background Papers

Unless otherwise stated, the background papers will be the appropriate file in respect of each application, save any document which discloses exempt information within the meaning of the Local Government (Access to Information) Act 1985.

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Planning Support Team Supervisor, Planning Department, Council Offices, White Cliffs Business Park, Whitfield, Dover CT16 3PJ (Tel: 01304 872468).

IMPORTANT

The Committee should have regard to the following preamble during its consideration of all applications on this agenda

1. Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
3. Planning applications which are in accordance with the relevant policies in the Development Plan should be allowed and applications which are not in accordance with those policies should not be allowed unless material considerations justify granting of planning permission. In deciding such applications, it should always be taken into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the Development Plan is relevant, it will be necessary to decide whether the proposal is in accordance with the Plan and then to take into account material considerations.
4. In effect, the following approach should be adopted in determining planning applications:
 - (a) if the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan;
 - (b) where there are other material considerations, the Development Plan should be taken as the starting point and the other material considerations should be weighed in reaching a decision;
 - (c) where there are no relevant policies in the Development Plan, the planning application should be determined on its merits in the light of all material considerations; and
 - (d) exceptionally, a development proposal which departs from the Development Plan may be permitted because the contribution of that proposal to some material, local or national need or objective is so significant that it outweighs what the Development Plan says about it.
5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering planning applications for development affecting a listed building or its setting, special regard shall be had to the desirability of preserving the building, its setting or any features of special architectural or historical interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering any applications affecting land or buildings within them. Section 16 requires that, when considering applications for listed building consent, special regard shall be had to the desirability of preserving the listed building, its setting, or features of special architectural or historic interest which it has.
6. Section 38(6) of the 2004 Act does not apply to the determination of applications for advertisement consent, listed building consent or conservation area consent. Applications for advertisement consent can be controlled only in the interests of amenity and public safety. However, regard must be had to policies in the Development Plan (as material considerations) when making such determinations.

The Development Plan

7. The Development Plan in Dover District is comprised of:

Dover District Core Strategy 2010
Dover District Land Allocations Local Plan 2015
Dover District Local Plan 2002 (saved policies)
Worth Neighbourhood Development Plan (2015)
Kent Minerals and Waste Local Plan 2016

Human Rights Act 1998

During the processing of all applications and other items and the subsequent preparation of reports and recommendations on this agenda, consideration has been given to the implications of the Human Rights Act 1998 in relation to both applicants and other parties and whether there would be any undue interference in the Convention rights of any person affected by the recommended decision.

The key articles are:-

Article 8 - Right to respect for private and family life, home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Right of the individual to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Account may also be taken of:-

Article 6 - Right to a fair trial and public trial within a reasonable time.

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

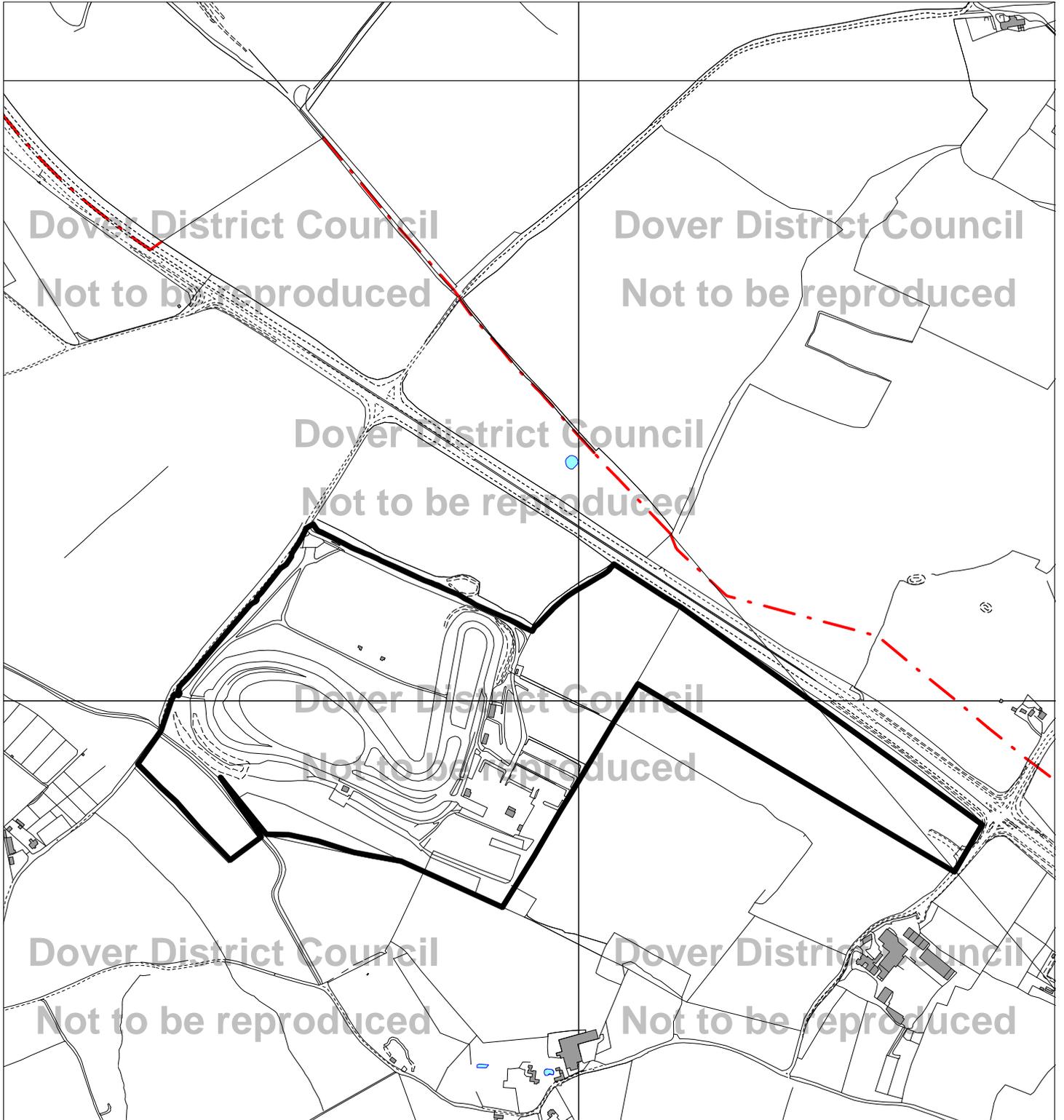
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material considerations.

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

1. The scheme for public speaking at Planning Committee only concerns matters relating to the determination of individual applications for planning permission contained in the Planning Committee agenda and not to other matters such as Tree Preservation Orders or Enforcement.
2. The scheme for public speaking will apply at each meeting where an individual application for planning permission is considered by the Planning Committee.
3. Any person wishing to speak at the Planning Committee should submit a written request using this form and indicate clearly whether the speaker is in favour of, or opposed to, the planning application.
4. The form must be returned to Democratic Support no later than two working days prior to the meeting of the Planning Committee.
5. Speaking opportunities will be allocated on a first come, first served basis but with the applicant being given first chance of supporting the scheme. Applicants or agents will be notified of requests to speak. Third parties who have applied to speak will be notified of other requests only when these directly affect their application to speak. The names, addresses and telephone numbers of people who wish to speak may be given to other people who share their views and have expressed a wish to address the Committee. The identified speaker may defer to another at the discretion of the Chairman of the Committee.
6. One person will be allowed to speak in favour of, and one person allowed to speak against, each application. The maximum time limit will be three minutes per speaker. This does not affect a person's right to speak at a site visit if the Committee decides one should be held.
7. Public speakers will not be permitted to distribute photographs or written documents at the Committee meeting.
8. The procedure to be followed when members of the public address the Committee will be as follows:
 - (a) Chairman introduces item.
 - (b) Planning Officer updates as appropriate.
 - (c) Chairman invites the member of the public and Ward Councillor(s) to speak, with the applicant or supporter last.
 - (d) Planning Officer clarifies as appropriate.
 - (e) Committee debates the application.
 - (f) The vote is taken.
9. In addition to the arrangements outlined in paragraph 6 above, District Councillors who are not members of the Committee may be permitted to address the Planning Committee for three minutes in relation to planning applications in their Ward. This is subject to giving formal notice of not less than two working days and advising whether they are for or against the proposals. In the interests of balance, a further three minutes' representation on the contrary point of view will be extended to the identified or an additional speaker. If other District Councillors wish to speak, having given similar notice and with the agreement of the Chairman, this opportunity will be further extended as appropriate.
10. Agenda items will be taken in the order listed.
11. The Chairman may, in exceptional circumstances, alter or amend this procedure as deemed necessary.

This plan has been produced for Planning Committee purposes only. No further copies may be made.



Not to scale

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Note: This plan is provided for purposes of site identification only.

Application: DOV/15/00827

Lydden Hill Race Circuit

Wootton

TR23744697



- a) **DOV/15/00827 – Erection of a part two-storey, part three-storey spectator hospitality building, two grandstands, a two-storey building comprising competitor hospitality, administration and scrutineering facilities, 14 no. two storey engineering units (Use Class B1 and B2), and a single storey site entrance building, formation of access road, together with associated hard and soft landscaping and drainage, retention of motor racing, and proposed use for drifting, driving schools (including beginner, advanced and police driver training), bicycle training and racing, ‘track days’ (including corporate and experience driving days), use for educational purposes, filming, non-driving based events (including car shows, craft fairs and hot-air ballooning) and ancillary camping – Lydden Hill Race Circuit, Wootton**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Planning Permission be Refused

c) **Legislation, Policies and Guidance**

Planning and Compulsory Purchase Act 2004

- Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Countryside and Rights of Way Act 2000

- Section 85 – requires that in exercising or performing any functions in relation to, or so as to affect, land in an areas of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP2 – Between 2006 and 2026 land will be identified for around 200,000sqm of employment floor space
- CP5 – New non-residential development over 1,000sqm should meet BREEAM very good standard (or any future national equivalent).
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- CP7 – The integrity of the existing network of green infrastructure will be protected and enhanced through the lifetime of the Core Strategy. Planning permission for development that would harm the network will only be granted for development if it can incorporate measures that avoid the harm arising or sufficiently mitigate its effects.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

- DM3 – Permission for new commercial development or the expansion of existing business in the rural area will be given provided that:
 - i. It is located at a Rural Service Centre or a Local Centre as designated in the Settlement Hierarchy;
 - ii. It is consistent with the scale and setting of the settlement, or
 - iii. It is at a Village as designated in the Settlement Hierarchy provided that it would not generate significant travel demand and is in other respects consistent with the scale and setting of the settlement.

In all cases development should be within rural settlement confines unless it can be demonstrated that no suitable site exists, in which event it should be located adjacent to the settlement unless there is a functional requirement for it to be located elsewhere.

- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM12 – The access arrangements of development proposals will be assessed with regard to the Highway Network set out in the Local Transport Plan for Kent. Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.
- DM13 – Parking provision should be design-led, based upon the characteristics of an area, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.
- DM17 – Within Groundwater Source Protection zones 1 and 2 certain development will not be permitted unless adequate safeguards are provided.

Dover District Local Plan (Saved Policies)

- CO8 – Development which would adversely affect a hedgerow will only be permitted if:-
 - no practicable alternatives exist;
 - suitable native replacement planting is provided; and
 - future maintenance is secured through the imposition of conditions or legal agreements.
- AS13 – Proposals to expand the use of Lydden Circuit for motor sports or intensify its frequency will be refused. Only development ancillary to its existing use will be permitted.

National Planning Policy Framework (NPPF)

- Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 14 requires that development proposals which accord with the development plan should be approved without delay and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or where specific policies in the Framework indicate the development should be restricted.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seek to: proactively drive and support sustainable economic development to deliver the business and industrial units, infrastructure and thriving local places that the country needs; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; support the transition to a low carbon future in a changing climate; contribute to conserving and enhancing the natural environment and reducing pollution; encourage the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value; recognise that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage or food production); conserve heritage assets; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.
- Paragraph 49 of the NPPF states that “housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- Chapter one of the NPPF seeks to achieve a strong, competitive economy and economic growth. Significant weight should be placed on the need to support economic growth.
- Chapter three seeks to support a prosperous rural economy and economic growth in rural areas in order to create jobs and prosperity. The sustainable growth and expansion of all types of business and enterprise in rural areas should be supported, as should rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. The chapter also states that local services and community facilities, which include sports venues, should be promoted and retained.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that “the transport system needs to be balanced in favour of

sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.

- Chapter seven requires good design, which is a key aspect of sustainable development. Development should function well and add to the overall quality of the area; establish a strong sense of place; respond to local character and history, and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation; and be visually attractive as a result of good architecture and appropriate landscaping.
- Chapter 8 seeks to promote healthy communities through the provision and use of shared space, community facilities (including meeting places and sports venues) and other local services to enhance the sustainability of communities and residential environments. Planning decisions should ensure that established facilities and services are able to modernise in a way that is sustainable and retained for the benefit of the community. Public rights of way should be protected and enhanced.
- Chapter eleven requires that the planning system contributes to and enhances the natural and local environments, by protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination. Great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Planning permission should be refused for major developments in Areas of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of: the need for the development, including in terms of any national considerations and the impact of permitting it, or refusing it, on the local economy; the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. Planning decisions should aim to: avoid noise from giving rise to significant adverse impacts (having regard for the Noise Policy Statement for England) on health and quality of life as a result of new development: mitigate and reduce to as minimum such impacts through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land use since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- Chapter twelve requires that regard be had for the desirability of new development contributing to or enhancing the significance of heritage assets. An assessment should be undertaken as to whether harm would be caused to designated and non-designated heritage assets. Where development proposals lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Where substantial harm would be caused, permission must be refused unless there are substantial public benefits which outweigh the harm, or four exceptional circumstances are met. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to

submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

Kent Downs AONB Management Plan

- SD1 – The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within statutory and other appropriate planning and development strategies and development control decisions.
- SD2 – The local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of the new development, redevelopment and infrastructure and will be pursued through the application of appropriate guidance and position statements which are adopted components of the AONB Management Plan.
- SD3 – New development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB.
- SD7 – To retain and improve tranquillity, including the experience of dark skies at night, careful design and the use of new technologies should be used. New developments and highways infrastructure which negatively impact on the local tranquillity of the Kent Downs AONB will be opposed unless they can be satisfactorily mitigated.
- SD8 – Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated.
- LLC1 – The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

Kent Downs Landscape Design Handbook

- Provides general design advice for development within the Kent Downs AONB.

d) **Relevant Planning History**

DOV/14/00415 – Section 73 application for the variation of condition 2 of planning permission DOV/12/00589, to allow: one additional hour of racing on Sunday 25th May 2014, between 4pm and 5pm (for the World Rallycross Championships); three consecutive weekends of two-day racing events in May 2014 (10th-11th May, 17th-18th May and 24th-25th May); three consecutive weekends of two-day racing events in June-July 2014 (21st-22nd June, 28th-29th June and 5th-6th July 2014) – Granted

DOV/13/00167 – Section 73 application for the erection of race control/ office tower, toilet/shower block, single storey workshop/store/scrutineering building, VIP centre/canteen building and associated landscaping with the variation of condition 2 to allow external changes to the appearance of the race control tower – Granted

DOV/12/00589 - Section 73 application for the variation of Condition 2 (part E) of planning permission DO/84/1109, to vary the opening times on a Sunday - Granted

DOV/11/01115 – Erection of race control/officer tower, toilet/shower block, single storey workshop/store/scrutineering building, VIP centre/canteen building and associated landscaping (existing race control building, toilet/shower block, scrutineering building, workshop and storage containers to be removed) – Granted

DOV/11/00463 – Certificate of Lawfulness (existing) for continued use of land for grass track racing – Granted

DOV/10/00650 – Erection of a catering building – Granted

DOV/09/00116 – Retrospective application for the siting of a two storey portable building – Granted

DOV/09/00115 – Retrospective application for the erection of two grandstands and associated hardstanding – Granted

DOV/99/00745 – Variation of condition 2 of permission DOV/96/1091 to enable the construction of the first section of the access road – Granted

DOV/99/00746 – Variation of condition 3 of permission DOV/96/1091 to enable the construction of the first section of the access road – Granted

DOV/99/00747 – Variation of condition 4 of permission DOV/94/0053 to enable the construction of the first section of the access road – Granted

DOV/96/01091 – Part details pursuant to condition (i) of planning permission DOV/94/0053 for research, development and production building (business B1 use), hospitality building and museum and the means of access thereto – Granted

DOV/94/00053 – Variation of conditions 2 & 3 of outline planning consent DOV/91/0257 to extend periods relating to submission of details and commencement of the development – Granted

DOV/94/00053A – Amended details of site access and Geddinge Lane/A2 junction – Granted

DOV/94/00053B – Further amended details of site access and Geddinge Lane/A2 junction, including introduction of traffic lights - Granted

DOV/91/01196 – Use of land for overnight camping in association with race meetings – Allowed at Appeal

DOV/91/00258 – Outline scheme for replacement circuit for motor racing and testing racing & testing; hospitality building & museum; pit complex; research, development & production building (Business B1 use); new access & improvements to existing access; landscaping, together with ancillary works – Withdrawn

DOV/91/00257 – Outline scheme for a replacement circuit for motor racing and testing; hospitality building and museum; pit complex; research, development and production building (business B1 use); new access and improvements to existing access; landscaping, together with ancillary works - Granted

DOV/88/00871 – New race control building and associated car parking – Granted

DOV/84/01109 – Continued use as a Motor Sport Centre together with associated toilets, buildings and car parks – Allowed at Appeal

e) **Consultee and Third Party Responses**

Canterbury City Council –

On the basis of the information submitted to accompany the application I can confirm that the Council has no objection to the proposed application. In particular the provision of a new access from Geddinge Lane onto the A2 has the potential to improve the impact that race event traffic has on the strategic road network and is welcomed subject to agreement from Kent Highway Services that there will not be any increased traffic problems arising from the overall development.

The information that has been submitted to accompany the application is extremely well detailed and is to be applauded. Notwithstanding this, the Council would ask that upon determining the application any impact upon residents of the Canterbury District in Woolage Green and Woolage Village is given consideration in addition to those upon local communities in the Dover District with particular regard to air quality, noise and disturbance and impact of additional traffic.

Highways England – *Initial response received 25th September 2015:*

Highways England offer no objection

Subsequent response received 8th June 2017:

Further to my email of the 4 May, we have undertaken a review of the impact of the application given the passage of time since our initial response, taking account of various information supplied and concerns raised by residents over the last few weeks, and any material considerations that have arisen since our original response dated 25 September 2015.

This email, therefore, represents an update on our original response of “No Objection” sent to the council dated 25 September 2015.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case particularly the A2 / Geddinge Lane signalised junction.

Having examined the available evidence provided as part of the planning application, by third parties and held by HE, we are able to provide an update as follows:

Existing Congestion Issues

The evidence provided by the applicant, which has been developed using industry standard modeling software, indicates that the existing junction theoretically has the physical capacity to accommodate the predicted volume of flows for both the existing

and proposed events. However, both the applicant and members of the public note that congestion does occur at the junction on event days. This could be due to a number of factors, including clusters of traffic arriving in the busiest arrivals period; blocking of the junction by traffic queuing into Dumbrill Hill on the A2 (to the west of the junction); slow moving u turners travelling from A2 western arm, groups of visitors travelling together to the large event or perhaps large vehicles associated with the traders at the event arriving.

On this basis, it is considered that congestion issues are due to signal timing optimisation and traffic management.

Mitigation

The applicant has provided a Traffic Management Plan for large event days, which could also be scaled down for medium events if required. This includes a commitment to provide the following measures to ensure efficient flow of traffic:

- employ certified and trained traffic marshals at the Geddinge Lane access junction to temporarily stop traffic heading north on Geddinge Lane through the access junction in the unlikely event that right turners into the site are held up causing traffic to queue back into the traffic signalised junction;
- encourage visitors to purchase tickets in advance to significantly reduce handling times on entry, helping to reduce queues;
- manage traffic through Coxhill Lane/Geddinge Lane/A2 with temporary signs and cones on the A2 western arm to ensure efficient flow through the junction and thus reduce the impact of queuing back from the right turn facility onto the outside lane of the A2 (if this occurs);
- have signs within the site directing drivers to the correct areas of parking on large event days, along with marshals on hand to manage efficient parking in overflow areas;
- have signs within the site directing people to the main egress for all directions onto the A2 and to the Dumbrill Hill egress for A2 westbound direction only;
- employ certified and trained traffic marshals to direct people out of the site towards the A2 (westbound only) from the Dumbrill Hill egress;
- provide a simple downloadable map on the website to illustrate the A2, Geddinge Lane/A2/Coxhill Road junction and new access junction as well as a plan of the site layout illustrating the ticket booths, car parking and facilities;
- having a regular meeting/telephone discussion with an assigned representative of Denton with Wootton Parish Council so that any local issues can be reported directly and actions considered where appropriate. These meetings/discussions will be held following major events and organised by the race course operator.

In addition to the above, as part of the proposals additional sustainable travel measures will be formalised and promoted, namely a minibus service which transports visitors to / from the local train station.

Impact

While it is acknowledged that any public event may cause temporary disruption to local residents, Highways England's remit is to consider the safety and operation of the SRN

in the context of the application itself. In this case this relates to an increase in the number of events at the Circuit, not the principle of permitted events being held.

The evidence provided indicates that the existing junction theoretically has the physical capacity to accommodate the predicted volume of flows. It is therefore considered that congestion issues are due to signal timing optimisation and traffic management.

In addition to mitigation proposed by the applicant, HE have investigated the potential to upgrade the signal timings at the A2 / Geddinge Lane junction to maximise its efficiency on race and other track event days. Subject to confirmation of funding, HE have agreement in principle for these works which should improve efficiency all round.

On the basis of the above, HE is content that with the Traffic Management Plan in place and optimisation of signals, any impact over and above the permitted uses will be minimised.

Summary

On the basis of the evidence provided by the applicant and third parties, Highways England can only conclude that the proposals will not result in a severe impact on the operation and safety of the SRN. Therefore, under current national planning policy, we would not be able to sustain an objection to the proposals.

In the interest of ensuring that the Traffic Management Plan remains fit for purpose, we request that it is monitored annually and updated if the traffic build up on the A2 on event days does not clear properly. Monitoring data and any suggested revisions to the Traffic Management Plan should be submitted to the Local Authority and Highways England annually for review. We would suggest that it may also be in the interests of the applicant to provide this data to the local community.

On this basis, we can confirm that our initial "No Objection" response remains our formal view on this application.

Subsequent response received 26th February 2018:

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case particularly the A2 / Geddinge Lane signalised junction.

Having reviewed the additional information provided, it is considered that our original response of "No Objection" sent to the council dated 25 September 2015 still stands.

To confirm our position, as set out in our email dated 08 June 2017:

Existing Congestion Issues

The evidence provided by the applicant, which has been developed using industry standard modelling software, indicates that the existing junction theoretically has the physical capacity to accommodate the predicted volume of flows for both the existing and proposed events. However, both the applicant and members of the public note that congestion does occur at the junction on event days. This could be due to a number of factors, and it is considered that congestion issues are due to signal timing optimisation and traffic management.

Mitigation

The applicant has provided a Traffic Management Plan for large event days, which could also be scaled down for medium events if required. This includes a commitment to provide the following measures to ensure efficient flow of traffic:

- employ certified and trained traffic marshals at the Geddinge Lane access junction to temporarily stop traffic heading north on Geddinge Lane through the access junction in the unlikely event that right turners into the site are held up causing traffic to queue back into the traffic signalised junction;
- encourage visitors to purchase tickets in advance to significantly reduce handling times on entry, helping to reduce queues;
- manage traffic through Coxhill Lane/Geddinge Lane/A2 with temporary signs and cones on the A2 western arm to ensure efficient flow through the junction and thus reduce the impact of queuing back from the right turn facility onto the outside lane of the A2 (if this occurs);
- have signs within the site directing drivers to the correct areas of parking on large event days, along with marshals on hand to manage efficient parking in overflow areas;
- have signs within the site directing people to the main egress for all directions onto the A2 and to the Dumbrill Lane egress for A2 westbound direction only;
- employ certified and trained traffic marshals to direct people out of the site towards the A2 (westbound only) from the Dumbrill Lane egress;
- provide a simple downloadable map on the website to illustrate the A2, Geddinge Lane/A2/Coxhill Road junction and new access junction as well as a plan of the site layout illustrating the ticket booths, car parking and facilities;
- having a regular meeting/telephone discussion with an assigned representative of Denton with Wootton Parish Council so that any local issues can be reported directly and actions considered where appropriate. These meetings/discussions will be held following major events and organised by the race course operator.

In addition to the above, as part of the proposals additional sustainable travel measures will be formalised and promoted, namely a minibus service which transports visitors to / from the local train station.

Impact

While it is acknowledged that any public event may cause temporary disruption to local residents, Highways England's remit is to consider the safety and operation of the SRN in the context of the application itself. In this case this relates to an increase in the number of events at the Circuit, not the principle of permitted events being held. The evidence provided indicates that the existing junction theoretically has the physical capacity to accommodate the predicted volume of flows. It is therefore considered that congestion issues are due to signal timing optimisation and traffic management.

In addition to mitigation proposed by the applicant, HE have investigated the potential to upgrade the signal timings at the A2 / Geddinge Lane junction to maximise its efficiency on race and other track event days. Subject to confirmation of funding, HE have agreement in principle for these works which should improve efficiency all round.

On the basis of the above, HE is content that with the Traffic Management Plan in place and optimisation of signals, any impact over and above the permitted uses will be minimised.

Summary

On the basis of the evidence available, Highways England can only conclude that the proposals will not result in a “severe” increase in queues and delays on the SRN (the test set out in C2/13 para 9). Therefore, under current national planning policy, we would not be able to sustain an objection to the proposals.

In the interest of ensuring that the Traffic Management Plan remains fit for purpose, we request that it is monitored annually and updated if the traffic build up on the A2 on event days does not clear properly. Monitoring data and any suggested revisions to the Traffic Management Plan should be submitted to the Local Authority and Highways England annually for review. We would suggest that it may also be in the interests of the applicant to provide this data to the local community.

On this basis, we can confirm that our initial “No Objection” response remains our formal view on this application.

KCC Highways and Transportation – Initial response received 6th October 2015

I refer to the above planning application and have no objection in principle bearing in mind the extant permissions/uses on the site. However, the following matters require clarification:

1. The Planning Statement indicates that visitors to events will park their vehicles before walking to the turnstiles and showing their tickets or purchasing the same, in order to reduce delays to vehicles entering the site. This is to be welcomed but it appears from the plans that vehicular access to the western spectator parking area is only available by passing through the ticket booths/turnstiles, potentially creating delays. Confirmation is required that all spectator parking will take place before spectators pass through the booths/turnstiles, and a plan showing suitable vehicular access to the western parking area should be submitted. This plan should also show the proposed access points into each of the parking areas, which should be positioned and marshalled so that the flow of traffic into the site is not impeded.

2. The queuing capacity within the site shown in the Transport Statement (TS) appears to be based on visitors having to pass through the ticket booths before parking. This will not be the case as indicated above and would presumably mean that queues could be adequately contained within the site, however confirmation of this is required.

3. Although spectator parking has been shown on the plans, there is no indication of the number of spaces available. There is also no calculation of parking demand for the largest events. Clarification is therefore required both on the likely maximum parking demand and that such demand can be accommodated within the site.

4. The Transport Statement indicates that a Traffic Management Plan (TMP) will be submitted as part of the planning application and this will classify the various events at the circuit based on their size and will set out the interventions for each classification. The single TMP submitted appears to be based on the large events only, so it is unclear if this single TMP is to be implemented for all events or a classification of events and associated TM measures are proposed. If it is the latter, information on the additional proposals should be submitted, including marshalling proposals.

Subsequent response received 27th February 2018

I refer to the additional information submitted for the above and note this appears to relate to environmental issues and queries previously raised by Highways England. In respect of KCC Highways and Transportation I confirm my previous comments as follows: I concur that the proposed daily and weekly 'non-event' uses are likely to

generate less traffic than the permitted uses under the previous planning consent, which is considered to have been implemented and could therefore generate the associated traffic movements. The proposed access from Geddinge Lane (completion of that previously approved), parking and turning arrangements for the uses proposed under the current application are also acceptable. The proposals for events at the site include a Traffic Management Plan (TMP), which builds on the existing TMP currently successfully used to ensure visitors to larger events do not use unsuitable routes to/from the site. The proposed craft fairs and hot air balloon events which do not currently take place at the circuit are included in the TMP as larger events. Two extensive access and queuing lanes will be available within the site and traffic will be marshalled in order to prevent queuing of traffic back onto the A2. Traffic leaving the site at the end of an event will be able to access the A2 via the Dumbrell Hill exit as it does now, as well as via the completed Geddinge Lane exit. I note that Highways England have raised no objection to the proposals and associated traffic management, subject to some amendments to the TMP. The revised TMP will need to be secured by condition and there should be a mechanism for review of the same to ensure it continues to operate successfully. I also note the proposal to formalize existing informal arrangements to transfer visitors to/from the railway station by minibus, and this could also be included in a Travel Plan which can be secured by condition.

I therefore have no objections to the proposals subject to the following being secured by condition:

- Completion of the access road shown on the submitted plans prior to the use of the proposed buildings or site uses not already permitted commencing.
- Provision and retention of the vehicle parking areas shown on the submitted plans.
- Provision and implementation of a Traffic Management Plan for events in accordance with details to be submitted to and approved by the Local Planning Authority, Highways England and Kent County Council. This should include a mechanism to review and alter the plan as necessary.
- Provision and implementation of a Travel Plan in accordance with details to be submitted to and approved by the Local Planning Authority.
- Construction Management Plan to include the following:
 - i) Routing of construction-related vehicles to/from site
 - ii) Parking and turning for delivery and site personnel vehicles
 - iii) Wheel washing facilities

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

KCC SUDS – Initial response received 22th October 2015:

Kent County Council as lead local flood authority have no objection to the principle of using infiltration drainage at this site, however at present there is insufficient information available to demonstrate that the proposals would not present a risk of pollution of groundwater, a controlled water. The design information given is detailed but at present no ground investigation information has been submitted to demonstrate that the number and sizing of infiltration devices is appropriate.

The design for the car park drainage uses a combination of filter strips and cellular storage. The filter strips are acceptable in principle provided the infiltration rates confirm the sizing is suitable. The soakaway systems for the car park drainage use a combination of channel drains with sump outlets prior to discharge via soakaways. The soakaway design appears to have no access for future maintenance should cleaning be required.

Given that this area is in a groundwater SPZ, additional pollution control features may need to be incorporated into the design and the ability to access soakaways for future maintenance and in the event of a spillage may be beneficial. We therefore recommend that the Environment Agency are consulted regarding the proposals from a groundwater protection perspective to ensure the design provides sufficient pollution control. They will also need to be consulted regarding the discharge from foul treatment plants to ground.

Should your Authority be minded to grant permission to this development, we would recommend that the following Conditions are attached:

Condition:

(i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through proposed infiltration features located within the curtilage of the site. The design should reference an appropriately detailed ground investigation to demonstrate the infiltration rates in the proposed soakage zones are sufficient.

(ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

i) a timetable for its implementation, and

ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason:

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

Condition:

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); ensuring that it has been demonstrated that there is no resultant

unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

Subsequent response received 23rd February 2018

We previously recommended conditions to be attached to the grant of any planning permission on this site in our email dated 22/10/2015. Given a significant period of time has passed since our original review, we would highlight the following advisory items for inclusion in any detailed design work:

1. We would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017); the FSR dataset should not be used.

2. As LLFA, KCC will require that the design accommodates the 1 in 100 year storm with a 20% allowance for climate change and an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%. This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles.

Subject to the above matters being included in the detailed design, we would not raise any objections to the revised proposals. We would however recommend our previous condition recommendations are updated to the revised wording below, together with an additional verification condition:

Condition:

Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition:

No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- ☒ A description of the drainage system and its key components
- ☒ An as-built general arrangement plan with the location of drainage measures and critical features clearly marked
- ☒ An approximate timetable for the implementation of the drainage system
- ☒ Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- ☒ Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason:

To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

Condition:

Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Southern Water –

There is no public foul sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewerage disposal. The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness.

The planning application form makes reference to drainage using Sustainable Urban Drainage. Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the LPA should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

DDC Head of Inward Investment – Support

Lydden Circuit has fulfilled a number of historic roles over time, being an established location for a range of activities often related to the tourism and visitor sector.

The Council's Corporate Plan for the period 2016- 2020 has the overarching vision and priority of "Securing a prosperous future for the Dover district, which will be a place where people want to live, work, invest and visit".

Priority One of the Corporate Plan, being a Thriving Economy, recognises that we will focus, inter-alia, on:

- Enabling and supporting growth of the economy and opportunity for investment and jobs;
- Attracting new businesses and jobs, and supporting existing businesses in the district; and
- Promoting the district as an area to invest in as well as a tourism destination.

It is also recognised that we will work with partners to improve accommodation, attractions, events to attract tourists to the area and sustain the economy.

For the above reasons, I therefore support the proposed planning application on the basis that it will provide a range of economic benefits to the district, while also sending out a message to future investors that Dover's Corporate ambitions are being realised in a progressive manner.

DDC Ecological Officer – Initial Assessment 8th December 2016

Biodiversity

A 2013 Ecological Appraisal and Phase 1 Habitat Survey accompanied the application. The survey was competent and did not identify any ecological constraints to development. In December 2015 an updated survey for badgers was carried out and In March 2016 a further Preliminary Ecological Appraisal was carried out. This last report identified that bats could possibly roost in the toilet block and, consequently, two

emergence surveys are recommended. These do not appear to have been carried out, but given that the replacement of the toilet block benefits from permission under DOV/11/1115, it is appropriate to condition a bat emergence survey. The 2016 report also includes ecological enhancement measures and these should be taken forward by condition in compliance with paragraph 118 of the NPPF.

Landscape Character

The applicant has made reference to the KCC (1994) and DDC (2006) landscape character assessments (LCA). The DDC LCA does not cover the application site and the character area covered by the broad-brush KCC assessment, Elham: East Kent Downs approaches some 100 sq Km in area. Reference is also made to two adjoining KCC LCAs which are of similar magnitude. The applicant relied upon these published LCAs. However, in 5.27 of the scoping response by the LPA (DOV/13/00954) it states that: A Landscape Character Assessment will also be necessary to include in the ES, due to the difference in scale of the landscape characterisations and the location of the site within the AONB boundary. No such LCA was submitted.

As part of the 'Up on the Downs: The White Cliffs Partnership Scheme Landscape Conservation Action Plan', 2012, submission to the Heritage Lottery Fund, a landscape characterisation of the scheme area was produced and this does have a finer grain assessment than those LCAs the applicant used. Although not adopted for planning purposes, it has been adopted by the partnership board which includes DDC. The Denton LCA within that document is more suited to this scale of development and is considered to appropriately frame the LPA consideration of LVIA of the main circuit area, excluding the access road.

Part of the Denton LCA describes the intimate topography:

The very nature of the valley folds enclose and limit views, but this is a unifying feature which contrasts with the long unenclosed views that are available in the Swingfield Arable LCA to the south.

Lydden circuit is considered a major detractor to this LCA:

A major detractor is Lydden Race Circuit which not only has a rather ugly physical presence, but is a source of noise on race days. The eastern boundary of the LCA is the A2, which is another detractor. Landscape interventions should attempt to conserve and create.

It is the intimate nature of the landscape that is able to absorb the generally low form of the race circuit and its structures, assisted by mature screening, native and planted. In the Denton LCA it is stated that enhancement of the surrounds of Lydden race track would be a positive action to address the needs of the landscape.

It may be concluded from the above that as long as developments at Lydden Circuit do not impinge further on the landscape, particularly if boundary enhancements could be achieved, landscape would not be a constraint to development. However, it would appear that the application seeks to enlarge the development envelope of the site.

The reference to camping in 6.26 of the Planning Statement refers to past permissions and to drawing number 1032-SP-201 (PL10). This drawing indicates four areas (each numbered 15) for camping, all being the SW of the tree screening of the circuit and two being partly bounded by the BOAT ER284 (not ER111 which is on the other side of the road) and one abutting Dumbrill Hill. None of these four areas appears to have been authorised for camping in the past. From changes in land usage it would appear that the NE two areas marked '15' became incorporated into the circuit ownership around 1990, whilst the SW area management has only changed within the last ten years. The use of

these areas for purposes ancillary to the circuit would effectively be overspill into the wider AONB farmland landscape.

It is considered that given the exceptional sensitivity of the AONB, such an encroachment would have a moderate adverse effect on the local landscape resource (i.e. that area such as that covered by the Denton LCA) and this would be a significant material consideration.

The role of the camping areas is not recognised in the LVIA. In terms of landscape effects on public rights of way, the effect on BOAT ER 284 is not mentioned. This is a cause for concern given that ER 284 could be used to access the camping areas (there is no mention of any form of road access to the SW area beyond the BOAT).

As the area proposed for camping appears not to follow any established boundaries and has no screening to the south, without any mitigation, this element of the application is recommended for refusal on grounds of adverse harm to the Kent Downs AONB, a national landscape resource.

Visual Impact

A similar consideration to landscape effects applies to visual amenity and the effects of development on this.

It does not appear that the ES considers grades of receptor sensitivity within the ES. However, on the basis that the LVIA is based on the GLVIA 3rd ed, the classification given in 6.33 and 6.34 of that document have been used to inform the LPA assessment. In that respect the users of BOAT ER284 are considered to be highly susceptible to change. On the basis that camping would be restricted to events, and the screening of the BOAT ER 284, it is considered that the adverse effect on this receptor would be moderate, which is significant. Users of the lanes to the S, W and E of the site are likely to be local residents or tourists who also would also be relatively highly susceptible (compared to, for instance, users of the A2) to change. However, for these the transient and distance of views would have only minor effect.

Given the significance of the adverse landscape effect, it is considered that the adverse visual effect on BOAT ER284 adds to the recommendation for refusal on grounds of adverse harm to the Kent Downs AONB, a national landscape resource, unless suitable mitigation is forthcoming.

It is considered that, in respect of areas marked 15 on the landscape masterplan that one of the alternative recommendations is taken forward:

1. That the areas marked '15' on the masterplan are withdrawn from the application, or
2. Any permission is conditional on the production of a landscape planting scheme and long-term management plan for the boundaries of the areas marked '15' such that the effect on the Kent Downs AONB is reduced to an insignificant level, or
3. That permission is conditional upon the use of the areas marked '15' to be restricted to a 28 days/year.

The New and Replacement Buildings

The applicant acknowledges that the new stand will be visible from beyond the site. However, the bulk of the current stock of buildings is of poor quality and there would be benefit in upgrading the built infrastructure of the site. Given the relatively discrete location, it is considered that the landscape impact of the built proposals will not be

significant if the mitigation measures, as proposed in section 6 of the LVIA are taken forward as part of a landscape planting scheme.

Tranquillity

Paragraph 123 of the NPPF states that planning decisions should identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational value and amenity for this reason.

Paragraph: 012 Reference ID: 30-012-20140306 What factors are relevant to identifying areas of tranquillity? There are no precise rules, but for an area to be protected for its tranquillity it is likely to be relatively undisturbed by noise from human caused sources that undermine the intrinsic character of the area. Such areas are likely to be already valued for their tranquillity, including the ability to perceive and enjoy the natural soundscape, and are quite likely to be seen as special for other reasons including their landscape.

According to the CPRE, tranquillity equates strongly with naturalness and lack of human influence. CPRE have mapped tranquillity and the area of the AONB near to the race track is, as would be expected, of moderate to low tranquillity (estimated), given the race track and nearby A2. (Kent Downs AONB Management Plan 2014-2019) Policy SD7 of the Kent Downs AONB Management Plan 2014-2019, states that new developments and highways infrastructure which negatively impact on the local tranquillity of the Kent Downs AONB will be opposed unless they can be satisfactorily mitigated.

The proposals need to be considered within the context of the above. The applicant identifies three elements:

The construction of replacement buildings comprising VIP Centre/grandstands, scrutineering building, competitor café/showers/toilet facilities, ticket gatehouse and 14 high tech engineering units;

Additional use of the circuit for Corporate and Track days; bicycle training and bicycle racing; use for learner and advanced driver training schools including police driver training; hire for filming purposes and event days to include craft fairs, car shows and Hot Air Balloon World Record attempts;

Retention of ancillary event camping and limited visitor camping; and construction of new access road from existing Geddinge Lane access.

Of the above, (a) would result in temporary increase in intrusive activities in the surrounds, while the new access road (c) is not on a significantly different line from that for which permission has been granted. There is the issue of increased traffic activity associated with events. The new access to the A2 Of all the other uses given, only the motorised events and ballooning would appear to impinge beyond the site boundary, in terms of tranquillity.

The noise from motorised events is best dealt with through noise assessment (Environmental Health) as is air quality, whilst in the broader view it is questionable whether ballooning harms tranquillity.

Conclusion

Paragraph 123 of the NPPF seeks to protect relatively undisturbed areas. The site was in use for some racing prior to the existence of the AONB and has been mapped as being of only moderate to low tranquillity. There would be a temporary disturbance

during construction but, subject to the outcome of any noise and air quality assessments, the proposal would not significantly affect the tranquillity of the local area.

Subsequent comments received 5th April 2018

Lydden Circuit is unique within Dover district, both in terms of size and use. It has a long history of use for car racing and in the 1960's the current tarmac track took shape. As such it probably predated the declaration of the Kent Downs AONB in which it is located. The site is on the west-facing slope below the A2 above the course of dry valleys that collectively lead north toward the Nail Bourne (Canterbury CC) and provide the wider AONB landscape framework for the site. The A2 marks the eastern boundary of the Kent Downs AONB.

The circuit is in the valley floor with an arm that runs up the slope. The site cannot be widely seen and that is partly because the high quality of the neighbouring AONB landscape with its varied topography. Thus, the character of the AONB visually affected (in contrast to being audibly affected) by the circuit is relatively small. It does not, however, contribute to the landscape or natural beauty of the AONB.

Over the years the circuit has, through planning permissions, accumulated paraphernalia associated with racing. Although apparent, the buildings and other structures have been low key and have had the appearance, from the distance, of being temporary. The proposal is now to install new buildings, replacing some of the older, but also adding to the built footprint of the site. While these have the advantage of being modern, they are far larger than the existing. The scale of change will permanently transform the area and its character. This will be exacerbated by the proposals for more intensive use of the site for other activities. Contrary to the findings of the LVIA, some buildings will be visible from Geddinge Lane (Viewpoint 7 and along the lane to the NE). More than that, however, is the proposal to effectively enlarge the site beyond its existing fairly well concealed boundaries into the open countryside to the southeast and southwest, for access and camping purposes.

Due to local road constraints, the proposal is to relocate the entrance at a relatively high point in the open countryside. Access to the entrance would be parallel to the A2 and for highway safety it would be necessary to visually separate by landscaping, but this would only have effect of providing a visual backdrop for vehicles accessing the site. It is proposed within the documents (NTS 6.8 and NTS 8.8.6) that the access road would either be screened by field crops or hedging, but it is also proposed that the grassed area adjacent to the access road be used for overflow parking. The latter would spread the landscape and visual effects of the circuit into, as yet, undisturbed countryside.

The 'spreading' of the use of land is also noted for the formal establishment of camping to the SW of byway ER284, rather than the current informal use.

Tranquillity is one of the factors that must be considered in the designation and management of an AONB (<https://www.gov.uk/guidance/areas-of-outstanding-natural-beauty-aonbs-designation-and-management>). The existing use of the Lydden Circuit is not tranquil, and AONB management should be directed towards increasing tranquillity and improving the quality of experience for residents and visitors. This is reflected through the Core Strategy Policy CP7. The proposal runs counter to such in that it seeks intensification of use of the site and a spreading of activities ancillary to that intensification into the wider countryside.

As noted above, the application does not appear to have a single robust solution to the screening of vehicles etc. along, and possible adjacent to, the proposed access route. Nor does it address the potential for screening the proposed new buildings and adjacent

parking. As such, it would appear that the proposal fails to adequately engage with the requirements of NPPF Paragraph 116.

DDC Environmental Health –

Initial response received 28th April 2017:

- 1) The Environmental Protection Team have reviewed the application and in particular the documents submitted on the 10th March 2017 as listed below
 - ENVIRONMENTAL STATEMENT CHAPTER 9 - NIOSE (AMENDED)
 - NOISE ASSESSMENT REPORT (AMENDED)
 - APPENDIX 9.2 - NOISE MANAGEMENT PLAN
- 2) It has already been established, through the service of a noise abatement notice under the Environmental Protection Act 1990 on Lydden Circuit on 03rd December 2015, that noise levels from the circuit have an adverse impact on local residents. Whilst it is accepted that the areas of planning and nuisance cover separate strands of law we feel reference to the abatement notice is pertinent when assessing residential amenity via planning applications.
- 3) As outlined below there is insufficient information included within the application to enable the Environmental Protection Team to make an informed judgement on how the noise generated from the proposed additional activities described in the application would impact on the local community. On that basis and having reviewed the documents the Environmental Protection Team object to this application on the grounds of the likely adverse impact on residential amenity.
- 4) Paragraph 109 of the National Planning Policy Framework states that the
'planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to unacceptable levels of noise pollution'
- 5) The Noise Policy Statement for England of March 2010 introduced the concepts of Significant Observed Adverse Effect Level (SOAEL), Lowest Observed Adverse Effect Level (LOAEL) and No Observed Effect Level (NOEL).
- 6) The abatement notice referred to above accepts nuisance exists and seeks to restrict it by limiting noise levels and how often the circuit is used. We would therefore argue that any increase in noise levels and use of the circuit beyond the current limitations would represent a SOAEL and therefore be detrimental to the residential amenity of those living around the circuit. SOAEL is described under 2014 planning guidance as triggered when the impact of noise can be described as causing
"material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion ... having to keep windows closed most of the time because of the noise. Quality of life diminished due to change in acoustic character of the area"
- 7) Furthermore we do not feel the above referenced documents submitted by the applicant provides sufficient information to determine the full potential of adverse impact from the development, in that the application is mainly based on the premise that noise impact can be defined primarily by decibel level and in particular as an annual track noise dose value. We believe such an approach

is likely to significantly understate impact on the area as it does not consider all contents of the noise e.g. tyre squeal, backfire, low frequency, tonality, etc. Nor does it take into consideration any noise arising from the other events beyond the additional 104 'quiet days.'

- 8) No calculations on the annual track noise dose have been provided. There is therefore no evidential support for transferring principles for total annual noise dose from all sources near and far, but primarily road traffic dominated, to the impact in relation to sites such as motor sports facilities like Lydden which exhibit markedly different sound character. This would include attention grabbing characteristics such as tyre squeal, backfiring, turbo chatter and loud engine noise consistent with rapid acceleration.
- 9) At no stage does the Environmental Statement (ES) include an assessment of the effects of the differing character of the noise and the different characteristics exhibited by different types of event noise such as "drifting", motorbikes (2 stroke and 4 stroke), track days and race events. The exception is in relation to industrial type noise in respect to the proposed Use Class B2, general industrial units.
- 10) The World Health Organisation (WHO) has long recognised in its 1999 Guidelines for Community Noise that only a third of noise annoyance is attributed to the decibel level of the noise. This directly undermines the approach adopted in the submitted Environmental Statement which relies on the decibel level change. In summary, once a noise is clearly audible and to varying degrees it is the dominant noise in an environment, the degree of intrusion depends mainly on the character and nature of that noise along with the frequency and duration of the noise. Other important factors include the times and days of the week when it occurs which relates to what is disrupted and what is expected, with greater expectation of freedom from noise at the weekends. The importance of weekends is a further factor recognised by the WHO. The guidance also recognises even small changes in annual noise dose can be highly significant. This has not been taken into consideration in the applications annual track noise dose value approach.
- 11) On the basis that a SOAEL already exists, it may be considered there are no grounds for increased activity. This need not be the case. Activity increase does not necessarily equate to impact increase. Activity that is inaudible or not discernible from the ambient sound environment would not add to adverse impact from noise and can be permitted. It is also the case that sound which is infrequently heard, benign in character and occurs at times of reduced amenity value will unlikely add to intrusion and thus there are clearly forms of activity that can be permitted. The difficulty is determining what activities and events fall within these categories. The ES provides limited assistance in this regard.
- 12) One area where it is felt that increased activity will create further adverse impact is the proposal to increase motor sports operational times on three Sundays per year. The current noise abatement notice specifies hours motor sports events can take place on Sundays. The abatement notice restricts the nuisance not abates. Therefore it is felt that any additional Sunday hours would be above the SOAEL thereby creating an adverse impact.
- 13) The applicants Environmental Statement includes data in relation to ambient and background masking noise. This implies that new activity would not be discernible due to existing daytime noise levels in the area. However, there is

evidence to doubt this as there is data demonstrating quieter times occur as much of the survey periods were corrupted by excess wind speeds inappropriate for noise measurement and other adverse weather effects. Also many sounds with distinct character are not masked until they fall significantly below background and ambient sound levels, due to spectral and other differences in their content which means they are not masked.

- 14) There are potentially new events which can clearly add significantly to noise intrusion. Whilst some will be readily determinable by their description, others are less obvious and in reality there is a need for a degree of testing and assessment to better understand whether specific activities add to overall intrusion. The Environmental Statement does not provide evidence of the intrusiveness of certain classes and types of activities as could be determined from monitoring of the same or similar activity at other sites / events. In turn this prevents the determination of acceptability. As a consequence the method of determining the effect of changes that is proposed to be introduced, as identified in the Environmental Statement, would need to be undertaken through a process of evaluation within the community over a reasonable period of time, e.g. through a reviewable Noise Management Plan drawn up in conjunction with the Local Planning Authority . In turn this will depend on the weather during such trials and how representative the activity undertaken is of those proposed in the future.
- 15) Such a Noise Management Plan would be required to include temporary periods of testing to evaluate and subsequently either permanently permit, refuse or restrict newly introduced activities based on actual impact.
- 16) With regard to noise mitigation the Environmental Statement makes reference to existing bunds and suggests any further bunding would need to be substantial in nature to offer significant benefit. There is no detailed analysis to support this argument. Detailed noise mapping of noise generation at specific points on the circuit is needed in order to evaluate what measures would be needed for any corresponding change in noise. Where noise impact is close in level to environmental masking noise levels small reductions can provide significant benefit. This is often the case and additional mitigation should therefore be considered. For example there are points around the circuit which commonly generate greater tyre squeal or acceleration noise, two main characteristics which attract attention. These can create peaks in noise, any reduction of which is beneficial. Analysis of where these points occur and the possible effects of additional screening at each are needed. Alternatively changes in circuit surface, contouring of the bends and similar elements need to be considered to evaluate whether such noise can be reduced.
- 17) We feel that it is necessary to consider both operational noise controls such as the trackside monitoring and noise mitigation measures. In order to make such an assessment this would have required an interim scheme of management and control measures, evaluated through observations of noise emissions in practice, to be included in the application documents. This would have necessitated a two stage process. Firstly the submission of a series of interim plans / schemes for prior written approval. Followed by a finalised plan or where the interim plans fail then further revisions. This would have been a method of having a fluid process leading to a final submission for operational noise control and mitigation. Ultimately the extent of new activity days is dependant on demonstrating that they would not add to the overall adverse impact. It follows that if new events add to intrusion they should not be permitted unless other

significant factors outweigh any harm caused but this is a primarily a planning matter.

However the applicant did not take such an approach and we feel the surveys carried out do not provide enough information to enable us to make an informed decision regarding the noise impact of the proposals.

- 18) We note a draft Noise Management Plan was submitted as part of the application and this document considers a number of factors but many are not adequately addressed as outlined below:
- a) Various definitions which can be complex, a number of which are not provided, for example “drifting”.
 - b) Categories of use defined by their decibel level. This is currently inadequate, not least as some of the activities cannot be adequately defined by their decibel level, certainly not at this stage.
 - c) 6 Categories of events are proposed which equate to more than 104 extra days use. This has the potential to significantly impact on the area as detailed below.
 - d) Limitation of days but currently only Christmas Day, Boxing Day and New Years Day. This does not take account of the reduction in respite days arising from the proposed major increase in events. There is therefore inadequate provision for respite and protection of national holidays.
 - e) Dates and times. The additional proposed Sunday extensions would increase the impact beyond that currently permitted.
 - f) The use of contractual agreements over the level of noise from vehicles is touched upon but their format to ensure vehicles do not produce excessive noise is not provided and needs to be part of the Noise Management Plan.
 - g) Annual and initially bi-annual review. This process requires extensive overhaul where additional activities are permitted after demonstrating they will not cause additional adverse impact and their number evolves after it is shown they do not contribute adversely.
 - h) Complaints and community liaison but the detail in relation to these elements is inadequate.
 - i) Public Address use but its control is inadequate.
 - j) Drive-by testing but is inadequate in terms of access to the information, its set up and starting limits. There is a need for CCTV as well to correlate noise and vehicles. Much more information is required.
- 19) We would expect a Noise Management Plan to also consider:
- a) The testing of vehicle speeds as there appears some conflict over limits set of 70 mph and what can be achieved.
 - b) Noise impact of acceleration, braking, backfire, tyre-screach and squeal.
 - c) Ongoing changes in the plan as information on impact evolves. This would involve regular reviews beyond the suggested bi-annual and annual reviews suggested. On reflection it is felt only having two reviews a year cannot achieve control over increased noise retrospectively.
 - d) Non-race days in preparation for racing.
 - e) Requirement of prior written approval of any changes to previously approved activity.
 - f) Ambiguity in the language of the Noise Management Plan which needs significant modification for example use of agreed rather than prior written approval, talk of targets rather than absolute limits and the need for prior approval of changes.
 - g) Noise mitigation. No consideration of this was made in the Noise Management Plan submitted.
 - h) Vehicle number limits.

- i) Fixed respite weekends of sufficient frequency.
 - j) Rules for excluding vehicles.
 - k) The Noise Management Plan recognises 'quiet' track days can lead to excessive tyre squeal with 2-3 events leading to exclusion but there is no definition of excessive tyre squeal. 12 vehicles producing two such events an hour would equate to 24 screeches /squeals an hour and potentially much more depending how "excessive" tyre squeal was defined. This could not be considered a benign source of noise. In turn this is both audible and significantly adds to intrusiveness. Such events should not be permitted in any circumstances and there needs to be a definition of excessive tyre squeal that is measurable. Audible tyre squeal would better address prevention of increased impact.
- 20) Analysis of the recent background noise survey 2017 reveals inclusion of significant periods adversely affected by high wind speeds and rainfall. Few periods are unaffected. Analysis was rendered more difficult due to the absence of meteorological data as part of the Environmental Statement. However analysis indicates the area is quieter than identified in previous surveys and at times the area is very quiet. Correlation of wind direction is needed to review background noise levels when downwind or cross-wind of the site.
- 21) New events using road legal cars are proposed to be controlled by static noise tests. There is no detail on any correlation between such static levels, trackside levels and the overall impact on the surrounding area. Use of road legal cars does not mean there would be no adverse impact as much is dependent on factors like the manner of driving, the number of vehicles being driven, the power of the vehicle and other factors such as legal modifications of exhaust pipes, noise from turbo-chargers and backfire occurrence. Static noise tests cannot therefore reflect the noise emitted by vehicles being driven under load and the formulation of future "drive-by" limits is required. This should be based on maximum noise ($L_{Amax}(f)$) determined at the noisiest part of the circuit for that event type.
- 22) We have concerns that the proposed 104 extra days of activity are capable of adding significantly to noise intrusion as masking noise is low enough at times such that the predicted maximum level of 45dB LAeq(1hr) will not always be masked. A limit of 45dB LAeq(1hour) does not provide an adequate form of control. For example an average of 45dBA over an hour equates to 48dBA over 30 minutes and 51dBA over 15 minutes and 54dBA over 7.5 minutes. Short periods of higher noise 9dBA above the 45dBA hourly average are capable of significantly increased intrusion. A period of noise for 7.5 minutes in every hour such as tyre squeal etc. Equally noise levels may remain below 45dBA and contain only benign character such they are perceived as anonymous. For example excessive acceleration, braking and tyre squeal could occur which would be substantially more intrusive than driving designed to minimise fuel consumption. Both would meet the limit but one intrudes and the other does not. On that basis we feel the maximum level permitted at the monitoring points should be 45 dB LAeq(15 min) as this provides better control over shorter periods of louder noise.
- 23) **Proposed B2 Industrial units.** We do not feel the information provided takes into account the worst case scenario and there is no detailed information on the activities to be undertaken or equipment and plant used. It is also felt the typical levels referred to in the Noise Assessment Report are not representative and no detailed calculation has been provided on how the levels predicted at nearby residential properties are arrived at.

However this could be addressed by suitable control limits being applied including the requirement for a survey to be carried out under BS4142:2014 (Methods for rating and assessing industrial and commercial sound) requiring the cumulative noise level measured or predicted at 1m from the facade of the nearest noise sensitive premises, to be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg

The report goes on to recognise that noise from the units may cause problems in the evenings and at night. In order to address this, a limitation on hours of use to between 8am and 7pm could be put in place.

- 24) **Construction noise.** This can be adequately controlled provided suitable mechanisms and noise mitigation is put in place especially controlling the hours of operation. A construction noise management plan can be required to be submitted for prior written approval.

Conclusion

In conclusion, the proposed extension in use of the site is capable of causing serious added intrusion that is already identified as excessive. This is clearly indicated from the information in the Environmental Statement and draft Noise Management Plan. In order to keep noise from additional activities contributing to the already significant observed adverse level there would need to be sufficient measures in place. This would include control over noise from existing permitted events, implementation of steps to ensure new events do not add to impact and the use of operational and engineering means of further mitigating the emissions. Without such a detailed scheme of controls it is considered the evidence clearly shows there will be a significant increase in adverse impact and refusal is strongly recommended.

Subsequent response received 17th April 2018

Environmental Protection have reviewed the additional documentation submitted further to the objection made to DOV/15/00827 on 28th April 2017. In particular the amended Noise Management Plan which we understand is intended to address concerns raised in relation to Chapter 9 of the Environmental Statement and the Noise Assessment Report. We therefore make the following comments;

1. Noise abatement notice. It has already been established, through the service of a noise abatement notice under the Environmental Protection Act 1990 on Lydden Circuit on 03rd December 2015 that noise levels from the circuit have an adverse impact on local residents. Whilst it is accepted that the areas of planning and nuisance cover separate strands of law we feel reference to the abatement notice is pertinent when assessing residential amenity via planning applications.

2. NPPF. Paragraph 109 of the National Planning Policy Framework states that the

‘planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to unacceptable levels of noise pollution’

3. NPSE. The Noise Policy Statement for England of March 2010 introduced the concepts of Significant Observed Adverse Effect Level (SOAEL), Lowest Observed Adverse Effect Level (LOAEL) and No Observed Effect Level (NOEL).

4. Increased activity. The abatement notice referred to above accepts nuisance exists and seeks to restrict it by limiting noise levels and how often the circuit is used. It may therefore be argued that any increase in noise levels would represent a SOAEL and therefore be detrimental to the residential amenity of those living around the circuit. SOAEL is described under 2014 planning guidance as triggered when the impact of noise can be described as causing

“material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion ... having to keep windows closed most of the time because of the noise. Quality of life diminished due to change in acoustic character of the area”

On that basis, it may be considered there are no grounds for increased activity. This need not be the case. Activity increase does not necessarily equate to impact increase. Activity that is inaudible or not discernible from the ambient sound environment would not add adverse impact from noise and can be permitted. It is also the case that sound which is infrequently heard, benign in character and occurs at times of reduced amenity value is unlikely to add to intrusion and thus there are clearly forms of activity that can be permitted.

5. Amended NMP. Changes have been made in the Noise Management Plan (NMP) that address concerns previously raised regarding the potential of adverse impact from the development. In particular it is noted that tests are to be conducted to establish trackside LA_{max} decibel limit levels. This is intended to address tyre squeal, backfire, etc. There is also a new clause whereby track officials have discretion to remove vehicles generating excessive levels of noise from e.g. turbo-chatter, tyre squeal etc. The NMP, and hence the noise limits specified within it, are to be approved by the Local Planning Authority prior to use for Category 2 events.

6. Categories. The NMP also provides more detail on the category of events proposed to be held on the site. This breaks events down into 5 categories with varying noise levels and permitted uses. The abatement notice referred to above requires certain noise limits measured over the period of an hour to be met. At the moment, under the notice there are in effect 3 categories:

- i. 2 event days with unrestricted noise levels
- ii. 24 event days where the noise level must not exceed 55db LA_{eq}(1hr) at specified monitoring points
- iii. 26 event days where the noise level must not exceed 50db LA_{eq}(1hr) at specified monitoring points

The application seeks to add an additional 104 days. This adds a fourth and fifth category.:

- Category 1 - 2 event days with unrestricted noise levels
- Category 2 - 24 event days where the noise level must not exceed 55db LA_{eq}(30mins) at specified monitoring points
- Category 3 - 26 event days where the noise level must not exceed 50db LA_{eq}(30mins) at specified monitoring points
- Category 4 - 52 event days where the noise level must not exceed 45db LA_{eq}(15mins) at specified monitoring points
- Category 5 - 52 event days where the noise level must not exceed 40db LA_{eq}(15mins) at specified monitoring points

The reduced measurement period from 1 hour to 30 minutes for Category 2 and 3 events provides an increased level of control regarding noise emission from the site. The noise levels for Category 4 and 5 events are further reduced and the measurement

period drops to 15 minutes. Independent surveys carried out over 3 weeks in the summer indicate that the modal noise level adjacent to the most noise sensitive monitoring point, when no events are taking place is 51dB LAeq(1hr).

These new controls along with those described in 5) above whilst not guaranteeing inaudibility will aid in preventing adverse impact for the additional 104 days proposed.

7. Sundays. One area specified in the original proposal was to increase motor sports operational times on three Sundays per year. Whilst we note this has been reduced to 2, amounting to an additional 5 hours per year, it is felt that increased activity on a Sunday will have a negative effect on the community. Accordingly any additional Sunday hours would be above the SOAEL thereby creating a limited adverse impact. However we note the circuit propose that if a period of additional 2.5 hours of time takes place on a Sunday in association with an event falling within Categories 1, 2 or 3, the number of days permitted to be used by a Category 2 event within that same calendar period will be reduced by 1 day. We therefore suggest this is conditioned.

8. Other activity. The NMP also refers to 'Other Activity' and states the site and circuit may be used on other days for activities not falling into Category 1 to 5. We note media activities are included in both Category 5 and 'other activities'. We feel media activities should come under Category 5. There is no limit specified on the amount of other activities or potential noise levels and controls. It is therefore possible the site could be in continuous use without any respite to the surrounding area. We therefore feel other activities should have a limit on the number of days and should only cover events where vehicle use is ancillary to the event e.g. back up vehicles for non-motorised bicycle racing events. The only situations where this would not apply is in emergencies or for road driving lessons by an instructor approved by the DVLA.

9. Respite. With regard to respite to the surrounding area we feel it is important to have silent days where no motor vehicles use the site. This could be achieved by taking a similar approach to Goodwood Motor Circuit where a total of 49 silent days are specified. These days include Good Friday, Xmas Day, Boxing Day and New Years Day.

The Goodwood silent days mean that no motor vehicles may use the site. A motor vehicle is defined as

any mechanically propelled vehicle having its own motor and not running on rails or tracks, ordinarily understood to include (but not exclusively) a motor car, motor-cycle, moped, motor assisted bicycle, go-kart, racing car, gas propelled vehicle, hover-vehicle, lorry, truck, tractor unit, van, bus, tractor, dragster, motor-home: it excludes a pedal powered vehicle such as a bicycle, an electric vehicle, vehicles used for road driving lessons and static photo shots, all maintenance, marshalling, service, scrutineering and safety equipment vehicles.

We suggest that these 49 days include 10 weekends and this is a requirement under condition.

This would not apply to vehicles using the proposed B2 industrial use.

10. Reclassification of events. Reclassification can only take place between categories 1-3 and between categories 4-5. Events cannot be reclassified from one of the 5 categories to 'other events', or 'silent days'. We recommend this is included as a condition.

11. Review of NMP. The NMP should be reviewed every 4 months for the first two years after approval and then annually thereafter. The review will be conducted between

Lydden Hill Race Circuit, Dover District Council and those living and working in the area. This would necessitate the setting up of a consultative committee. The set up of such a committee should be a requirement under the noise management plan and be required by condition.

12. Proposed B2 Industrial units. We do not feel the information provided takes into account the worst case scenario and there is no detailed information on the activities to be undertaken or equipment and plant used. It is also felt the typical levels referred to in the Noise Assessment Report are not representative and no detailed calculation has been provided on how the levels predicted at nearby residential properties are arrived at.

However this could be addressed by suitable control limits being applied including the requirement for a survey to be carried out under BS4142:2014 (Methods for rating and assessing industrial and commercial sound) requiring the cumulative noise level measured or predicted at 1m from the facade of the nearest noise sensitive premises, to be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg.

The hours of use should be restricted to 7am and 7pm with no use on Good Friday, Xmas Day, Boxing Day and New Years Day.

13. Construction noise. This can be adequately controlled provided suitable mechanisms and noise mitigation is put in place especially controlling the hours of operation. A construction noise management plan can be required to be submitted for prior written approval.

14. Conclusion. Whilst the current use of the circuit does impact on the locality through the current 52 day use, it is felt the altered NMP addresses some of the issues previously raised and sets out greater controls on the proposed increased use of the site. In order to ensure these controls are implemented we suggest the following conditions be included should permission be granted.

Conditions proposed by Environmental Protection should permission be granted under DOV/15/00827.

1. Within 3 months of the date of this permission the applicant shall submit a final NMP for written approval by the Local Planning Authority. The NMP shall be in a similar form to that submitted as a draft with the planning application and shall include, but not be restricted to, the following details:

- details of LHRC operational and management structure
- details of the derived trackside average and pass-by noise limits (LA_{max}) to be applied to each category of event
- details of the noise monitoring system (NMS) including a maintenance programme
- the NMS shall detail the sound control and methodology used (including detail of maximum noise levels) to show compliance with community noise levels detailed in condition 2.
- scope and presentation of data,
- notification of activities and events,
- requirements for consultation including the establishment of the LHRC Consultative Committee
- procedures for circuit management and a system of regular review
- static testing details for categories 2 and 3 (as defined in Condition 2)
- a complaints procedure

If Category 1 events, as defined in condition 2 take place within this period they shall be included towards the limit of 2 per year from 01st April each year. For Category 2 and 3 events the noise levels below shall be adhered to. The motor circuit shall not thereafter be operated other than in accordance with the NMP as approved by the Local Planning Authority in writing

2. The circuit shall not be used (notwithstanding any permissions granted or deemed to be granted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting or amending that Order)), other than for the following purposes:

- Category 1 days - motor vehicle racing days – use of the site for unrestricted high-speed racing, competition and high-speed driving of motor vehicles, including competition and racing of historic vehicles, vehicle festivals and shows. No restrictions on noise emissions.
- Category 2 days – motor vehicle racing days – Use of the site for high speed driving or racing of motor vehicles subject to a maximum LAeq, 30minutes level of 55 dB when measured or assessed at any of the community noise measurement locations set out in Condition 6.
- Category 3 days – Car/motorbike track days, quiet race days, vehicle festivals and shows – use of the site for high-speed driving of motor vehicles subject to a maximum LAeq,30minutes level of 50 dB when measured or assessed at any of the community noise measurement locations set out in Condition 6.
- Category 4 days – Demonstrations/corporate events, car testing, driver experience days, quiet vehicle festivals and shows, use of the site for road speed driving of motor vehicles at no more than 70 miles per hour subject to a maximum LAeq, 15minutes level of 45 dB when measured or assessed at any of the community noise measurement locations set out in Condition 6.
- Category 5 days – Car testing, driver training, driver experience days, slow speed cavalcades, demonstrations, mobile photo shoots and media activities. Use of the site for road speed driving of motor vehicles at no more than 70 miles per hour subject to a maximum LAeq, 15minutes level of 40 dB when measured or assessed at any of the community noise measurement locations set out in Condition 6.
- Other activity – The only motorised vehicle use permitted on the circuit in accordance with the specified and approved event timetable is
 - for road driving lessons by an instructor approved by the DVLA
 - use by conventional road vehicles ancillary to charitable or other events, e.g. back up vehicles for non-motorised bicycle racing events.
 - use for emergency incident training and
 - use by non-motorised bicycles for training during daylight hours, including up to 3 non-motorised bicycle racing events per year.
 - maintenance activities, marshaling, service, scrutineering and safety equipment vehicles’.

Details of ‘other activity’ events including noise predictions shall be submitted to the Local Planning Authority in advance of the event and shall not take place unless written approval is given by the Local Planning Authority.

- Silent days - no motor vehicles shall use the site other than employees and to gain access to and from the proposed B2 use. No circuit use shall take place on these days. A motor vehicle is defined as any mechanically propelled vehicle having its own motor

and not running on rails or tracks, ordinarily understood to include (but not exclusively) a motor car, motor-cycle, moped, motor assisted bicycle, go-kart, racing car, an electric vehicle, gas propelled vehicle, hover-vehicle, lorry, truck, tractor unit, van, bus, tractor, dragster, motor-home: it excludes a pedal powered vehicle such as a bicycle, static photo shoots, all maintenance, marshalling, service, scrutineering and safety equipment vehicles.

3. The Noise Monitoring System as described in the NMP and approved in accordance with Condition 1 shall be maintained in accordance with the maintenance programme contained within the approved NMP. A permanent record of the individual LAeq(30mins) and LAeq(15minutes) throughout the day as appropriate to the category of event along with the LMax noise levels shall be maintained and made available to the Local Planning Authority within 7 days of the event. In addition the Local Authority shall have real-time remote access to the system to enable ongoing viewing of readings.

4. Except for two Sundays per year where the Circuit may operate a use falling within any Category below between the hours of 9:00 to 17:00, the Circuit shall operate in accordance with the following provisions:-

- On a Category 1 Race Day (as defined in condition 2) the motor circuit shall not be operated other than in accordance with the following provisions:-
 - No more than 2 days per year.
 - Circuit operating hours limited to Monday to Saturday 09:00 to 18:00 hours and Sunday 10:30 to 16:00 hours.
- On a Category 2 Race Day (as defined in condition 2) the motor circuit shall not be operated other than in accordance with the following provisions:-
 - No more than 24 days per year.
 - Circuit operating hours limited to Monday to Saturday 09:00 to 18:00 hours and Sunday 10:30 to 16:00 hours.
- On a Category 3 Event Day (as defined in condition 2) the motor circuit shall not be operated other than in accordance with the following provisions:-
 - No more than 26 days per year.
 - Operating hours limited to Monday to Saturday 09:00 to 18:00 hours and Sunday 10:30 to 16:00 hours.
- On a Category 4 Event Day (as defined in condition 2) the motor circuit shall not be operated other than in accordance with the following provisions:-
 - No more than 52 days per year.
 - Operating hours limited to Monday to Saturday 09:00 to 18:00 hours and Sunday 10:30 to 16:00 hours.
- On a Category 5 Event Day (as defined in condition 2) the motor circuit shall not be operated other than in accordance with the following provisions:-
 - No more than 52 days per year.
 - Operating hours limited to Monday to Saturday 09:00 to 18:00 hours and Sunday 10:30 to 16:00 hours.
- Other activity (as defined in condition 2).
 - No more than 52 days per year.

- Operating hours limited to Monday to Saturday 09:00 to 18:00 hours and Sunday 10:30 to 16:00 hours.
- Silent days (as defined in condition 2).
 - A minimum of 49 days per year to include Good Friday, Xmas Day, Boxing Day and New Years Day and at least 10 weekends.
 - The public address system shall not be used at any time except in an emergency.

5. Where the circuit uses a permitted period of additional 2.5 hours of time on a Sunday in association with an event falling within Categories 1, 2 or 3, the number of days permitted to be used by a Category 2 event within that same calendar period will be reduced by 1 day.

6. The circuit shall not be operated except in strict accordance with the following community noise limits when measured at any of the following locations during any 30 minute period (for events within Categories 2 or 3) or 15 minute period (for events within Categories 4 or 5) of the permitted circuit operating hours for each category of event:

- TR 23201 46798 – Dumbrill Hill
- TR 22995 46492 – Junction of Geddinge Lane/Wootton Lane
- TR 24033 46413 – Geddinge Lane
- TR 24445 46606 – Geddinge Lane, at main vehicular access to Five Oaks Farm
- Category 1 – No noise limit applies
- Category 2 – 55 dB LAeq,30minutes
- Category 3 – 50 dB LAeq,30minutes
- Category 4 – 45 dB LAeq,15minutes
- Category 5 – 40 dB LAeq,15minutes

7. Noise from the PA system of loudspeakers shall not exceed 40 dB LAeq, 5minutes when measured or assessed at the community noise measurement locations set out in Condition 6. PA noise shall be included in the overall assessment of noise for each of the given categories.

8. The numbers of motor sports event days in Category 1, Category 2 or Category 3 (as defined in Condition 2) shall not be allowed:

- on consecutive days in excess of 12 occasions in any year.
- on more than two consecutive days.
- on two consecutive days at intervals of less than ten clear days.

9. A schedule in which the use of the track is anticipated in the forthcoming year shall be submitted, no later than 01st February each year, via a publicly accessible website. This shall include, but not be restricted to,

- dates and events planned for the year,
- the category of use allocated to listed days

in accordance with the descriptions set out in conditions 2 and 6.

The Local Planning Authority shall be notified, as detailed below in advance of any change in a submitted schedule prior to any change to the agreed schedule.

- Category 1-3 events – 28 days notice.
- Category 4-5 events - 14 days notice.
- All remaining events – 7 days notice.

10. An updated noise survey and assessment shall be carried out following the standards laid down in BS4142:2014 ((Methods for rating and assessing industrial and commercial sound) to ensure that cumulative noise from activities and plant at the proposed B2 use shall when measured or predicted at 1m from the facade of the nearest noise sensitive premises, be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg.

11. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved by the local planning authority to include hours of operation, dust mitigation, the control of noise and vibration in accordance with BS5228:2009 'Noise and Vibration Control on Construction and Open Sites'

Upon commencement of the development work shall be carried out in accordance with the approved scheme. During demolition and construction no noisy activity shall take place outside of the following hours:

Monday to Friday - 0800 to 1800 hours

Saturday - 0800 to 1300 hours

With no noisy activity taking place on Sundays or Bank Holidays.

12. Reclassification of events can only take place between categories 1-3 and between categories 4-5. Events cannot be reclassified from one of the 5 categories to 'other events' or 'silent days'.

Definitions

Year

The term "year" for the purposes of these conditions means a period commencing on 01st April in one year and ending on 31 March in the following year.

Cavalcade

3 or more motor vehicles driven as a procession not exceeding 70mph. Led from the front by a control vehicle so as to restrict speed and any overtaking.

Demonstrations

One or more motor vehicles driven on the site at less than 70 mph for the purposes of demonstrating the vehicle with no overtaking allowed and without control vehicle supervision. For the avoidance of any doubt this does not include any high-speed vehicle demonstrations, which would only take place normally on a Category 1, 2 or 3 day.

High-speed driving

Any high-speed use of the site that does not fall within the definition of "high-speed racing". This will include competitive events, such as speed events and rallies, where cars run individually (even though two or more individual runs may be taking place concurrently) in which the relative performance of the competitors is assessed by timing them over a given distance. The winner or most meritorious performer is the competitor who covers the distance in the least time or best complies with an ideal time schedule. It will also include non-competitive activities such as vehicle and driver performance testing, vehicle manufacturer demonstrations, individual and corporate track driving experiences, track days and photography and film recording activities involving motor vehicles travelling at high speeds.

High-speed racing

A competition where two or more motor vehicles are started simultaneously from the same starting line or grid and over the same course. And in which the winner is the

competitor who first completes a specified distance, including any handicap credit, or who completes the greatest distance in a specified time.

Mobile photo shoot

The use of the site for the purpose of photographing or film recording vehicles at various locations around the site, with the subject being either static or moving at controlled speeds (not in excess of 70 mph) for the purposes of capturing 'dynamic' shots (with a blurred or moving background) from a fixed position, or 'tracking' shots from a camera vehicle travelling on the site at the same time. Specifically excluded from this definition is any photography or film recording activities involving motor vehicles travelling at high speeds (in excess of 70 mph) or racing.

Motor Vehicle

A motor vehicle shall include any mechanically propelled vehicle having its own motor and not running on rails or tracks, ordinarily understood to include (but not exclusively): a motor car, motorcycle, moped, motor assisted bicycle, go kart, racing car, gas propelled vehicle, hover-vehicle, lorry, truck, tractor unit, van, bus, tractor, dragster, motorhome; it excludes: a pedal powered vehicle such as a bicycle, an electric vehicle, vehicles used for road driving lessons and static photo shoots, all maintenance, marshalling, service, scrutineering and safety equipment vehicles and vehicles associated with use of the proposed B2 use.

Road driving lessons

The driving of vehicles designed for use on the public highway, at speeds of not more than 70 mph and under supervision by an instructor approved by the DVLA. The purpose being training novice drivers - as well as those seeking to develop their vehicle control and road craft skills as may be used on the public highway to enable them to drive more safely. Specifically excluded from this definition is any "high-speed" driving, training or racing.

Static photo shoot

The use of the site for the purpose of photographing vehicles at various locations around the site, with the subject vehicle being static. The subject vehicle may be moved from location to location on the site at low controlled speeds however specifically excluded from this definition are any photography of the vehicle in motion, any photography or film recording activities involving motor vehicles travelling at high speeds or racing.

Subsequent response received 11th May 2018:

Environmental Health did comment previously under Scoping Opinion (DOV/13/00954) submitted in November 2013. I believe this was a precursor to 15/00827. The comments are below. There will be little change to these and I recall discussing air quality from the development with Brian and there were no major concerns.

Air quality

It is noted that an Air Quality Assessment will be completed by Peter Brett Associates. Existing background levels of pollutants have been derived from Defra national pollution maps and the impact of the development on AQ Objectives, predominately on NO₂ and PM₁₀ pollutant levels, will be determined. Modelling criteria identified to be used for this assessment is accepted. The Kent & Medway AQ Guidance for Developers provides a toolkit to determine where a full AQ Assessment is required.

Nb – it is recommended that particularly in respect of dust levels (PM₁₀ and fugitive dust from the construction process and operational phase) all aspects of the development including dust/smoke from drifting events are considered. Particular attention should be

drawn towards assessing the potential for elevated smoke/dust to cause nuisance during these events.

Contaminated Land

Overall, EH accept the conclusions of the GES Phase 1 Contamination Risk Assessment Doc 11203). Clarification on the Contaminated Land (England) Regulations 2000 should be sought. (These regulations would appear to have been revoked by the 2006 regulations). It is noted the reference to asbestos which has been identified in existing buildings due for demolition. A site remediation plan incorporating the correct removal and disposal methods for this will be required. It is accepted that an intrusive Phase II investigation is not required, although a suitable condition should be included within any permission that deals with unforeseen pockets of contamination that may be found.

KCC Archaeology – The application includes an Environmental Statement (ES) and I welcome the inclusion of a chapter within this document considering the impacts of the scheme on Cultural Heritage and Archaeology (Chapter 12). The ES chapter has been informed by an Archaeological Desk-Based Assessment which was prepared by the Trust for Thanet Archaeology.

The Archaeological Desk-Based Assessment is clearly well-researched and I would suggest the document provides a good account of the site's known or predicted archaeological interest. The Desk-Based Assessment concludes that the site is "located in a landscape in which, although relatively little archaeological excavation has taken place, generally has a high archaeological potential". I would agree with this conclusion.

The Desk-Based Assessment goes on to suggest that the impact of the scheme on the site's known and predicted archaeological resource could be mitigated through a mix of archaeological investigation undertaken in advance of and during development. Again I would agree with this conclusion and would suggest that such works could be secured by through the use of a suitably worded planning condition attached to any forthcoming planning consent. In this instance I would suggest that the following condition would cover what is required:

AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Environment Agency –

No objection, subject to conditions without which the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. The required conditions are:

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

a. A preliminary risk assessment which has identified:

- i. all previous uses
 - ii. potential contaminants associated with those uses
 - iii. a conceptual model of the site indicating sources, pathways and receptors
 - iv. potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c. The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that any risks relating to contamination discovered during development are dealt with appropriately as required under the NPPF and any associated technical guidance.

Advice *to* *applicant*

The applicant is advised that this condition is sequential and may be discharged at any point in stages 1-4, depending on the information submitted and perceived risk to sensitive receptors.

2. If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, details of how this unsuspected contamination shall be dealt with.

Reason:

To ensure that any risks relating to contamination discovered during development are dealt with appropriately as required under PPS23: Planning and Pollution Control.

3. The development permitted by this planning permission shall be carried out in accordance with the approved non-mains drainage assessment including the following specific mitigation measures detailed therein:

- a. Surface water infiltration systems to be constructed to the relevant British Standards and SUDs design guides.
- b. No siting of any toilet block, septic tank/package sewage treatment plant within 50 metres or upslope of any stream river, well, spring or borehole used for private water supply

Reasons

The site overlies a principal aquifer and is close to the River Nailbourne.

This condition is required to ensure the development includes the appropriate mitigation identified in a non-mains drainage assessment. Without this condition the development would pose unacceptable risk to groundwater because:

4. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for

those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason

to ensure the protection of groundwater quality

Supporting text

Land contamination

This site over lies the Upper Chalk, which is classified as a principal aquifer in our Groundwater Protection: Policy and Practice. This site also lies in a source protection zone 3 for several public water supply wells. Therefore potable supplies could be at risk from activities at this site and all precautions should be taken to prevent discharges and spillages to ground.

Please note discharges to ground from any septic tank or treatment plant will require a permit and a permit may not be granted if any discharge is likely to pose a pollution risk. Further advice is available from the .gov.uk website on sewage discharges.

Fuel/Chemical

Storage

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored. Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/ unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

For information

There must be no discharge into land impacted by contamination or land previously identified as being contaminated. There must be no direct discharge to groundwater, a controlled water. There must be no discharge to made ground.

Only clean uncontaminated water should drain to the surface water system. Roof water shall discharge direct to soakaway via a sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors. Open gullies should not be used.

Prior to being discharged into any soakaway system, all surface water drainage from parking areas, roads and hardstanding areas shall be passed through suitable pollution prevention measures, with an overall capacity compatible with the site being drained.

Kent Police –

The applicant/agent has not shown or demonstrated any crime prevention measures in their Design and Access Statement (D&AS), also to date we have had no communication from the applicant/agent and there are other issues that need to be discussed and addressed including a formal application for BREEAM and Secured By Design (SBD) if appropriate.

I would be grateful if you could draw the applicant's attention to the Kent Design Initiative (KDI), which will also assist them with Crime Prevention and Community Safety. I would welcome a meeting with the applicant/agent to discuss Crime Prevention in more detail and any notes from a meeting/consultation will be passed back to the Planning Officer dealing with the application as part of my full response to this planning application.

If the applicant fails to contact us, this may have an effect on the development with regards to Secure By Design (SBD), and BREEAM, as awarding these items retrospectively can prove difficult and costly. This could also have knock on effects for the future services and duties of the Community Safety Unit (CSU) and local policing.

If this planning application is given approval and no contact has been made to the Crime Prevention Design Advisors (CPDAs) by the applicant/agent, then we would request that a condition be included as part of the planning approval to ensure that Crime Prevention is addressed effectively.

KCC PROW –

KCC PROW object to the application on the grounds that the public byway runs directly through the middle of the proposed event camping area. The byway should remain open and accessible for all public users, including vehicles at all times. 2

This poses a serious safety issue to both users of the Byway and residents on this camping site. There is also the potential for the Byway to be inadvertently obstructed and there may also be security issues for the owner of the site. I would need to see mitigation measures to remove the objection?

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs
- The duration of the closure is kept to a minimum
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks' notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials, constructor's vehicles or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Natural England –

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected landscapes

Having reviewed the application Natural England does not wish to comment on this development proposal. The development, however, relates to the Kent Downs AONB. We therefore advise you to seek the advice of the AONB Unit. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes areas of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "*Development in or likely to affect a Site of Special Scientific Interest*" remains in place (Schedule 4, w).

Kent Downs AONB Unit:

National planning policy

The application site lies within the Kent Downs AONB. The application therefore needs to be tested against the purpose of the designation, to conserve and enhance the natural beauty and the way that this purpose is represented in national and local policy. The scale of the proposals, which include buildings over 100 metres in length, is considered to constitute major development, taking into account the rural location and the minor nature of built development that currently exists on site. As such, we are of the view that the application needs to be assessed against both paragraphs 115 and 116 of the NPPF. Paragraph 115 of the NPPF confirms that AONBs, along with National Parks are conferred the highest status of landscape protection and that great weight should be given to conserving their landscape and scenic beauty. Paragraph 116 states that planning permission should be refused for major developments in AONBs, except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Paragraph 116 identifies three criterion against which assessment of major developments should be considered; the need for the development, the impact on the landscape and it must be demonstrated that the need cannot be met in some other way. It is necessary for all three criterion to be addressed.

The Kent Downs AONB Unit does not consider that any exceptional circumstances have been demonstrated that would justify the release of this land for the proposed development within the AONB, a nationally important landscape resource, nor do we consider the proposals to be in the public interest.

It should also be noted that the draft revised NPPF proposes the addition of a new requirement in respect of AONBs and National Parks– that any new development within such designated areas should be ‘limited in scale and extent’. In view of the scale of the proposed VIP, two Grandstands and Business Unit buildings we do not consider the proposed built form to be limited in scale.

Local Planning Policy

It is also considered that the proposal would be contrary to several policies in Dover’s Local Plan, in particular policies DM15 - Protection of the Countryside and DM16 - Landscape Character.

Policies DM15 and DM16 seek to protect the character of the countryside and landscape, and are consistent with one of the core principles of the NPPF which is to recognise the intrinsic character and beauty of the countryside. The AONB Unit considers that the proposals would introduce a significant increase in built form at the site and of a form which would not be in keeping with the rural location which would result in significant and demonstrable harm to the character and appearance of the countryside and landscape character. Furthermore, the proposals would introduce a significant increase in activity at the site which would further harm the character of the countryside. The proposal would therefore, in our view, be in conflict with development plan policies DM15 and DM16.

Kent Downs AONB Management Plan

In addition to being contrary to policies in the NPPF seeking to protect AONB landscapes and local plan policies seeking to protect the character of the countryside and landscape, the proposal would also be contrary to policies in the Kent Downs AONB Management Plan 2014 to 2019. The Management Plan has been adopted by all local planning authorities in the Kent Downs, including Dover District Council. The national Planning Policy Guidance confirms that Management Plans can be a material

consideration in planning decisions and this view is confirmed in previous appeal decisions, including APP/U2235/W/15/3131945, Land west of Ham Lane, Lenham, Maidstone, where at para 48 of the Inspectorate's decision letter it is confirmed that "the Kent Downs AONB Management Plan April 2014 (the Management Plan) is also a further significant material consideration".

The following policies from the Management Plan are considered to be of particular relevance to the application:

SD1 The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within the statutory and other appropriate planning and development strategies and development control decisions.

SD2 The local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements which are adopted as components of the AONB management Plan.

SD3 New development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB.

SD7 To retain and improve tranquillity, including the experience of dark skies at night, careful design and the use of new technologies should be used. New developments and highways infrastructure which negatively impact on the local tranquillity of the Kent Downs AONB will be opposed unless they can be satisfactorily mitigated.

SD8 Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated."

LLC1 – The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

FL7 - Conversion from agricultural to leisure use and the creation of non-agricultural structures will only be supported where there is not a cumulative loss to the principally farmed landscape of the AONB.

Landscape and Visual Impacts

The site lies within the East Kent Downs Character Area as identified in the Landscape Assessment of the Kent Downs AONB, carried out by the Countryside Commission which classifies the AONB into 13 distinct character areas. The East Kent Downs is further broken down into three local character areas and the site lies within the Elham Valley local character area.

Within this local landscape character area, key characteristics are identified as dry valleys with open valley bottoms, narrow uncultivated banks or shaws and a maze of sunken one track lanes. Overall landscape character objectives include maintaining the remote, undeveloped qualities of the valleys and within the Elham LCA to extend wooded edges and create shaws to define arable fields and pastures, to maintain small scale development pattern, and seek the use of sympathetic local materials – brick, tile and flint. The Landscape Assessment of Kent assesses this LCA as being in good condition and of high sensitivity with a recommendation to 'Conserve'.

The site lies towards the end of an attractive dry valley that is typical of the local landscape character area within which it is located. It is surrounded by agricultural land with very sparse development other than an occasional house or farm buildings. Despite the proximity to the A2 dual carriageway, the land immediately surrounding the race track site has a very rural character. The site itself includes part of the valley bottom and part of the northern valley side. In terms of visual impacts, while relatively well contained in the wider landscape, views are nevertheless possible from outside of the site, including from Dumbrill Hill, Geddinge Lane and Public Right of Way ER111, a designated byway that connects these two roads. The built development currently associated with the racecourse is not readily visible from outside of the site being located in the valley bottom/on the lower slopes and comprising low key small scale buildings. The most prominent building is the two storey porta-cabin building used as an office. The existing grandstands are uncovered and predominantly green in colour. All other buildings are single storey. While of no architectural merit, the existing structures are all low key in appearance and modest in scale and it is the racetrack that is the most prominent feature in the landscape as this extends up the valley slope. At present the site is only used on certain days and the site retains a rural feel for most of the year, however on race days the character of the site changes with many visitors arriving at the site and vehicles parked on the valley slopes.

The proposal incorporates the construction of some large scale buildings; the proposed VIP and Grandstand 1 building would be some 79 metres in length and because of the changing land levels would vary in height from 13 metres to 7.5 metres. A second Grandstand building is proposed higher up the hill. No detailed plans of this building appear to be provided on-line but indicative drawings indicate that this would be a similar height and scale to the other Grandstand building attached to the VIP building. The proposed B2 workshop units would be another substantial building, some 115 metres long by 14 metres wide and two and a half stories in height. Further proposed buildings include a site entrance building and Scrutineering building. The buildings would all be highly modern in design, proposed to be clad with silvergrey curved aluminum cladding panels and charcoal rain screen cladding with large areas of glazing. As such we are concerned that the buildings would appear entirely out of keeping with the surrounding rural landscape and failing to respond to the local character and distinctiveness of the Kent Downs AONB.

Further adverse impacts that would fail to conserve and enhance the AONB include the proposed introduction of additional formalised hard surfaced parking which it is proposed to extend further up the valley side onto land that is currently grassed and the introduction of a significant length of new access road (approx. 800metres in length) that would be 3 lanes wide and a large area of hardstanding and ticket booth, all on undeveloped agricultural land at the top of the valley.

While proposals are put forward to mitigate the visual and landscape impact, such measures would take a significant number of years to achieve any meaningful effect and would have a reduced effectiveness when the leaves were not on the trees. We have concerns that the landscape bund would appear as an engineered unnatural feature out of keeping with the more gentle slopes of the Kent Downs AONB topography in this part of the AONB. A group of tall specimen trees is proposed to the north of the VIP building near the proposed ticket booths and it is advised that this would soften the impact of the VIP buildings in the landscape in views from Geddinge Lane but as the trees would be located behind this large building the silver cladding would contrast strongly with the darker colour of the trees behind and would not help mitigate the impact of this substantial building.

Tranquility

In addition to the landscape and visual impacts of the proposal, tranquility is also relevant to impact on the special character and qualities of the AONB, as set out in the AONB Management Plan, in particular policy SD7. We note that a noise study has been submitted with the application and that this is being assessed by the Environmental Health Section. The AONB Unit has concerns however that the proposal will introduce a significant intensification of use of the site with a lot more activity, both in terms of overall visitor numbers as well as in respect of new daily activity both in respect of the race track and the business units, which we consider would result in a deterioration of tranquility at the site as well as impacting on the rural character other surrounding lanes.

Comments on the Landscape and Visual Appraisal

The AONB Unit has concerns that that the LVA underplays both the visibility of the site and the residual impact of the proposal.

While we agree that the sensitivity of the site should be classified as high, commensurate with its location with an AONB, we disagree with the assessment of sensitivity of the identified viewpoints which do not reflect this and have been assigned lower sensitivities in some cases.

The AONB Unit disagrees with the assessed magnitude of change from some of the view points, in particular viewpoint 7 where much of the site is currently visible. The LVIA however advises that only a small part of the VIP building would be visible from this location, however given that both grandstand buildings are proposed to the north of the VIP building, both Grandstand buildings would be visible from view point 7, together with the extended car park area, as well as being visible from a significant length of Geddinge Lane heading northwards towards the A2 where the proposed buildings would appear large scale modern industrial buildings entirely out of keeping with the rural surroundings. Similarly, we contend that the second grandstand building would also be visible from view point 6, however this is not acknowledged in the LVIA and the magnitude of changes is assessed as low. We also disagree with the assigned magnitude of change from Viewpoints 4 and 10 which we consider should be assessed as high.

It is noted that the Masterplan included in the LVIA at Appendix 6 does not incorporate either Grandstand 2 nor the extended car park area and in view of the anomalies stated above, we would query whether the LVIA has assessed the impact of these or whether it is based on an earlier proposal?

In terms of the assessed potential impacts during operation: we disagree with the suggestion that the proposal would have beneficial effects on landscape character in terms of 'creation of distinct and modern features in the landscape in terms of improved architecture' and improvements to the character of the venue. While we agree that some of the proposed landscape mitigation would represent a slight improvement to landscape character, this would in no meaningful way compensate for the introduction of the large scale modern buildings which would be entirely out of keeping with landscape character. The proposals incorporate some mitigation measures and it is advised that these measures reduce the assessed magnitude of visual operational effects to Low within 5 to 10 years. While it is agreed that such measures would reduce some impact, the AONB Unit contends that they would not result in the stated reduction from viewpoints 4,6,7, 8 and 10 and that a major/ moderate substantial adverse effect would remain, representing a significant and permanent effect.

Given the scale of development, we consider it would be good practice for the LVIA to include photomontages incorporating visuals of the proposed development.

Conclusion

Taking the above matters into account, it is considered that the proposal would weaken and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty. Accordingly the proposal is considered to be in conflict with the NPPF, in particular paragraphs 115 and 116 which provide that great weight should be given to conserving landscape and scenic beauty in AONBs and that major development should not be permitted except in exceptional circumstances and where public interest can be demonstrated; it is the view of the Kent Downs AONB Unit that the stringent tests set out at paragraph 116 of the NPPF have not been met. The application is also felt to be contrary to policies DM15 and DM16 of Dover's Local Plan. The proposal is also considered to be contrary to policies SD1, SD2, SD3, SD7, SD8, LLC1 and FL7 of the Kent Downs AONB Management Plan.

Acrise Parish Council – The Parish is part of the North Downs AONB and has special protection under planning law. There is increasing and continual pressure on the countryside throughout the district from a range of sources including aircraft, road traffic, new housing, transport infrastructure and other developments. In particular there are proposals within just a few miles of the parish for

- (a) One of the largest lorry parks in the world
- (b) A new town with up to 12,000 new houses (Otterpool) as well as new houses across Sheppey District

The steady industrialization of the countryside which is resulting from these multiple threats is something which concerns us greatly. Cumulatively they are undermining the integrity of many parts of the AONB. Acrise, being on the south eastern section, is squeezed on both sides.

The proposed developments at Lydden Circuit will further erode the quality of the AONB and contribute to the progressive urbanization of a hitherto tranquil rural area. We have seen Lydden Circuit expand from being an innocuous grass track in the 1940's to an installation which now threatens to permanently disrupt the lives of local residents. It will be impossible to contain noise and air pollution from the site which will spread over a large area. Inevitably there will be an increase in traffic, litter and associated nuisance.

This development in a protected landscape area is quite unacceptable and we urge you to reject it.

Denton-with-Wootton Parish Council – *Initial response received 27th October 2015:*

This Parish Council strongly objects to the application for additional days of operation and further building construction in respect of Lydden Hill Racing Circuit. It is recognised that a number of the building plans have already received consent and that these effectively are not additional requests but are within the application to give understanding as to the extent of work that is planned to be undertaken. The application greatly increases the number of days of activity at the Circuit and will consequently impact upon the lives and well-being of local residents, existing amenities and nonmotorised activities which are currently conducted in the locality. This application represents a substantial change in the use of Lydden Hill Racing Circuit, including industrial activity and a number of non-racing related activities which have not previously been permitted. The track is situated near to dwellings and within an Area of Outstanding Natural Beauty.

The currently agreed days of operation were permitted following a full governmental Planning Enquiry in 1986, placing restrictions on the racing circuit in respect of the type of usage and the days and hours of operation. The granting of the uses outlined in this application would be contrary to the decisions of that Planning Enquiry which were the

result of considerable legal discussion and expert opinion. It would be difficult to envisage that changes to those conditions imposed by the Secretary of State should be made without a further full Planning Enquiry. Considerable local concerns have been raised in respect of the application.

It is recognised that the local authority have the ability to make amendments to the existing conditions but consider that this application is so substantial in nature that decisions should be very carefully considered in relation to the outcomes of the full planning enquiry which restricted the use of the Circuit to ensure the minimisation of disruption to the area and the local communities. It is recognised that there are a considerable number of supporting comments which have been submitted to the website during the consultation process. We would ask that it is taken into consideration that the majority of the supportive comments have been received from individuals who do not reside in the immediate vicinity of the Circuit and are therefore not impacted by the proposals on a regular basis, or on non-racing days. We consider that the comments of residents who are directly and consistently impacted by the activity at the Circuit should be given due regard in respect of the long-term and consistent impact that Circuit activity has on their lives.

Buildings

The creation of new buildings on the site would lead to additional noise and disruption due to construction traffic. The initial scoping application suggested that the 12 workshops would be created for business use in relation to the racing industry and this has now been increased to a proposal for 14 units. The circuit is licensed for motor racing and this proposal would be a change of part of the site to industrial use. It would appear that workshop activity would take place in addition to the other requested uses.

Days

The request to extend the number of noisy days would detrimentally impact upon the local community. The requests for longer days for specific events would exacerbate the disruption and noise issues. The most recent planning application granted an earlier use of the circuit on Sundays, the application suggesting that there would be a minimal adverse impact as the event would also finish earlier, which would obviously not be the case with extended hours. Sundays mornings are now disturbed for local residents and the extension of the hours would effectively make these days impossible for their right to peaceful enjoyment of their environment. These larger events would also bring with them more attendees and consequent traffic. The use of the term noisy days is also somewhat misleading as other days of requested activity, including Gift Days and corporate events, would also bring with them some element of noise pollution, with the driving of supercars and the use for corporate events.

The request for non-racing events also needs to be seriously considered in respect of its impact upon the environment and conditions of the site within an AONB. These events would produce less noise pollution than motorised vehicles. However it does not also mean that there will be less vehicular traffic travelling to the site on these days. If there is an existing demand for such events then they should be incorporated within the existing conditions on the Circuit.

The application requests the weekday use of the circuit 52 weeks of the year, Monday to Friday, from 9am to 6pm, with specific provision for use 1 day per week for Corporate Events and 1 day per week for use on Gift Days to provide a controlled supercar driving experience. This represents a potential increase of the use of the track of approximately 200 days a year. This, in addition to the requested noisy days and other requested activity, would mean the circuit would be in use for approximately 275 days a year, a

vast increase on the 52 days that were permitted by the Secretary of State. This would clearly be totally unacceptable. If permission were granted for the industrial use it is presumed that the venue would be active throughout the year, potentially at weekends during events if the activity is vehicle related providing the opportunity for marketing and sales. According the Circuit may operate in one form or another throughout the year. In the application there is no evidence of requirement for the use of the track for bicycle, driving school or police use and this could be regarded as a speculative application without the existing demand, with the intention of subsequently generating additional demand. Concern also exists that if agreement is made for the hours of activity, but there is an absence of demand for that particular area of activity, permission may be sought to change the hours and days of usage to more disruptive and noisier events for which there may be a demand.

We recognise that much of this information regarding existing demand will be commercially sensitive. However we would like to be confident that the applicants have proven to the planning authority that current demand actually exists rather than making the availability of additional days / hours a marketing tool to attempt to subsequently generate additional demand which currently does not exist. It may be most appropriate if decided to grant permission, to do so for that activity for which there is a proven requirement and require further application for events for which there is currently no proven demand. This is also relevant to the economic benefits claimed in the application of which there appears to be a lack of evidence.

The application specifically mentions gift and corporate days involving supercar driving. This allows members of the public to drive high performance vehicles and is undoubtedly noisy. Indeed such days are already included in the existing 52 noisy days and it is difficult to comprehend how they would suddenly not be noisy. Realistically this is a request to considerably increase the number of noisy days at the circuit. The provision of Corporate Events is also not specific and presumably using a racing circuit for such an event would be for the purpose of driving the vehicles at high speed which would generate additional engine and tyre noise. An application to use the circuit for driving tuition has also previously been refused.

The restrictions on Lydden Circuit are that it should only be used for the purpose of motor racing as defined in the full Planning Enquiry. A request for additional non-race quiet days could create additional noise and local traffic disruption. For instance hot air ballooning would bring particular issues because of the sites proximity to housing. Currently residents lives are disrupted by noise, air pollution and traffic activity. For them to have hot air balloons flying over their properties at relatively low level would be an infringement of their right to privacy and is clearly unacceptable. Additionally the noise of balloon gas burners is not insubstantial.

This Parish Council would strongly object to the application for additional activity at Lydden Hill Racing Circuit. There is considerable public objection to further changes to the existing planning conditions imposed by the full Planning Enquiry as was demonstrated at the previous planning application in September 2013. Particular concern was the apparent reluctance to deal with active breaches of the existing planning conditions. Local residents are already subject to noise and disruption from the Circuit. They have been protected to some extent by the conditions imposed following the Full Planning Enquiry. To increase the usage of the site by such an extent in terms of additional days or variation of uses is clearly unacceptable and would be subject to strong objection. The Parish Council wishes to work together for the benefit of the community at both Wootton and Denton to ensure the Lydden Race Circuit adheres to its planning permissions and the number of organised events permitted. We would like to see more local community involvement in the circuit and ideally a regular consultation process set up including community representatives.

Site Access

A new access road is proposed at Geddinge Lane, which is near the site of an old Roman Road and which should be the subject of an Archaeological Survey. There needs to be more information in respect of the number of vehicles that can be safely queued on the proposed road. We can understand the desire of the applicants and Highways England for vehicles to be queued off the A2 following previous occasions of heavy congestion and incidents of unacceptable driving behaviour. However there needs to be more clarity as to how the vehicles will be queued on the proposed new section of road, what stewarding and physical controls will be in place, what provisions will be made for emergency vehicle access and the procedures to be followed if it is necessary to evacuate the site. If the new road is agreed what would be the provision for exiting vehicles. The proposal also needs to confirm exactly how many parking spaces will be available on the site as this will directly affect the maximum attendance at the Circuit and consequently the level of disturbance and disruption likely to be caused.

Non-Race Activity

We have concerns regarding the proposed 14 Engineering Units, which we think should have strong conditions on the type of businesses to be allowed to work out of the units. The original scoping document suggested that there would be 12 units which have now been increased to 14. The nature of the activity to be undertaken is in itself likely to cause additional noise. The company quoted in the application are involved in the production of performance gearboxes and there would need to be a requirement that all the units were properly noise insulated and that they did not generate additional disturbance.

The application for industrial units changes the use of the site and gives concern that this may lead to increased industrialisation on the site and in the wider local area. We believe that if permission were to be granted for such a change of use there would need to be stringent conditions and an identifiable and enforceable compliance strategy and process. Drifting is a very noisy event and also has the added issues of odour, dust and tyres being burnt away by friction, which makes it a potentially unhealthy event for spectators and residents alike. Drifting does not fall within the definition of racing and we do not believe that this should be permitted. Drifting undoubtedly produces noise and unacceptable levels of smoke and tyre debris in consequence of the nature of the activity. The burning or other disposal of tyres is severely restricted. The drifting activity which produces a similar result should also not be permitted for the same reasons.

The issue of camping at the site is another contentious matter as there is currently no permission. Camping on the site also raises associated issues such as late night music and unacceptable late night noise. We should be guided by DDC Environmental Health Department to confirm the acceptability of this aspect of the proposal.

The application requests a considerable escalation in the number of other proposed events such as driving schools, bike training, film-company days, corporate and gift days. Particularly with an increase in filming and corporate attendance this could also result in the additional use of helicopters flying to and around the circuit. There is little evidence of how such additional nonracing activity will be controlled or even if this has been considered. We would also like to understand what consideration has been given to public transport provision and other alternative methods of attending events which minimise the number of vehicles and potential disturbance. We would also like to understand what provision is being made for disabled access apart from the provision of a number of identified disabled parking spaces.

The Circuit public address system is a major concern as it has a metallic sound and is extremely irritating when in use all day. The system should be upgraded and also more use made of variable messaging system display boards. This would also be of benefit for quiet events when public address system usage should be minimised. There should also be defined conditions in respect of public address system usage which may extend beyond the curtilage of the site.

Hot Air ballooning is being suggested, including world record attempts. It must be recognised that the site is immediately adjacent to the A2 and this could potentially be a distraction to motorists. This is a 70mph carriageway and unfortunately has suffered a number of serious collisions and fatalities in recent history. Any additional distraction could compromise safety, particularly when there is likely to be queuing and slow moving traffic attempting to access the site, and we would question what measures will be taken by the organisers and the highway authority to minimise this danger. Additionally the considerable noise generated by burners and the low flying of balloons over residential housing is an intrusion on the privacy of the occupants.

The application refers to the economic benefits to the area and the local community. However the application is lacking in detail as to how this will be achieved and what benefit, except to the event organisers and on-site concessions, would be produced. Reliance is often placed upon volunteer marshals and stewards for events so there is limited evidence of income generation by employment. The application states an overall increase in full and part time employment on the site for the industrial units. However there is no evidence that this will be newly generated roles. Potentially movement to the industrial units, if permitted, would be from other locations in the area and would accordingly not create an additional benefit for the authority.

Traffic Impact

The impact of additional traffic to and from the site on the neighbouring roads and bridleways on race days should be considered. Because the roads are normally quiet outside of race days the area is used by pedestrians, cycle and horse riders. Increased usage means the potential for danger to non-motorised road users and the possibility of an increase in collisions. In addition to event day spectators it is recommended that staff employed on the site and attendees for the site (including non-race days) should be required to enter from the A2.

Following previous discussion Temporary Traffic Restriction Orders have been granted to prevent Circuit attendees driving through the neighbouring villages, the roads of which are very narrow and are not suitable for substantial numbers of vehicles or as a through route to the site. We would recommend that the Circuit holds regular consultation meetings with local residents to determine which days and events are suitable for TTROs. When in place these require stewarding to ensure that they are complied with. Consideration should be given to the more permanent deployment of traffic management measures. This would include permanent signage at the locations of road closures and fixed and variable messaging away from the immediate vicinity of the Circuit. Consideration should be given to a gating system in Dumbrill Hill to prevent exiting vehicles turning left towards Wootton Lane if the Dumbrill Hill access were to remain available for use. The associated TTRO legal requirement should also prevent this left turn capability except in case of emergency.

We understand that the ANOB authority has not been consulted on this planning application and would recommend that this is reconsidered. We believe that the potential impact of such a substantial increase in activity could have a detrimental impact upon

the local environment and therefore should be fully considered by all potentially interested parties

Condition Compliance

Much of the concern that has been raised is in relation to compliance with restrictions already placed upon activity at the Circuit, particularly in relation to noise disturbance. Although strict restrictions may be placed on activity there is concern of the seeming inability of the local authority to monitor or ensure compliance. Many of the events, particularly noisy days take place at the weekend or Bank Holidays when there are no authority enforcement officers available. We would like to understand what measures the local authority plan to put in place to ensure that compliance can be ensured and believe that this should be specifically referenced in any planning decision. There needs to be much greater adherence to the proposed racing calendar which is produced by the Circuit. The last minute changes and introduction of additional days is unacceptable. The calendar also needs to be produced earlier and made publicly available. The majority of the national and international racing calendar is known considerably in advance so there seems no reason why the confirmed activity at the Circuit is not equally as available. The local authority should also monitor to ensure compliance. If the planning committee were to grant permission for all or part of this application we would like to understand when it is proposed this building work will commence and when additional Circuit activity is anticipated.

Summary

The Parish Council has extremely strong views on the number of events undertaken at the circuit and we are very concerned at the proposed increase of race days and events and activities to be held. The circuit is part of the local area and we recognise the commercial drive to increase activity at the site in order to ensure economic viability. However this should not be at the expense of local residents. The statement is often made that the site was there before many residents moved into the area and effectively they knew what they were getting. It is true to say that individuals should take due diligence to understand the area and the potential impacts upon their life and right to peaceful enjoyment of their dwelling and the environment. However this application is for such substantial changes that it completely changes the wider environment and invalidates any such claim.

The 1986 Planning Enquiry was seen to legally protect the rights of the residents and was relied upon to restrict the days and type of activity undertaken at the Circuit, which would have influenced the decision to purchase property in the vicinity. Many residents are concerned that this planning application will greatly reduce the value of properties in the vicinity of the Circuit and should they wish to move because of the increased disturbance they would be financially disadvantaged. They are relying upon the Planning Committee to protect their rights whilst considering the Circuit proposals.

The planning application is substantial. However there are areas which are lacking in any detail which does nothing to allay the fears of local residents that this will have a considerable detrimental impact upon them. We would be very concerned if the planning committee were to make a decision impacting directly on the lives of many hundreds of people without having all the possible supporting information, the absence of which could lead to subsequent challenge. For the reasons shown above and on behalf of local residents the Parish Council objects to these planning proposals. We have serious concerns in respect of the planning permissions sought, particularly with regard to the increase in usage which will undoubtedly bring more disruption and noise to the locality. We do not believe that there is sufficient evidence of the requirement for the additional days of usage requested and the nature of the activity to be conducted.

Subsequent response received 8th April 2018:

Denton with Wootton Parish Council remains in objection to this application. The response made to the scoping planning application in 2015 remains valid. The Parish Council represents the many concerned residents of the local area who believe that this application, if granted partially or in totality, would have a detrimental impact on community life and the ability of residents to peacefully enjoy their homes and environment. We continue to be very concerned that the application, though large in content and proposed benefits, is short on detail and supporting evidence. It particularly does not address the concerns previously raised by residents and does not give confidence that the Circuit will comply with any conditions imposed or will be able to exert sufficient and effective control of attendees and participants at the event. As an example it is essential that the driving style and activity which is undertaken or witnessed at the circuit is not replicated when driving to or from the event. Unfortunately on a number of occasions the standard of driving of some attendees has fallen below acceptable standards, causing disturbance and potential danger to both attendees and residents alike. There appears to be no evidence that the Circuit have made any substantive efforts to address this. The Circuit needs to engender a culture of respect for the individual and the environment in which the Circuit is situated. The Circuit must be an intrinsic part of the community and not merely a commercial imposition that can be perceived to be of little local benefit and potentially as a cause of disruption and disturbance.

There are considerable concerns that there will be a lack of compliance with imposed planning conditions and a lack of appropriate enforcement by the licensing authority. There appears little or no evidence that the Circuit have taken any positive action to ensure compliance by the participants to ensure that no existing planning conditions are broken in respect of noise generation and hours of activity. We understand that the Circuit have been asked to provide information and specific data, for example in respect of noise data compliance, and this has not been provided in sufficient detail. It therefore makes it very difficult to properly take into consideration all of the potential outcomes and impacts of the increased activity. It also makes it difficult to assess the claims which are made within the application with any degree of confidence in their accuracy. It appears that there has been little discernible updating of the application since the scoping application in 2015. It is undoubtedly the case that changes to events have taken place since that time. We are also concerned that there has been insufficient assessment of the traffic and transport impacts of the proposal to increase the number of days of activity, whether they be racing events or proposed quiet days. The Circuit is situated in a rural area with extremely limited access except by road. There are no public transport provisions for the Circuit and there appear to be no proposals by the Circuit to support this with any form of customer transport to transport hubs, relying upon private motor vehicles and increasing vehicle usage and impact. It should also be recognised that in order to access the Circuit vehicles must either enter from the A2 or use the rural lanes through local villages. It is acknowledged that the introduction of Temporary Traffic Restrictions on busy event days has benefitted with a reduction in vehicles travelling through the rural area and having a disproportionate impact upon the environment. With an increase in other days of activity it is unlikely that these restrictions will also be increased by any substantial amount and therefore there will be a noticeable increase in vehicular traffic throughout the week and not confined to the days of the currently limited activity. The Dover Local Development Plan excludes any additional expansion of the Circuit activity, as detailed in AS13, and we feel that this should be complied with as the development plan was written following consultation and review. We do not believe that the applicant has demonstrated sufficient benefit to the local community by the expansion of activity, which adds to the current detrimental impact on the community by noise, pollutants and increased vehicular traffic. If the planning committee were to

consider the granting of all, or any part, of this application it is essential that the appropriate and effective checks and balances must also be put in place. The local authority must be prepared to monitor and enforce compliance, if necessary providing additional resources to undertake this responsibility, and be able to demonstrate that activity when placed under scrutiny.

Subsequent response received 9th March 2018:

Denton with Wootton Parish Council continues to remain in objection to this application. We must also state that we are concerned that this matter has remained outstanding in an almost unchanged form since the original scoping application in 2015. Accordingly attached below are the responses to that scoping application and the further application which we responded to in April 2017, both of which retain their validity.

It is unreasonable that a decision has not been made in respect of these matters. The lack of decision with regard to this application has effectively blighted the lives of residents who wish to plan their futures with any degree of certainty. Whether it be to move, to be closer to relatives or for other personal reasons, or to make definitive plans for their future in their current properties, this outstanding application means that it has not been possible to plan with any degree of certainty for several years. Potential buyers have withdrawn as the uncertainty of the application makes properties very difficult to sell as they may well fall in value if the applications are granted and the locality is subjected to additional noise and other disturbance. Despite any suggestion to the contrary this demonstrates that any increase in activity at the circuit would adversely impact on house prices. This effective planning blight is unacceptable.

Unfortunately to many people it appears that the delay in decision making in respect of the application, both by the applicant in not submitting the requested further information within the time limits imposed, and by the planning authority by not enforcing those requirements, is detrimental to other residents and businesses in the area. It could be seen to be unreasonably permitting previous enforcement and conditions imposed in respect of circuit activity to expire prior to the planning decision finally being made. It would undoubtedly hinder the effective decision making processes by the planning committee, being potentially unable to take all previous relevant matters into appropriate consideration.

As previously stated the concerns that have been recorded below remain valid, the vastly increased number of days of activity proposed, the lack of effective noise management control, an apparent lack of effective enforcement activity in respect of recorded complaints and ensuring compliance with existing planning conditions creates considerable concern in respect of any future development of the circuit. We recognise the importance of commercial viability but this must be measured against any adverse impact on the locality and residents.

It is extremely difficult to reconcile these proposals with the Local Development Plan AS13 which prohibits and further expansion of activity and is also subject to the Article 4 direction. Any grant of permission which goes against the plan and direction must be fully explained and justified, which we believe it cannot. The planning application is also unclear on the financial or other tangible / intangible benefits for the locality or the wider district. What is clear is that it will bring additional vehicular traffic to the location which would seem to be at odds with the authority's objectives in respect of providing a healthier environment for its residents by reducing traffic and pollution. The application makes no mention of sustainable or low impact transport provision for any increase in activity, which should be an intrinsic aspect of any application of this extent and nature. Without any proposals for any park and ride facility or other form of sustainable public transport this in itself appears to make the proposals unviable.

This is particularly relevant bearing in mind the estimation of potentially 98,000 visitors per annum by 2023. It is recognised that the road transport infrastructure already in place is under considerable strain as has been evidenced at previous events when queuing attendees and failure to comply with existing traffic direction have caused considerable delay on the A2. There is no indication that Highways England have any plans for strategic spending on the local infrastructure at this location. Without any improvement to the A2 infrastructure or traffic light junctions it is extremely difficult to believe that the additional number of attendees would not have a considerable detrimental impact on traffic flows in the immediate vicinity and on the strategic routes which would itself result in an adverse financial impact on the district through extended delays and re-routing / re-location of other commercial activities.

The designation of the area as an Area of Outstanding Natural Beauty brings with it additional restrictions on development which require that any permitted development should have demonstrated that it is in the National interest and that there are no viable alternative sites on which the development could take place. We fully recognise that the applicants wish to undertake the development to enhance their commercial viability. However it is extremely difficult to see how this does not conflict with the requirements of the AONB legislation. There is no evidence in the application that this development is of such a nature that it should be permitted in these circumstances.

Considerable concern exists in respect of the noise emanating from the existing activity on the site and this would only be exacerbated by an increased volume and / or duration of activity. For some time residents have been asking for a continuous noise monitoring plan for the site, something which may give some confidence that imposed noise restrictions would be complied with. Unfortunately there is no proposal for this in the application to alleviate resident's concerns and to the contrary the application appears to seek for a delay in the finalisation of any noise management plan until up to three months after the permission is granted. This is unacceptable as the position could be that no plan is confirmed within the requested time period with granted permission and no effective control over potential noise pollution would exist without the caveat of the ability to withdraw the previously granted permission.

It should also be re-emphasised that if permission is granted for any increase in activity or development these must be stringently controlled. Large scale development in such a rural area during the construction phase must be controlled in respect of vehicular access, hours of working and general impact of the environment. Any structures should also be in keeping with the environment and be as sustainable as is practicable in the circumstances. We would like to understand how this would be achieved. It would serve to assist if construction, design and method statements were made public and were complied with. We would expect conditions to be placed upon any development and for agreed development and operational plans to be in place and jointly agreed and monitored prior to and during any development phase.

We remain very concerned in respect of this planning application which, if granted in all or part, would have a substantial long term detrimental impact upon the local communities in the immediate vicinity. Residents are extremely concerned that this would have an adverse impact on their lives and on their right to peaceful enjoyment of their homes and desire to live in the area, which the increase in days and types of activity would change beyond all recognition.

Any development that is mainly for commercial purposes should be proportionate and appropriate to the environment. It should also bring with it benefits and / or opportunities that are wider than just for the commercial benefit of the organisation, particularly not at the expense of local communities or the environment.

This Parish Council would not object to proposed development where it is reasonable, in keeping with the locality and does not bring with it unnecessary adverse consequences. We do not believe that the extensive nature of this application and the consequent impacts are either proportionate or appropriate and therefore we do object to this application.

Lydden Parish Council –

The Parish Council considered this application and unanimously support the development of Lydden Circuit. The circuit has been situated in the area since the 1940's it has been well used by local people it also brings a considerable number of visitors to the area which also generates revenue for local businesses. It is envisaged that the proposed development will create much needed new jobs. It is hoped that the proposed new access this will reduce the amount of congestion on the A2 at the larger meetings. The diversity of activities on offer will encourage a wider range of visitors and hopefully entice those visitors to explore the wider environment and attractions that Dover has to offer. The Parish Council will closely monitor the traffic situation in relation to local roads and adherence to speed limits.

Shepherdswell with Coldred Parish Council – Initial comment received 22nd October 2015:

The Council resolved to object to this application. Lydden Hill Race Circuit has a history of causing serious concern and loss of amenity for local residents through noise, air pollution and traffic congestion. The proposed intensification of the use of Lydden Circuit will make these problems worse.

Subsequent response received 20th April 2017:

It was resolved to continue our objection to this application as the increased use of the circuit from 50 to 250 days will provide no respite from noise and traffic problems between race meetings. DDC's own M.A.S. Environmental Report (dated 11th Nov 2016) Para 15 refers to the problems which can occur from "quite track days and corporate days".

Should the application be approved the applicants should be required to install and maintain at their cost DDC approved permanent noise monitoring equipment at the circuit which constantly monitors the noise level and automatically sends this data back to DDC Environmental Services.

Subsequent comment received 22nd February 2018:

It was resolved to continue our objection to this application as the increased use of the circuit from 50 to 250 days will provide no respite from noise and traffic problems between race meetings. DDC's own M.A.S. Environmental Report (dated 11/11/16) para 15 refers to the problems which can occur from "quite days track days and corporate days". Should the application be approved the applicants should be required to install and maintain at their cost DDC approved permanent noise monitoring equipment at the circuit which constantly monitors the noise level and automatically sends this data back to DDC Environmental Services. We would further take the opportunity to draw your attention to the fact that the A2/Lydden/Shepherdswell junction with its traffic lights could not take the increase in volume of traffic, thus leading to massive tailbacks. In our opinion also the introduction of drift-racing with its associated fumes and noise levels would be unacceptable.

Public Representations –

Eighty-nine letters of objection have been received, raising the following concerns:

- Loss of property value
- Greater control of drifting events is needed
- Noise, dust and pollution
- Events, in particular drifting, create smells of burning tyres Smoke from events such as drifting cause harm to human health The development could lead to further, additional uses of the site
- The development will harm the environment
- The development goes against the wishes of the majority of those living in the vicinity of the site
- The application proposes the use of the track all year round (365 days)
- Increased traffic and use of country lanes Increased use of the A2 would severely affect the free-flow of traffic, in particular to the Port of Dover
- Light pollution Increased rubbish and waste in and around the circuit
- The development would impact upon wildlife
- The development would harm the character of the AONB
- The noise reports do not consider mitigation for the impacts of the development on Shepherdswell
- The development will lead to major traffic problems
- The ecological report submitted with the application is inadequate
- The site is within the AONB where special protections apply
- The development is contrary to planning policy
- The noise from the circuit is already intolerable
- The noise generated is not just from cars but also from helicopters and race commentary on the public address system
- It is difficult to plan to be away from home on race days as the circuit change their calendar/schedule with little notice
- Traffic on minor roads and country lanes travel at speed and dangerously, so compulsory marshalling of these roads is required
- The circuit releases small particulates and chemicals from petrol and diesel engines and from burning rubber tyres
- Smoke drifting across the A2 is dangerous
- The application requests too many days usage of the site
- The calendar of events should be written and fixed, so locals can plan their lives 'Rest days' including weekends should be ensured
- The proposals could include a lorry park
- The proposed 'quiet days' will still cause noise and tyre squeal/screech
- The submitted noise management plan is deficient
- The proposals would exacerbate existing highways issues on the A2, due to queues and vehicles doing U-turns
- The Council should submit a regulation 22 request for further information
- The ecological appraisal was carried out at a sub-optimal time
- Further survey work (bats), recommended by the applicants report, should be carried out in advance of planning permission being granted not left to be delay with by way of condition. Further badger surveys should also be undertaken
- The economic benefits of the scheme, as suggested by the applicant, are out-of-date and, therefore, as is the socio-economic chapter of the Environmental Statement
- There will be no significant benefit to Dover, as most people travel to the circuit from within a 2 hour drive
- The development would not produce the levels of employment suggested, with the circuit relying on a significant use of volunteers
- The circuit already causes noise and disturbance

- The circuit already has difficulty managing noise from the existing activities at the site
- The noise created from the existing uses ranges from noticeable and intrusive to noticeable and very disruptive
- The additional and amended information is not comprehensive and does not fully reflect the likely impacts of the development
- The information is unclear, inconsistent and poorly presented
- The need for clarity is supported in both best practice and case law
- Despite drifting events previously being removed, the amended proposals reintroduce drifting
- The application proposes a substantial additional activity on the site, 156 days of activities within categories 1-5, compared with 52 days currently consented Impact on the AONB, for which great weight should be given
- Major development in the AONB should be assessed against paragraph 116 of the NPPF
- No assessment has been submitted which considers alternative sites Impact on local residents
- The advertisement of the amended application was not carried out in accordance with the requirements of Regulation 22 (3) of the Town and County Planning (Environmental Impact Assessment) Regulations 2011 (as amended). In particular parts 1, b, d, e, f, g, i, j and k
- The conclusions of the socio-economic reports in relation to job creation and economic benefit are not sufficiently justified
- Much of the economic benefit stays within the circuit and job creation would be limited, due to employment being temporary and occasional
- Predicted visitor numbers should be based upon the most recent information, not that from 2013 The creation of 50 additional jobs, whilst beneficial, given the baseline conditions of the surrounding area has a lower level of significance Increased camping on site would impact on noise, litter, water, waste water and sewerage
- There is concern that this has not been properly planned for
- The transport assessment has not been updated to account for the predicted increase in visitor numbers
- There is concern regarding the impacts on the A2 junction
- The provision and agreement of a traffic management plan after permission is granted is not appropriate
- Any increase in vehicle numbers has the potential to impact upon air quality, which has not been properly addressed No assessment has been provided of the noise and traffic impacts of the workshops The noise impact assessment has not been updated The noise management plan does not address the concerns raised The circuit is already the subject of a Noise Abatement Notice, which will not be addressed and will be made worse by the proposals The background noise surveys are inadequate and have not been updated There is inadequate consideration of the likely noise impacts of the engineering units/ workshops The noise management plan does not provide for continuous monitoring at the residential monitoring locations The final noise management plan would not be agreed until three months after the permission is granted. This should ideally be done before permission is granted or, if not, before it is implemented The planning requirements for impacts on residential amenity are below the threshold for statutory nuisance The site is the subject of saved Local Plan policy AS13, which continues to carry weight There is no need for the engineering units/workshops to be located at the application site, whilst there is adequate employment land elsewhere in the district, in reasonable proximity to the circuit and outside of the AONB The development will cause harm to the environment, the landscape and on recreational opportunities The limited benefits of the development does not justify the impacts of neighbours and the surrounding area

- The increased use of the site will impact upon the village hall
- The calendar of events constantly changes, making it difficult to plan events
- The use of the country lanes by vehicles attending events harms highway safety
- Noise from the circuit disrupts life
- The development will prolong noise and impacts on the area
- The use of the A2/Coxhill/Geddinge Lane junction is inappropriate
- The number of visitors to events is unknown
- The development would not help businesses in the District
- The proposal for three-day weekend events will be an impediment to residents' quiet enjoyment of the amenity of the area
- The submissions fail to fully and accurately assess the potential noise implications and will in fact result in unacceptable, significant adverse noise effects
- Events at the circuit are currently poorly attended and so the estimated figures are likely to be inflated
- The site is the subject of an Article 4 Direction
- World Rally Cross and drifting events no longer take place
- The submissions do not adequately address archaeology
- The construction period would impact on the locality
- Light pollution
- The development would not protect the flora and fauna of the site
- The conditions proposed by the applicant would not meet the six test for planning conditions
- The increase in activity would reduce the areas attractiveness to other visitors (e.g. walkers), which would reduce income from tourists
- The circuit disrupts Church services
- Environmental Health's consultation response of 17th April 2018 is technically inconsistent with their previous response, inconsistent across the document, lacks detail and clarity and fails to recommend a clear course of action to the planning committee.

Five-hundred and one letters of support have been received, raising the following points:

- The site is an asset to Kent
- The site provides an excellent experience/attraction
- Inward investment into the area
- The development will make the site more attractive to businesses and create much needed skilled jobs/employment
- The facility can be enjoyed by local residents Improvements to the site access would be welcome
- The new buildings are well designed
- The race track has been running for many years
- The site is in need of modernisation
- Lydden Hill is a historic and iconic track
- Lydden Hill is the home of Rally Cross
- The development would grow Rally Cross as a sport
- The site is important to motorsport heritage
- The site attracts visitors nationally and internationally
- Benefits to tourism
- The site supports local businesses
- The access will improve highway safety and reduce congestion
- The track is used for charitable events
- The track is used for training and road safety events
- The track supports the local service industry, with hotels, restaurants and shops benefitting
- The development will create a local landmark

- Without investment the track could lose events or even cease operating altogether Improved facilities would encourage more visitors and extend the time that they stay Better facilities would attract better competitors and higher profile commercial coverage (TV, magazines, newspapers etc.)
- The development would raise the profile of the area
- Reduction in illegal driving on the roads by providing training and racing in a controlled and safe environment
- The development would promote road safety
- The development would support the motorsport industry, in which Britain is a world leader
- Development of motorsport engineering skills
- The development would cause minimal impact to the environment
- The development would allow the site to continue to add to the local environment on non-race days
- The development would not harm the character and appearance of the area
- Educational benefit
- The development would not cause harm to wildlife
- The development would produce a trickle-down effect in the local economy
- The applicant works well with neighbours
- The noise generated by the development would not be significantly adverse
- The circuit is a vital part of the community

Three neutral representations have been received, raising the following comments:

- The race track should remain open
- The site should include a lorry park

- f) 1. **The Site and the Proposal**
- 1.1 The site is located to the west of the District, close to the boundary with Canterbury City Council and within the Parish of Denton with Wootton. To the north east of the site is the A2, which is a trunk road between Dover, via the Canterbury area, to Brenley Corner where it joins the M2. To the south eastern boundary of the site is Geddinge Lane, whilst the north western boundary is delineated by Dumbrill Hill. The southern boundary of the site is bounded by Geddinge Lane and agricultural land. The site is located within the Kent Downs Area of Outstanding Natural Beauty. A Public Right of Way, the ER111, runs along the southern part of the site (and partially through the proposed camping areas).
- 1.2 The site, which is a little over 36 hectares in size, lies within the valley bottom and up the north eastern side of a valley, which then rises up to the south of the site to Geddinge Farm. The bottom of the valley and northern side of the site is, with the exception of hedgerows and copses of trees to its perimeters, relatively devoid of significant vegetation.
- 1.3 The exiting site is used as a race circuit, under the limitations and conditions of planning permission DOV/14/00415. This permission, which was a variation of planning permission DOV/12/00589, included a set of conditions describing how the circuit must operate, including limiting the use of the circuit to no more than 52 days per year. The conditions were largely copied or adapted from conditions which were attached to an allowed appeal for the continued use of the site as a motor sport centre, determined under application number DOV/84/01109. There is a site specific policy which relates the site: AS13 which is a saved policy of the Dover District Local Plan 2002.

- 1.4 There are two areas which are the subject of Article 4 Directions within the site. The first, which covers the area of the race circuit itself, was conferred in 1976 and restricts the holding of a market for more than 14 days in any calendar year, together with the erection of any moveable structures for such a purpose. The second, which dates from 1990, relates to the area of land to the east of the circuit and to the west of Geddinge Lane and removed the permitted development rights to: hold a market; hold motor car and motor cycle racing including trials of speed, and practicing for these activities; and clay pigeon shooting.
- 1.5 The circuit is also the subject of a Noise Abatement Notice, which limits the noise generated by the circuit. This was served in 2015 under the Environmental Protection Act 1990.
- 1.6 The application seeks permission for a holistic redevelopment of the site, based around the existing tarmac track.

The application proposes:

- The erection of a part two storey, part three storey spectator hospitality building (described as a VIP Building)
- A grandstand which would be connected via a raised walkway to the VIP Building
- A detached grandstand
- A two storey building comprising competitor hospitality (showers, toilets and a canteen), administration and scrutineering facilities
- 14no. two storey engineering units (Use Class B1 and B2) within one continuous building
- A single storey site entrance building/ticket office
- A new access road which would link to Geddinge Lane (adjacent to the signalized junction of the A2/Geddinge Lane/Coxhill Road)
- Associated hard and soft landscaping and drainage,
- Retention of existing permitted motor racing
- Proposed additional use for drifting, driving schools (including beginner, advanced and police driver training), bicycle training and racing, 'track days' (including corporate and experience driving days), use for educational purposes, filming, non-driving based events (including car shows, craft fairs and hot-air ballooning) and ancillary camping.

During the course of the application, the applicant has proposed the categorization of the existing and proposed events for the purposes of noise management.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impacts of the development on the character of the area, in particular having regard for the sites location in the AONB
- Noise
- Highways
- Economic benefits

Assessment

Principle

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is the development plan, unless material considerations indicate otherwise. Paragraphs 11 and 12 of the National Planning Policy Framework (NPPF) confirm that applications must be determined in accordance with the development plan unless material considerations indicate otherwise, whilst development that conflicts with the development plan should be refused unless other material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or where specific policies in the NPPF indicate that development should be restricted. This is known as the 'tilted balance'.
- 2.3 It is considered that there are four Core Strategy policies (CP1, CP2, DM1 and DM3) and one saved policy within the 2002 Local Plan (AS13) which are pertinent to the assessment of the principle of the development.
- 2.4 Two recent appeals, which were considered at public inquiry, considered whether the Core Strategy was up to date. Consequently, the Council is of the opinion that policies CP2 and CP3 are out of date, and carry reduced weight. There is some tension between Policies CP1 and DM1 of the NPPF, by virtue of their blanket approach which lacks the nuance of the NPPF. However, it is considered that they broadly reflect the aims of the NPPF to focus development in sustainable locations and therefore carries some less weight. Policy DM3 is considered to accord with the NPPF and also carries significant weight.
- 2.5 Policy AS13 is now 16 years old, having been adopted in 2002, and was written against a different policy backdrop. The policy was written having regard to the fact that "the circuit is a long established venue for motor sports and adds to the visitor attractions in the Dover area", but that it lies within the AONB. The preamble to the policy also outlines the constraints of the development at the circuit, namely "disturbance to local residents, particularly those at Wootton, Shepherdswell and Coldred, its location in a very sensitive landscape and poor access". The policy was also written having regard for an implemented permission which has subsequently stalled, describing that permission as "a test track for Formula One cars and road silenced sports cars, a circuit for a limited amount of racing and the erection of a 23,234 sq. m. (250,000 sq. ft.) factory for research, development and production of Formula One racing cars and a new on the road up-market sports car". The potential for this implemented, and therefore extant, permission forming a realistic fall-back position will be considered later in this report. The preamble goes on to confirm that the company behind the Formula One complex sought and was granted planning permission for a similar facility in Surrey (which has now been built out and operational for some years). The preamble concludes by stating that "Other sites within Dover have become available for business use since the permission for Lydden Circuit was first granted. Given these changed circumstances, any future proposals for development at or the redevelopment of, Lydden Circuit, should be assessed against policies of the development plan, and, in particular be assessed against policies (including national policies) for the AONB".

- 2.6 The weight attributed to this policy will depend upon its consistency with the NPPF. The policy states:
- “Proposals to expand the use of Lydden Circuit for motor sports or intensify its frequency will be refused. Only development ancillary to its existing use will be permitted”.
- In line with the statutory duty provided by the Countryside and Rights of Way Act 2000 to require that regard be had to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty, the NPPF confirms that great weight should be given to conserving landscape and scenic beauty in the AONB (paragraph 115), whilst major developments in AONB’s will be refused except in exceptional circumstances and where they are in the public interest (paragraph 116). The NPPF seeks that development avoid noise which would give rise to significant adverse impacts, having regard for the Noise Policy Statement for England. Equally, the NPPF requires that development which would cause severe cumulative transport impacts should be refused. However, Policy AS13 does not recognise the support which the NPPF provides in favour of supporting the economy and, in particular, the rural economy. Neither does it consider whether the development would cause harm in respect of noise, landscape and scenic beauty or highways. When this policy was written, it was part of a more comprehensive plan, which took account of other material factors (building up a more nuanced approach overall). However, in isolation, whilst the policy (and the justification behind the policy) reflects parts of the NPPF, it lacks the balanced and nuanced approach of the Framework. As such, there is a degree of tension between policy AS13 and NPPF which, it is considered, limits the weight which can be attributed to the policy.
- 2.7 The acceptability of the principle of the development must be cognisant of the sites location in the AONB. The NPPF requires that it be established whether the development is ‘major’, with paragraph 116 applying (in addition to paragraph 115) if it judged to be major. The definition of major development is not defined by the NPPF. Whilst major development is defined in planning legislation, the Planning Practice Guidance states that whether a development is major in this context “will be a matter for the relevant decision taker, taking into account the proposal in question and the local context”. Whilst it is therefore for the Council to determine whether or not this application is for a major development, and consequently whether the provisions of paragraph 116 apply, it is considered that given the scale of the development, its situation in a valley with little existing built development and the significant expansion of the use of the site proposed, there can be little doubt that the development is major.
- 2.8 Having assessed the weight to be attributed to development plan policies it is necessary to consider whether the principle of the development is supported.
- 2.9 The application proposes various, substantial, new buildings which would replace the existing buildings on site. The existing buildings to be demolished have a ‘temporary’ lightweight appearance. The proposed buildings are also significantly larger than the buildings which had previously been granted (the permission for which remains extant) under applications DOV/11/01115 and DOV/13/00167.
- 2.10 Policy CP1 seeks to direct development towards the existing settlements within the District. The larger the settlement, the more suitable it will be to accommodate a larger scale of development. The application site lies outside of any defined settlement within the hierarchy. As such, CP1 advises that the location is “not suitable for further development unless it functionally requires a

rural location". Allied to this, the site lies within the countryside, where Policy DM1 generally seeks to restrict development. However, exception can be made where the development is ancillary to existing development or uses. The racing circuit is long established and has a lawful use and, consequently, it is considered that it would be reasonable to conclude that the grandstands, hospitality and scuteneering buildings (ancillary race-day buildings) are ancillary to the existing business at the site. Moreover, due to the need to be co-located with the circuit, these ancillary buildings, together with the supporting infrastructure, such as car parking areas, access roads etc. are considered to functionally require this rural location.

- 2.11 As described above, Policy AS13 is considered to have only limited weight due to its degree of conflict with the NPPF. Notwithstanding that only limited weight will be attributed to this policy, it is not considered that the proposed ancillary race-day buildings would "expand the use of Lydden Circuit for motor sports or intensify its frequency", instead being "ancillary to its existing use". The erection of the ancillary race-day buildings would not, therefore, be contrary to AS13.
- 2.12 The applicant has presented a case that the engineering units (Use Classes B1 and B2) are ancillary to the existing circuit and that they functionally require this location due to a need to be co-located with the race-circuit. The application proposes that the use of the engineering units be limited to "automotive racing production" averring that these businesses need to be aligned to road testing facilities. The envisaged businesses are listed as:

- Areas of component manufacturing and precision engineering of race mechanical and parts
- Combined technologies for medical and aerospace engineering
- Assembly, building and maintaining of motor racing cars
- Assembly, building and maintaining of racing motor cycles
- Assembly, building and maintaining of racing bicycles
- Developing carbon neutral transportation
- Corporate and administrative offices

It is considered that there is some merit in co-locating engineering buildings and a track which, within any noise and use limits set, could be used for testing; however, little detail is provided by the application to demonstrate why such uses could not be located a short distance from the circuit. The most recent Dover Authority Monitoring Report (2016/2017) confirms that "there is still a large amount of employment floorspace in the District that is yet to be delivered", with particular attention being drawn to the need to promote employment areas such as White Cliffs Business Park, which is located around 6.5 miles away, outside of the AONB and with good access via the A2. Other locations, that are closer to the site but outside of the AONB and in a less visually sensitive area, have not been explored. The applicant states that "alternative sites have not been considered by the applicant as the proposals specifically relate to development associated with the existing circuit". Whilst this approach is considered to be reasonable in respect of the ancillary race-day buildings, it is not considered that this approach is robust in terms of the engineering units. In the absence of an evidenced argument that the location of the engineering units is necessary, it is not considered that they functionally require this location, and are not ancillary to the existing use. This aspect of the application is therefore contrary to Policies CP1 and DM1.

- 2.13 Notwithstanding the conclusions in respect of Policies CP1 and DM1, DM3 provides for the erection of new (and the expansion of existing) commercial

development in the rural area. However, this policy does not support such development outside of Rural Service Centres, Local Centres or Villages, “unless it can be demonstrated that no suitable alternative site exists, in which case it should be located adjacent to the settlement unless there is a functional requirement for it to be located elsewhere”. The units would not be within or adjacent to any confines and, as such, the final exception, having a “functional requirement to be located elsewhere”, must be met. As set out above, whilst it may be desirable, it is not considered that the application has demonstrated that the proposed units have a functional need to be co-located with the circuit. Consequently, it is not considered that the engineering units are supported by Policy DM3.

- 2.14 It is also necessary to be considered whether the expanded use of the circuit is policy compliant. There is some tension between the intensification of the use of the circuit and Policy CP1, which considers that the site is not in an area which is suitable for further development. However, it is considered that this additional use functionally requires this rural location, by virtue of the need to be co-located with the existing circuit. Likewise, Policy DM1 (which is generally against development outside of the defined settlement confines), allows exceptions to be made where the development functionally requires such a location, or it is ancillary to existing development or uses. The expanded use of the circuit is not, therefore, considered to be contrary to policies CP1 or DM1. Saved Policy AS13 is explicit in stating that “proposals to expand the use of Lydden Circuit for motor sports or intensify its frequency will be refused”. The significant expansion of the use of the circuit is therefore contrary to policy AS13. However, for the reasons outlined above, only very limited weight can be attributed to this policy. Turning to the NPPF, the increased use of the circuit (subject to other considerations, such as noise, transport etc. which will be considered later in this report) is generally supported by virtue of the positive approach towards the growth and expansion of businesses, including businesses in the rural area. Overall, balancing the assessments against the local plan policies and other material considerations, and subject to assessments against the specific impacts of the additional use, it is considered that the principle of increasing the use of the circuit may be accepted.
- 2.15 In conclusion, with respect to the applications compliance with the development plan, it is concluded that the principle of the ancillary race-day buildings and the additional use of the circuit may be accepted (subject to consideration of other matters); however, the engineering buildings are contrary to Policies CP1 and DM1 and are not supported by the provisions of Policy DM3.
- 2.16 Regard must also be had for other material considerations. This includes an assessment as to whether the NPPF provides sufficient support to warrant setting the development plan aside. As this is a holistic exercise, it will be undertaken towards the end of this report.

Landscape, Character and Appearance

- 2.17 The site lies within the countryside, where Policy DM15 applies. This policy states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape. It is considered that both of these policies accord with the NPPF and, as such, carry full weight.

2.18 It is important that the statutory duty prescribed by Section 85 of the Countryside and Rights of Way Act 2000 is fully recognised. This requires that in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the AONB. Natural England have produced guidance to assist relevant authorities (such as Councils) in understanding their duty. This guidance advises that:

“Decisions and actions taken by relevant authorities will invariably require a wide range of factors and issues to be taken into account. The duty requires that this process should include consideration of potential impacts on AONB purposes – with the expectation that adverse impacts will be avoided or mitigated where possible. Provided this is done, the duty has been met, irrespective of whether or not the decision ultimately taken conflicts with AONB purposes.

2.19 In furtherance to this statutory duty on the Council, the NPPF confirms that great weight should be given to conserving landscape and scenic beauty in the AONB. When considering major applications in the AONB, paragraph 116 requires that permission be refused except in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

2.20 Having regard for policies DM15 and DM16, regard must be had for what impact the development would have on the character of the countryside and on the landscape.

2.21 Regard must be had for the current development at the site and the existing impact it has on the character of the landscape. The site includes several buildings, including a recently constructed race control tower, a partially open sided scrutineering building, several ‘Portakabin’ type buildings including a two storey office building, two uncovered grandstands and other associated buildings and structures such as toilet blocks, ticket booths, barriers and fences. The most visually prominent feature of the site in the landscape is the race circuit itself, which rises up the valley side. Whilst the existing site is visually distinct from the farmed landscape in the wider area, the buildings and structures are relatively modest in size and are of a light weight or ‘temporary’ appearance (albeit they are permanently sited).

2.22 There are several planning permissions for the site which have been part implemented and could be built out and regard must be had for these. DOV/13/00167 granted permission for a number of buildings on the site, including the implemented race control tower. As such, the rest of this permission could be carried out. In addition to the retention of existing buildings, such as the office/administration building, permission was granted for the erection of a VIP centre and canteen, a new shower and toilet block and a new scrutineering office and workshop. The granted buildings, whilst cumulatively larger than the building they would replace, would be relatively modest in scale and substantially smaller than the buildings proposed under the current application. This fallback position is therefore of limited significance in the consideration of the current application.

2.23 The applicant has also drawn attention to an older permission which was granted under application number DOV/91/00257 (and subsequently under DOV/94/00053 and DOV/96/01091). This permission, which was submitted in outline, granted permission for a holistic scheme for the site which included a replacement circuit for motor racing and testing; a hospitality building and museum; a pit complex; a substantial research, development and production

building (falling within use class B1); a new access from Geddinge Lane and ancillary works. The scheme would have been substantial (with just over 23,000 sq. m of research, development and production buildings) and, overall, of a comparable (or greater) scale to the development which is now proposed, albeit the form and layout of the scheme was substantially different. The benefits, in particular the economic and employment benefits, associated with that scheme were considered to be compelling, whilst noise attenuation and a high quality, innovative design solution was sought. This application, which was to provide a new base for the McLaren motorsport company, was implemented by virtue of the construction of a stub of the access road. Whilst this permission therefore remains extant, it is considered that there is little prospect of this permission being further implemented as it was designed to meet the particular needs of a Formula 1 team, who have since located to a purpose built campus in Surrey. Given the likelihood of this permission being implemented, it is not considered that this permission represents a realistic fallback position.

- 2.24 The application proposes the erection of: a new VIP building with attached grandstand; a detached grandstand; an attached group of 14 two-storey engineering units which would be used for B1 (business) and B2 (general industry) uses; a combined scrutineering, administration, canteen, shower and toilet block; new ticket offices; parking areas; a new access road running from Geddinge Lane; and two areas for camping. In addition to the operational development proposed, the application includes substantially increasing the use of the site, which would result in more activity at the site throughout the year (and consequently vehicles being parked within the site more regularly). The application also proposes additional landscaping in the form of tree and hedge planting to form copses, woodland belts and hedgerows, 'ecological buffers' of species rich habitat which would be mown infrequently to encourage growth and diversity and the seeding of grass with species rich wildflowers.
- 2.25 The application documents include a Landscape and Visual Impact Assessment (LVIA) which identifies the main landscape and character resources and the main viewpoints from where the proposed development may be visible. The LVIA utilizes a standard methodology considering the sensitivity to change, the magnitude of change and the significance of impacts, having regard for potential mitigation.
- 2.26 The site lies within the Kent Downs AONB and is identified as being within the East Kent Downs Character Area. This Character Area is further broken down into three smaller sub-areas, with the site being located within the Elham Valley Local Character Area. The Kent Downs AONB Landscape Design Handbook describes the East Kent Downs as having long wooded ridges and dry valleys with open valley bottoms. There are extensive shaws or overgrown hedges on the valleysides and extensive coppice and conifer woodlands. Settlements are described as being tiny and remote and incorporating traditional building materials such as flint, brick and tile. Fields are typically large, located on ridge top plateaus and used for arable crops. The area is crisscrossed by a maze of sunken one-track lanes. Within the Elham Valley Local Character Area, key design guidelines include encouraging the planting of broadleaf edges to plantation areas; extend wooded edges and create shaws to define arable fields and pastures; seek the use of sympathetic materials such as brick, tile and flint; reinforce the hedgerow network; and conserve open views.
- 2.27 The LVIA establishes 10 viewpoints around the circuit from where the visual impacts of the development are assessed. It is considered that these viewpoints are generally reasonable, identifying the main visual receptor points around the

circuit. However, in some instances more dynamic views should be considered and, in other cases, views in more than one direction from the identified viewpoints. Having regard for the significance of the area, being designated as an AONB which has the highest level of landscape protection, including statutory protection under the Countryside and Rights of Way Act 1990, the LVIA considers that the sensitivity to change from the viewpoints identified is either medium or high. These conclusions are agreed with.

- 2.28 The visual impacts from several viewpoints (1, 2, 3 and 9) on Shelvin Lane and one location on the A2, conclude that the development would cause a minor or insignificant impact. It is considered that, given the distance of these views, the relative topography of the viewpoint and the application site, the existing and proposed landscaping and the very limited scope for views of the proposed development being gained, these conclusions are can be agreed with. The views from the entrance to the site are similar to those from viewpoint 4 (discussed below), but would be taken from a higher elevation. Consequently, views of the development would be reduced and, as such, the conclusion contained in the submitted LVIA that the impact on this view would be minor, is accepted.
- 2.29 Viewpoint 4 (from the service entry) is directly adjacent to the site and close to a Public Right of Way (PROW). From here the site is highly visible through gaps in the hedge around the site and through the hedge, which is thin in this location. The development would be prominent in these views and would be starkly different (more visually intrusive) than the existing development. The submitted LVIA concludes that there would be a medium magnitude of change. Given the prominence of the development in these views and the substantial scale of the buildings (the full scale of which would be seen in these views), it is considered that this assessed magnitude of change is reasonable. Landscaping is proposed to this western boundary of the site, in the form of hedgerows and scrub which, whilst providing some screening, would not be sufficient to substantially prevent views. It is therefore difficult to understand how the LVIA concludes that the mitigation would reduce this change from medium to low and, consequently, it is not agreed that the impact would be minor. Having regard for the existing and proposed views from this viewpoint, together with having regard for the landscape proposals, it is concluded that the impact from this view would be moderate.
- 2.30 The submitted LVIA considers that the significance of viewpoint 5 (PROW ER111) is minor/insignificant due to the topography and landscaping limiting views of the circuit. It is also noted that additional landscaping is proposed to the northern side of the ER111, which will further screen views of the circuit. Whilst it is therefore agreed that views from this viewpoint of the circuit would result in a minor/insignificant impact, the assessment does not comment on the visual impact of the proposed camping area directly to the south of viewpoint 11. Whilst no operational development has been proposed within this field (which is currently used for the keeping of horses) the use of this land for camping would substantially alter the character of this parcel of land, albeit temporarily. Views of this parcel of land can be gained from a wide field of view, including along the length of the PROW, Geddinge Lane and Dumbrill Hill. It is considered that this visual impact would substantially change the character of this part of the countryside when in use, with the tents, caravans, refuse facilities etc. associated with such a use being starkly at odds with the agricultural landscape. Given that such a use would likely be transitory, it is considered that the effect would be moderate/minor.

- 2.31 Viewpoint 6 is taken from Geddinge Lane to the south west of the site. From this viewpoint much of the VIP building and grandstands would be visible, being in a similar location to the existing smaller grandstands (which can be seen at present). The LVIA concludes that the magnitude of change would be negligible as the changes to the view would be minor. This conclusion is not agreed with. The existing structures which are visible in this view (particularly in winter) are relatively small and visually unobtrusive, by virtue of their light weight construction. In comparison, the proposed buildings would be substantial in scale (the visible elevations of which would rise to between 7m and 11m above ground level, which slopes up to the north). The proposed buildings would, with the exception of the bridge between the VIP building and Grandstand 1, be visually solid and lacks permeability. Whilst the designs of the buildings are interesting in their own right, the angular form and use of materials would exacerbate the visual prominence of the buildings in this view. Whilst the magnitude of change and significance of impact are reduced, to a degree, by the distance at which the buildings would be viewed and by the role of vegetation filtering views (more so in the summer than and less so in the winter), it is concluded that the magnitude of change is medium and the significance of the impact is moderate.
- 2.32 The LVIA considers that the visual impact of the development from viewpoint 7 (Geddinge Lane) will be minor/insignificant, following the implementation of the proposed planting scheme. Along Geddinge Lane, views of the site can be gained from various vantage points where there are gaps in the hedge to the roadside and, in places, over and through the hedge. Where there are gaps in the hedge, the majority of the site, including the location of the scrutineering building, VIP building and grandstands, would be highly visible, as would the hillside where spectators watch races. As set out above, the proposals would be significantly larger, and more visually dominant, than the existing structures on the site. Mitigation is proposed in the form of native hedgerows and tree planting between the multi-level parking areas. Details of the precise planting schedule have not been provided, although a 'palette' of trees has been included. This includes several species capable of growing to a substantial height (e.g. Scots Pine and Common Oak). However, the landscape masterplan indicates that trees would be confined to narrow strips between and adjacent to the hardstanding areas. As such, it is unlikely that larger trees could be accommodated successfully. In any case, it is considered that the buildings would remain visually prominent in the landscape (and materially changing the character of this open valley bottom) in views along the southern part of Geddinge Lane up to, and including, viewpoint 7. Consequently, it is considered that, having regard for the suggested mitigation, the magnitude of change would be medium and significance of the impact would be moderate.
- 2.33 Viewpoint 8 is taken from the proposed entrance to the site, close to the junction of Geddinge Lane and the A2. The majority of the existing and the proposed built development is and would be concealed in views from this point, being located further down the slope. These elements would not, therefore, impact upon this view. However, the new road and some of the parking areas would be visible, with the road access road being particularly prominent. The presence of vehicles along this road and in the overspill car parking area (albeit temporarily) would also be visible. With the exception of the existing stub of access road the land visible from the viewpoint is undeveloped, although views facing north from this viewpoint are taken with a backdrop of the A2 which is on slightly raised land. A native hedgerow is proposed to the south western side of the proposed access road, whilst a bund, planted with medium sized native trees and shrubs is proposed to the north eastern side adjacent to the A2. The proposed access road, engineered bund and parked cars would be significant and highly

noticeable changes from the current situation, detracting from the undeveloped and open character of this area. The submitted LVIA considers that the magnitude of change is medium whilst the significance of the impact is moderate. Whilst these conclusions are understandable, on balance, it is concluded that the significance of the impact may have been overstated as the mitigation in this instance would, it is considered, respond positively to the hedge lined lanes which are characterful of the area. Whilst harm would remain, largely due to the scale (in particular the width) of the access road, it is concluded that this impact be downgraded from moderate to moderate/minor.

2.34 It is worthwhile to set out what is meant by a 'moderate' significance of impact. The definition of a 'moderate' impact is one where "the development would result in a noticeable alteration, loss or addition of a landscape component/feature/element which would result in a noticeable change to the condition, importance, value and/or character of the landscape. The development would result in the loss of or introduction of a noticeable, but not dominant feature that would cause a noticeable, but not a dominant feature that would cause a noticeable change in the visual character and amenity value of available views". Overall, it is considered that the proposals would cause significant visual impacts on the character of the area, which is located within a sensitive landscape within the Kent Downs AONB. In particular, the development would cause harm in views from the junction of Geddinge Lane and the A2, the southern section of Geddinge Lane to the east of Geddinge Farm, sections of Geddinge Lane between the PROW ER111 and the junction with Dumbrill Hill, along the PROW ER111 and from sections of Dumbrill Hill. It is considered that the submitted LVIA understates the impacts of the proposed development and overstates the benefits of the architectural approach which has been employed and the landscaping which has been proposed. The visual impacts of camping are not considered by the submitted LVIA. It is considered that the development would cause moderate impacts across a wide range of viewpoints which, collectively, would materially and significantly adversely alter the character of this part of the AONB, detracting from its landscape and scenic beauty.

2.35 Where development would adversely affect the character of the countryside, policy DM15 requires that permission be refused unless one of three exceptions are met, where it cannot be accommodated elsewhere and where it does not result in the loss of ecological habitats (this last requirement will be assessed separately later in this report). The three exceptions are if the development is:

- i) in accordance with allocations made in the Development Plan Documents; or
- ii) justified by the needs of agriculture; or
- iii) justified by the need to sustain the rural economy or a rural community.

The application is not in accordance with the development plan and it is not justified by the needs of agricultural. Evidence has been submitted to demonstrate that the development would provide significant economic benefits which would, to a degree, support the economy in this rural area (albeit this benefit is moderated by the range of facilities and services which will be provided by the circuit). Consequently, it is not considered that the development is justified by the need to sustain the rural economy or a rural community. In terms of the ancillary race-day buildings, it is not considered that they could be located elsewhere; however, the application has not demonstrated that the engineering units could not be located elsewhere. The application is therefore contrary to policy DM15.

2.36 Policy DM16 states that development which would harm the character of the landscape, will only be permitted if:

- i) it is in accordance with allocations made in Development Plan documents and incorporates any necessary avoidance and mitigation measures; or
- ii) it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

Having regard for the landscape character assessment, the moderate adverse impact on the character of the landscape, even after regard is had for the proposed mitigation, it is considered that the development is contrary to policy DM16.

2.37 The development would also be contrary to the identified need to “conserve create” the Green Infrastructure Network in this part of the district, as required by Core Strategy Policy CP7. This policy advises that planning permission will only be granted for development which would harm the network if the proposals sufficiently mitigate its effect. Furthermore, the policy states that proposals which would introduce additional pressure on the network will only be permitted if they incorporate quantitative and qualitative measures, as appropriate, sufficient to address that pressure. It is not considered that this exception applies in this instance.

2.38 To conclude, and having regard for the statutory duty of Section 85 of the Countryside and Rights of Way Act 2000, it is considered that the development would cause character and landscape harm which would be contrary to Policies CP7, DM15 and DM16 of the Core Strategy. Furthermore, it is considered that the development would fail to conserve the landscape and scenic beauty of the AONB, instead causing a detrimental effect on the environment and the landscape, contrary to paragraphs 115 and 116 of the NPPF.

Noise

2.39 Paragraph 109 of the NPPF states that the “planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to unacceptable levels of noise pollution”.

2.40 The Planning Practice Guidance (PPG) advises that “noise needs to be considered when new developments may create additional noise”. However, it also advises that noise should not be considered in isolation and should instead be considered holistically with the assessment of sustainability and its three dimensions, economic, social and environmental.

2.41 In considering noise it is necessary to consider:

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

2.42 As such, an assessment must be made to determine whether the overall effect of noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed effect level for the given situation.

2.43 In addition to the advice of the PPG, the Government has published (in 2010) its Noise Policy Statement for England (NPSE), the aims of which are to:

- Avoid significant adverse impacts on health and quality of life;
- Mitigate and minimize adverse impacts on health and quality of life; and
- Where possible, contribute to the improvement of health and quality of life.

2.44 In respect of the third aim, the NPSE states that “the protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim”. It is considered that this statement is particularly relevant in this instance, as third parties have commented upon the tranquility of the site and of the particular importance of preserving tranquility in the AONB.

2.45 The NPSE and the PPG both describe three tiers of noise impacts, an assessment against which will form the basis of understanding whether or not harm (or improvement) is caused, the severity of that harm and, consequently, the weight to be attributed to that impact. The three tiers are:

- No Observed Effect Level (NOEL) – This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.
- Lowest Observed Adverse Effect Level (LOAEL) – This is the level above which adverse effects on health and quality of life can be detected.
- Significant Observed Adverse Effect Level (SOAEL) – This is the level above which significant adverse effects on health and quality of life occur.

2.46 In respect of SOAEL the NPSE advises that, “It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available”.

2.47 The PPG which was published after the NSPE, provides additional detail on how to recognize and attribute noise to the three tiers. Of particular benefit in assessing the impact is a table, which is reproduced below:

Perception	Examples of outcomes	Increasing effect level	Action
Not noticeable	No Effect	No Observed Effect	No specific measures required
Noticeable and not intrusive	Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed Adverse Effect	No specific measures required

Perception	Examples of outcomes	Increasing effect level	Action
		Lowest Observed Adverse Effect Level	
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
		Significant Observed Adverse Effect Level	
Noticeable and disruptive	The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory	Unacceptable Adverse Effect	Prevent

2.48 In assessing noise and its impacts, it is necessary to consider various factors and how they combine (i.e. the assessment is not simply about absolute levels of noise). This assessment must consider, holistically, the:

- The Source and absolute level of noise together with the time of the day that it occurs.
- For non-contentious sources of noise, the number of noise events, and the frequency and pattern of occurrence noise; and
- The Spectral content of the noise (i.e. whether or not the noise contains particular high or low frequency content) and the general character of the noise. The local topology and topography should also be taken into account, together with existing and, where appropriate, planned character of the area.

2.49 In this instance, in addition to the above, regard must be had for the cumulative impacts of more than one source of noise and, given that this is a noise sensitive

location which already experiences high noise levels (in the AONB and relating to a circuit which is currently the subject of a Noise Abatement Notice) it must be acknowledged that even a small increase in the overall noise level may result in a significant adverse effect occurring even though little to no change in behavior would be likely to occur.

2.50 The circuit is currently the subject of a Noise Abatement Notice which limits the noise impacts of the circuit on neighbouring properties. It is important to acknowledge that this notice was served under separate, non-planning, legislation (Environmental Protection Act 1990); however, the notice is of use in understanding the existing impacts of the development on residential amenity.

2.51 The circuit is currently controlled by the conditions attached to planning permission DOV/14/00415, many of which were carried forward from an Allowed planning appeal considered under reference number DOV/84/00415. The conditions attached to the 2014 permission limit the circuit to 52 days, of solely motor car, motor cycle and kart racing (including practice for the purposes), usage per year, with no public admittance on any other day. There are also conditions which limit the number of consecutive days uses, the intervals between pairs of consecutive days and the hours of use each day. There are also conditions which require that a schedule of the anticipated use of the circuit be submitted and approved and that limit noise from the public address system to 40dB LAeq (which is only to be used on days when the public are in attendance). The final condition attached to the 2014 permission relating to noise states that:

“All vehicles operating on the track shall be fitted with noise emission control equipment in accordance with the current Technical Regulations of the RAC Motor Sports Association or, as may be appropriate, the Auto Cycle Union. For track events regulated by the RAC, MSA vehicles shall not be admitted to the track if they exceed the maximum noise limit for that class of vehicles, as set out by that organisation. Vehicles not complying with those regulations shall not be admitted to the track without the prior written consent of the Local Planning Authority”.

2.52 Whilst the last of these conditions purports to limit the noise generated by motor vehicles using the circuit, the regulations specified do not apply to all types of motorsport whilst the regulations are subject to change which is outside of the control of the Council or the applicant. As such, the condition is not a robust method of controlling noise from vehicles.

2.53 Regard must be had for the current use of the site, which is lawful and can continue without requiring further permissions (subject to adherence with the planning permission and, under separate legislation, the Noise Abatement Notice). Under its current restrictions, it is acknowledged that the circuit creates a substantial level of noise for 52 days per year. Environmental Health, who have been monitoring the circuit for several years (and who served the Noise Abatement Notice), consider that the circuit is causing a nuisance and that, whilst this nuisance is limited by the Noise Abatement Notice, the noise remains at a level considered to represent a Significant Observed Adverse Effect (SOAEL) causing:

“material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature

awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area”.

Having visited the circuit on numerous occasions, and having regard for third party representations, I concur with this view, although it must be noted that the changed behavior is less likely to affect sleep due to the time limits applied to the circuit for its events (some disturbance may still occur, for example due to the noise from camping or to those who sleep during the day such as shift workers). Having reached this conclusion, it is considered that this existing level of harm forms the fallback position, against which the current proposals should be assessed.

- 2.54 In addition to the current usage of the site (2 days with an unlimited level of noise, 24 days of up to '55dB LAeq, 1 hour', and 26 days of up to '50dB LAeq, 1 hour', described as category 1, 2 and 3 events respectively), the application proposes 52 days where noise would not exceed '45dB LAeq, 15 minutes' and 52 days where noise would not exceed '40dB LAeq, 15 minutes' (described as category 4 and 5 events). The activities on these days would be likely to generate noise with a particularly prominent character (for example short, loud noises such as tyre squeal and turbo chatter) less frequently, whilst the short monitoring time of 15 minutes would allow for fewer such instances and tighter control. In addition to the Category 4 and 5 events, the applicant refers to 'other activity', which incorporates activities such as road driving lessons, emergency incident training, bicycle racing with motorized back-up vehicles etc. The application also proposes that any permission include sufficient flexibility so as to allow for additional hours (2.5hrs per day) on up to two Sundays per year. The additional 5 hours of racing would, if unmitigated, cause additional adverse impacts.
- 2.55 Independent surveys have been carried out over a three week period in the summer which indicated that, at the most noise sensitive noise monitoring point, the modal noise level when no events are taking place at the circuit is 51dB LAeq, 1 hour. As such, whilst noise from the additional 104 days may at times be audible from neighbouring properties, it would not, over the 15 minute monitoring period, be above background noise, although noise with a more prominent character (e.g. tyre squeal) could still cause harm. Given the type of activities proposed for the 'other activities, it is not considered that they would create an adverse impact. Whilst the advice from Environmental Health is therefore generally adopted, as mentioned above and in accordance with the PPG, the planning assessment must acknowledge that even a small increase in the overall noise level may result in a significant adverse effect occurring even though little to no change in behavior would be likely to occur. The additional activities would, without mitigation, increase the overall noise level and, therefore, the potential mitigation must be carefully considered.
- 2.56 Whilst the additional activities could exacerbate the existing SOAEL of noise, it is necessary to consider whether this harm can be mitigated. The PPG advises that this mitigation can take the form of engineered solutions, amending the layout of development or the location or where uses will take place, the use of planning conditions and/or obligations or through mitigating the impacts at the properties which would be affected by the noise (for example through noise insulation to a building).
- 2.57 The proposed grandstands and VIP building are located such that they may baffle noise from the circuit, in particular from properties on Geddinge Lane. However, the application has not modeled or assessed whether any noise mitigation would be provided by the buildings whilst the Noise Assessment Report, in considering

the existing bunds on the site, advises that “any further bunding to offer any significant benefit would need to be substantial in nature”. As such, it is not considered that any significant weight can be attached to the potential for the buildings on the site to mitigate noise.

2.58 The applicant has proposed a series of conditions which seek to reduce the noise impacts of the development. The conditions would specify the types of activities which could take place at the circuit, breaking the events down into six categories (Categories 1-5 and ‘other activities’). Categories 1-3 would replicate the activities which are currently permitted under the Noise Abatement Notice (i.e. two days of unlimited noise, 24 days with a maximum averaged noise limit of 55dB and 26 days with a maximum averaged noise limit of 50dB), albeit the time period over which the noise is measured would be more stringent, being reduced from one hour to 30 minutes. The change in measurement period across these three categories would provide a small benefit compared to the existing situation, through enhanced control over noise. The noise limits for the newly introduced categories would be averaged over 15 minutes. The Councils Environmental Health team has proposed an alternatively worded condition, which includes an additional Category, ‘silent days’. This category would be reserved for days when there are no motor vehicles at the circuit, save for employees and no use of the circuit other than for uses such as pedal bicycling, static photoshoots, maintenance, servicing etc. The applicant is of the opinion that, as such uses (and ‘other activity’) would not create any noise, they should not be restricted. However, whilst ‘other activity’ would not create prolonged or particularly loud noise, they could create short noise events or noises which would have a character distinctive from background noises. It is also considered that the provision of silent days is important to ensure that residents have respite days, when noise would cause no effect (having regard for the NPSE’s aim to protect quiet places and quiet times). It is noticeable that the existing permission for the circuit provides 313 days when no significant activity can take place at the circuit and, as such, ensuring a minimum of 49 silent days (including 10 weekends, Good Friday, Christmas Day, Boxing Day and New Year’s Day) is not unreasonable. Subject to an amended wording of this proposed condition, it is considered that the noise impacts of the uses which are currently permitted would be slightly reduced and the noise impacts of the additional uses now proposed would be reduced.

2.59 The applicants suggested conditions also propose that, within three months of the grant of permission, a final Noise Management Plan (NMP) be submitted for approval. A draft NMP was submitted with the application; however, this would require significant refinement to be fit for purpose. Whilst the implementation of a NMP across all categories would allow for enhanced noise control of all categories and would substantially improve monitoring of the noise from the circuit it is considered that the applicants suggested wording would not be acceptable, as it would not restrict the implementation of the planning application (or the noise generated elements of the application) until the NMP is approved and in place. Notwithstanding this, it is for the Local Planning Authority to attach conditions as required to make an application acceptable and, with some amendment, the proposed condition would provide a benefit in mitigation for the additional uses. Such a condition would need to restrict the implementation of the noise generating elements of the application until such time as suitable controls are in place (which should include the provision of permanent noise monitoring equipment at the site which is remotely accessible by the Council in ‘real-time’). A separate condition suggested by the applicant proposes four noise monitoring

locations, in accordance with the monitoring locations which are currently used to control the Noise Abatement Notice.

- 2.60 Noise from the public address system is proposed to be conditioned such that it would not exceed 40dB LAeq, 5 minutes, when measured from any of the four noise monitoring locations (as per a condition for the circuit at present). This would improve controls over the existing situation, albeit the system could be operational for a significantly greater number of days. Whilst maximum noise levels from the system may vary, the level of noise and measuring period specified would be sufficient to mean that noise from the public address system would be unlikely to be noticeable over background noise.
- 2.61 There are several other conditions which broadly replicate existing controls on the circuit, in relation to Category 1-3 events, in respect of the number of consecutive days of events, the length of events and intervals between events which last for two days. There are no such controls in relation to the less noisy Category 4 and 5 events and 'Other Activity'.
- 2.62 The current use of the circuit is subject to a planning condition which requires that the circuit submit a calendar of events each year (from 1st April in one year and ending on 31st March in the succeeding year). Whilst this must be submitted in advance, the wording of the current condition does not prevent alterations being made to the calendar during the course of the year. The purpose of the condition was to provide local residents with notice of when events would take place, allowing them to plan their lives and prepare for events which would be particularly noisy. The ability to alter the calendar, which has been done on numerous occasions over the last few years, negates the envisaged benefit of this condition. Given that the number of events proposed is to be significantly increased, it is considered that it would be reasonable to attach a condition to any grant of permission requiring that a similar calendar be submitted to the Council, but with enhanced controls regarding the ability to make amendments. It is acknowledged that there must be a balance between providing surety to residents and not unreasonably impacting on the circuit's ability to host events. As such, it is considered that the proportionate approach would be to require that the notice periods for events be dependent upon the noise they would generate (i.e. the Category within which the event falls). Environmental Health have advised that changes to Category 1-3 events should provide 28 days' notice, changes to Category 4-5 events should provide 14 days' notice and changes to all other events should provide 7 days' notice. This control would provide a small benefit.
- 2.63 Finally, whilst the application requests that two Sundays per year are permitted to extend their operating times by 2.5 hours, it is proposed that, where this additional time is used, the number of Category 2 days permitted be reduced by one. As such, the days extended by 2.5 hours would be balanced against a reduction in the number of days usage of the circuit over the year. It is considered that this mitigation is appropriate to ensure that no additional harm would be caused.
- 2.64 Overall, the increased use of the circuit would significantly extend the number of days on which there would be activity on the site. The additional days, in addition to the existing 52 days on which the circuit can currently be used, would comprise 52 days of Category 4 events, 52 days of Category 5 events, 52 days of 'other activity and unlimited 'silent days'. The existing use of the circuit is already considered to be noticeable and disruptive causing a Significant Observed Adverse Effect. Without mitigation, the additional activity would

increase the level of disruption. Several conditions have been presented which would allow for enhanced controls of existing and proposed activities at the site, which would provide mitigation for the additional usage.

- 2.65 In addition to the noise impacts of the additional usage of the circuit, the application proposes the erection of 14no. two storey engineering units, which would fall within Use Classes B1 and B2. Details of the occupants of these units have not been provided as part of the application, as it is understood that they are yet to be known or confirmed. As such, the precise nature of activities which would take place within the units is currently unknown. Environmental Health have advised that, in addition to this, the typical noise levels referred to in the Noise Assessment Report are not representative and no detailed calculations have been provided to demonstrate how the predicted noise levels at neighbouring properties have been reached. However, Environmental Health are satisfied that, notwithstanding this shortcoming, noise could be effectively controlled through the use of a condition which requires that a survey is carried out under BS4142:2014 (Methods for rating and assessing industrial and commercial sound). In addition to the survey, the condition would need to ensure that the cumulative noise level measured at the nearest noise sensitive premises would be at least 5dB(A) below the background noise level LAF90 Tbg. It will also be necessary to control the times during which the commercial units are in use.
- 2.66 Finally, regard must be had for the noise impacts associated with the construction phase of the development. Whilst the development is substantial, it is not considered that noise during this temporary period would be so severe that it could not be adequately controlled by a construction management plan.
- 2.67 For the reasons outlined, subject to the imposition of conditions closely following those proposed by the Councils Environmental Health team and having regard for the particularly sensitivity of the site and the extant situation, it is not considered that the development would exacerbate existing levels of noise pollution.
- 2.68 Noise from cars passing along roads has also been considered but, given the altered access arrangements (which will be discussed in more detail later in this report), it is not considered that these impacts would be significant, particularly given the potential to control traffic flows by condition where there currently are none.
- 2.69 Notwithstanding the above, it is also necessary to consider the noise impacts on the tranquility of this area of countryside, being within the AONB. Paragraph 123 of the NPPF states that planning decisions should “identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”. It is acknowledged that the presence of the A2 and the circuit has already diminished the tranquility of this part of the AONB, as confirmed by Tranquility Map which is included within the Kent Downs AONB Management Plan 2014-2019, which shows the areas around the circuit to have medium or medium to low tranquility. This is also reflected by the Councils Principal Ecologist, who has advised that the existing use of the circuit is not tranquil and, consequently, in accordance with Core Strategy Policy CP7, management of this part of the AONB should be directed towards increasing tranquility and the quality of the experience for residents and visitors. The Principal Ecologist, together with the Kent Downs AONB Unit, consider that the application, which would intensify the use of the site and would spread activities more widely across the site and onto surrounding land, would fail to

increase tranquility (with the AONB Unit expressing a view that the development would cause a deterioration of tranquility). The assessment of noise, above, focuses on noise impacts to residential properties, which is distinct from impacts on tranquility. It is accepted that, without mitigation, the noise impacts of the development would undoubtedly diminish the tranquility of the area; however, it is considered that, subject to the conditions set out above, the additional use would not cause significant additional noise beyond the application site. However, it is accepted that the development would harm the sense of tranquility of users of the Public Right of Way ER284 and on people using Dumbrill Hill, as the application proposes that the open land either side of this public right of way be used for camping. At present, the land to the north east of the PROW is used for camping under permitted rights; however the land to the south west of the PROW is currently used for the keeping of horses. As such, the tranquility along this PROW would be diminished.

Impact on Residential Amenity

- 2.70 Noise impacts on neighbours have been addressed above and so will not be repeated here. Instead, this section will focus on the other potential impacts on neighbouring properties.
- 2.71 The proposed buildings would be located a substantial distance away from the nearest neighbouring properties and, as such, no loss of light, sense of enclosure or overlooking would be caused. As such, the living conditions of neighbouring properties would not be unacceptably impacted in these respects.

Archaeology

- 2.72 The site lies within an archaeologically sensitive landscape. In particular, it is noted that the projected route of a Roman Road (between Dover and Canterbury) crosses the north eastern corner of the site, in the location where the proposed access road would be located. The route of the modern road between Dover and Canterbury, the A2, was important from at least the early medieval period. There is also potential for Second World War defensive archaeology.
- 2.73 Kent County Council Archeology have advised that the archaeological chapter of the Environmental Statement, which has been informed by an Archaeological Desk-based Assessment, submitted with the application provides a good account of the site's archaeological potential and agree with the report's conclusion that the potential archaeological impacts of the development would be mitigated through the use of a condition to secure the implementation of a programme of archaeological work. It is agreed that the use of such a condition would be proportionate and ensure that any features of archaeological interest are properly investigated.

Transportation

- 2.74 The Core Strategy contains several policies which are relevant to the assessment of transport implications from development.
- 2.75 Policy CP6 requires that where development generates a demand for infrastructure, permission should only be granted where that infrastructure is provided. Policy DM11 states that:

"Planning applications for development that would increase travel demand should be supported by a systematic assessment to quantify the amount and

type of travel likely to be generated and include measures that satisfy demand to maximise walking, cycling and the use of public transport. Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport”.

2.76 Policy DM12 relates to the access provision for new development, stating:

"The access arrangements of development proposals will be assessed with regard to the Highway Network set out in the Local Transport Plan for Kent. Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation".

2.77 Finally, Policy DM13, requires that the provision of car parking should be a design-led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives, informed by Kent County Council Guidance SPG4.

2.78 The NPPF advises, at paragraph 17, that patterns of growth should be managed to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. Building on this, paragraph 29 states that:

“The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.

2.79 Transport solutions which reduce greenhouse gas emissions and congestion should be encouraged. Paragraph 32 states that planning decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.

2.80 The circuit is located directly to the south of the busy A2, which runs from Dover, via the Canterbury area, to Brenley Corner, where it joins the A2. The road is therefore an important trunk road, linking to the Port of Dover to the motorway network. The A2 provides two lanes of traffic in either direction for most of its length, including the section adjacent to the site although the carriage reduces to one lane in each direction a short distance to the east of the site.

2.81 At present, access to the site is gained via Dumbrill Hill, which links to the Canterbury bound carriageway of the A2. There is no direct link to the Dover

bound carriageway. Whilst access into the site for vehicles travelling in the Canterbury bound direction is via a simply left hand turn onto Dumbrill Hill (and likewise vehicles exiting the site have a simple left hand turn at the priority junction onto the A2), vehicles travelling to the site from the Canterbury direction, or leaving the site and travelling in the Dover direction, must take a more convoluted route. For vehicles accessing the site from the Canterbury direction, they must pass the site and cross onto the Canterbury bound carriageway further to the south east. Third parties have advised that they have witnessed significant numbers of visitors doing this at the signalised junction (Coxhill Lane/A2/Geddinge Lane), which is where satellite navigation systems tend to direct drivers. For vehicles exiting the site and wishing to travel south east towards Dover, they would need to travel in the Canterbury bound direction, exit onto the A260 and then cross over the A2 (at the turning to Aylesham) to gain access to the correct side of the carriageway. Alternatively, some vehicles use the smaller country lanes to gain access to and exit from the circuit. Many of these roads are poorly suited to such levels of traffic and third parties have, understandably, raised concerns regarding the impacts of the circuit on the smaller rural roads. The submitted Transport Assessment acknowledges that there are concerns with vehicles queuing on the A2 for some of the larger events. Highways England have advised that they are satisfied that this junction has the physical capacity to meet the needs of the existing (and proposed) development and that the reported congestion could be due to a number of factors, such as: clusters of traffic arriving in the busiest arrivals period; blocking of the junction by traffic queuing into Dumbrill Hill on the A2 (to the west of the junction); slow moving u-turning vehicles travelling from A2 western arm; groups of visitors travelling together to the event; or, perhaps, large vehicles associated with the traders at the event arriving. As such, Highways England have advised congestion issues are due to signal timing optimisation and traffic management.

- 2.82 There are no direct public train or bus services to the site or its immediate vicinity and as such public transport is not a viable option for accessing the site. The applicants Transport Statement advises that “informal arrangements exist whereby a minibus picks up/drops off spectators from the local train station. This arrangement will continue and as part of the development proposals will be formalized and promoted on the website for the circuit”.
- 2.83 The application seeks to create a new access point for the circuit from Geddinge Lane, utilising the existing stub of access road which has been constructed. Geddinge Lane links directly onto the Coxhill/A2/Geddinge Lane signalised junction.
- 2.84 The access road itself would be 9m in width, sufficient to provide three lanes, and would run parallel to the A2 before turning south west where there will be new ticket office. Tracking plans have been submitted which demonstrate that a 16.5m long articulated lorry could access, navigate and exit the site (and navigate the signalized junction) safely. During smaller events with limited attendees, all vehicles will be parked within the existing tiered parking areas to the east of the circuit. During medium sized events, spectators would park on the open grass area to the north of the circuit and the north of the tiered parking areas, with competitors parked in the tiered car parking areas. This would be replicated for the largest events, but would be complemented by additional car parking to the field directly to the south of the proposed access road.
- 2.85 The application has been supported by a Traffic Management Plan which would be in operation for large scale events, although this could also be used to inform management of smaller events. Recently, the circuit has introduced an informal

Traffic Management Plan which has been in operation for some of their largest events. Third parties have commented that this plan has been beneficial, although some have commented that it does not go far enough and should be extended to more events.

- 2.86 The Traffic Management Plan proposes the use of certified and trained marshals at the proposed new access onto Geddinge Lane, who will manage traffic flows to avoid causing traffic to queue back into the signalized junction (which would affect the operation of the A2). Temporary signs and cones are also proposed at the signalized junction to improve its efficient operation during larger scale events.
- 2.87 Concerns had been raised that, for larger events, vehicles may queue back along the access road as they await tickets to be issued from the proposed ticket office. Whilst such an occurrence is considered to be unlikely, due to the length and width of the access road which would provide a queuing area for a significant number of cars, the Traffic Management Plan proposes to decrease this risk by putting into place measures to encourage visitors to purchase tickets in advance, such that the waiting times at the ticket office are reduced and the processing of incoming vehicles made more efficient. The circuit's website will also provide downloadable maps showing the site layout and routes for access and egress.
- 2.88 Within the site, signage and marshals will be used to direct visitors to the correct parking area, with the proposed overflow car parking area used to manage flows efficiently. Signage and marshals will also be provided to direct vehicles leaving the site to the correct exit, such that Canterbury bound traffic would be directed to Dumbrill Hill and all other traffic directed to Geddinge Lane and the signalized junction.
- 2.89 The Traffic Management Plan proposes that the circuit hold regular meetings with Denton and Wootton Parish Council, to allow a flow of information between the parties. Through a better understanding of any issues which continue or arise, the circuit will be better placed to respond and find solutions.
- 2.90 As mentioned above, an informal mini-bus service which operates from time-to-time at present will be formalized, encouraging more sustainable access to the site which would both promote public transport and reduce the number of cars accessing the site.
- 2.91 The existing operation of the circuit is a lawful situation and, as such, forms the starting point of the consideration of the transport implications of the development. The proposed development would retain the existing 52 days of events which are permitted and it is these which are considered to be the events which will continue to draw the most visitors. The highways authorities (Highways England and KCC Highways and Transportation) have advised that the other additional events which are now proposed will be likely to generate less traffic than the existing events and this is correlated with the applicants' projections (for example the figures provided by the Economic Benefits Statement). The engineering units are new to the site and, for the reasons previously outlined, it has not been demonstrated that they functionally require their proposed location in the countryside.
- 2.92 Concerns have been raised that some visitors to the circuit use some of the smaller rural roads to gain access to the site, either because these represent the shortest or fastest route to the circuit or through choice for other reasons. Comments have also been made that some drivers on these roads drive too

quickly or without an understanding of an appropriate driving style for such roads. Whilst the circuit will only have a limited ability to influence the behavior of visitors to the circuit in the wider area, the measures proposed by the Traffic Management Plan will address the routes chosen by visitors and will be likely to reduce the number of visitors choosing less suitable routes to the circuit. The implementation of the informal Traffic Management Plan has already achieved such improvements.

- 2.93 The highways authorities have both raised no objection to the proposals, subject to conditions. In particular, they have commented that the proposed access, parking and turning arrangements are acceptable. Some minor adjustments to the submitted Traffic Management Plan have been recommended and it is considered that these changes could be made via the submission of details pursuant to a condition. The highways authorities consider that this plan should be open to periodic review to ensure that it remains effective. A Travel Plan which, amongst other things, should secure the provision of a shuttle bus to the train station should also be secured by condition. Finally, conditions should be attached to any grant of permission to secure: the completion of the access road shown on the drawings (prior to any increased use of the site, including the first use of the engineering units or the first additional event day beyond those already permitted); the provision and retention of the vehicle parking areas; and the submission and implementation of a construction management plan.
- 2.94 It is acknowledged that the circuit will be likely to cause temporary disruption to the road network from time to time. However, having regard for the existing operation of the circuit which is not the subject to formal traffic management through the planning system, the development would not cause any significant harm to the safe and efficient operation of the strategic or local road networks.
- 2.95 Outside of the application, Highways England have confirmed that, subject to funding, they have agreement to carry out improvements to the traffic signalization at the signalized (A2/Geddinge Lane) junction to improve its efficiency.
- 2.96 For the reasons stated above, the increased use of the site, subject to the provision of the new access and appropriate management being secured by conditions, would not cause a severe cumulative impact on the highway, which is the relevant test as described by paragraph 32 of the NPPF.

Ecology

- 2.97 The application has been supported by a number of ecological reports, namely: an Ecological Appraisal and Phase 1 Habitat Survey; a Preliminary Ecological Appraisal; a Bat Letter Report; a Badger Letter Report; and a letter from 2017 from the applicant's ecologist. The purpose of the later of these documents was to revisit the earlier reports (which were dated 2015 and 2016) to ensure that their conclusions remained valid.
- 2.98 The preliminary reports confirm that Great Crested Newts are unlikely to be present at the site due to the sites proximity to water bodies. Whilst the areas of woodland provide potential habitat for amphibians, the areas of grassland and tarmac do not. Areas of roadside vegetation and woodland may provide habitat for reptiles; however, these areas would not be impacted the by development. Areas of scrub, woodland, scattered trees and arable farmland provide suitable habitat for breeding and foraging birds, whilst species of Principal Importance were recorded during the Ecologists visit to the site. The site does not provide

suitable habitat for water voles or otters. The woodland and scrub within the site provides suitable habitat from hazel dormice; however, the areas of suitable habitat would not be impacted by the development. Whilst the applicant's ecologist recorded no evidence of badger within the survey area, one badger sett (likely in-use) was identified close to the site. Finally, the site provides potentially high quality habitat for foraging bats, whilst the existing toilet block buildings were considered to have a moderate potential for bat roosts. The site may also be used by other mammals, such as Hedgehogs.

- 2.99 Having regard for the potential habitat on the site, and given the known records of animals and habitat in the locality, the Ecological Appraisal recommends that no further survey work is required in respect of reptiles, birds, water voles, hazel dormice, otter and other mammals, although precautionary mitigation is recommended in respect of avoiding impacts on breeding birds, hazel dormice and other mammals. In respect of badger, the appraisal recommends that, given the location of the sett, the development would cause no direct impacts and no further surveys are recommended. However, precautionary mitigation is recommended, including a need to be vigilant to any new activity which would be impacted by the development. In respect of bats, the appraisal recommends that two bat emergence survey visits are undertaken, in accordance with best practice. The report considers that, given the containment of the buildings which may provide roosts, it would be proportionate to secure that these surveys take place prior to the commencement of works to the toilet block, as other development would not impact upon these buildings or bats. It is also recommended that lighting within the scheme be sensitively designed to avoid impact on bats, in accordance with guidance. Finally, the report recommends a series of ecological enhancements, including seeding existing grassland with an ecologically (and pollen) rich mix of calcareous species, the provision of buffer strips of infrequently mown grasses adjacent to hedges and tree lines and the creation and enhancement of native hedgerows.
- 2.100 Subsequent to the initial appraisals, a letter was also submitted from the applicant's ecologist confirming that three bat emergence surveys were undertaken, in accordance with best practice, during which a bat roost was recorded within the toilet block, which was not considered to be a maternity roost. A Natural England license will be required in order to carry out works on the toilet block.
- 2.101 The Ecologists letter from 2017 confirms that the on-site conditions have not significantly or materially changed since the earlier reports were carried out and, accordingly, the findings of those reports remain valid. A new survey may need to be undertaken to support the Natural England license application. Whilst not considered to be required to support the application, the ecologist has advised that badger walkovers should be undertaken prior to the commencement of the development. The need for mitigation and enhancement works has also been reiterated.
- 2.102 The Councils Principal Ecologist has advised that the survey work is competent and does not identify any ecological constraints to development. The ecological enhancement measures and these should be taken forward by condition in compliance with paragraph 118 of the NPPF.
- 2.103 Subject to the mitigation and enhancements proposed being secured by condition, it is considered that the development would safeguard protected species and provide some enhancement, in accordance with the NPPF.

Contamination

- 2.104 The NPPF requires that regard must be had for contamination. Paragraph 17 states that planning should “contribute to conserving and enhancing the natural environment and reducing pollution”. Paragraph 109 requires that the planning system protects and enhances geological interests and soils, ecosystems and biodiversity and, in particular, by “preventing both new and existing development from contributing to or being at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or pollution or land instability” and “remediating and mitigating despoiled, degraded, derelict, contaminated or unstable land, where appropriate”. Paragraph 120 states that new development should be appropriate for its location to prevent unacceptable risks from pollution, continuing to say “The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account”.
- 2.105 Regard must also be had to determine whether the development would cause any adverse impacts on air quality. The NPPF addresses air quality at paragraph 124, where it advises that “Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan”.
- 2.106 Chapter 10 of the Environmental Statement includes a Contaminated Land Assessment, to understand and address the likelihood of contamination being present at the site and the potential impacts of the development on contamination which could cause harm to human health or the environment. The assessment considers previous land uses, research into existing databases for contamination and an inspection of the site. The assessment identified that the existing scrutineering building, which is to be demolished as part of the proposals includes potential asbestos containing materials (roof tiles). No other sources of potential contamination were identified. Whilst the motor racing use presents the potential for oil/fuel contamination, the asphalt hardstandings will have minimized the migration of contamination to ground. The potential for the development to have an impact is limited; however, given that some potential exists (potential for oil/petrol and asbestos), a site remediation plan is proposed to be undertaken, together with remediation, as necessary.
- 2.107 Environmental Health have advised that they generally accept the conclusions of the Phase 1 Contamination Risk Assessment, but note that several buildings which may contain asbestos are to be demolished. As such, Environmental Health advise that a remediation scheme should be secured by condition, as should a condition to ensure that any previously unsuspected contamination found is fully investigated, with works ceasing until that contamination is remediated.
- 2.108 The Environment Agency have also concluded that contamination is not a constraint to the development taking place, subject to conditions being attached similar to those recommended by Environmental Health. The Environment Agency have also requested that conditions be attached in relation to drainage, given the sites location over a principal aquifer. Drainage will be dealt with below; however, the assessment of, and method for addressing, drainage will need to be cognisant of any potential contamination (and vice versa) on site, to ensure that contamination pathways are not created or exacerbated.

- 2.109 The Council has published an Air Quality Action Plan, which sets out how the Council intends to improve air quality in the District. Whilst the only action area identified, the A20 Townwall Street, is a significant distance from the application site and the proposed measures to tackle air quality in this area are unlikely to be impacted by the development (although Action 3 does reference the benefits which would be derived from dualling of the A2 and the consequential reduction in congestion on the A20) the plan does include general district wide measures to improve air quality, including reducing the need to travel by car and encouraging public transport.
- 2.110 The traffic generated by the development has been modeled and used to inform the likely air quality impacts from vehicles; however, bearing in mind the existing activity at the site, the development would be unlikely to have a significant impact on local air quality, having regard for Environmental Protection UK guidance. However, it is considered that precautionary conditions should be attached to any grant of permission to ensure that air quality is not adversely effected during the construction phase, for example due to fugitive dust.
- 2.111 Concern has been raised by third parties that certain activities on site, such as 'drifting', create clouds of particulates. Visits have been undertaken by both planning officers and environmental health officers to observe these activities. Whilst it is possible to detect an odour during some of these events, it is noted that such activities can take place at the circuit under the current permission and, as such, it would be unreasonable to limit these activities through the current planning application.
- 2.112 Having regard for the above, and subject to conditions, it is not considered that the development would cause any unacceptable risks of contamination to land, water or air.

Flood Risk and Drainage

- 2.113 The NPPF requires that regard be had for flood risk from rivers and the sea but also from more localized sources, such as foul and surface water drainage. In addition, Policy CP6 of the Core Strategy requires that developments provide the infrastructure upon which they will rely, whilst Policy DM17 requires that certain development which poses a risk to groundwater is not permitted within Ground Water Protection Zones.
- 2.114 The site lies within Flood Risk Zone 1, which has the lowest risk of flooding from rivers or the sea, having a less than 1 in 1000 annual probability of flooding (i.e. less than 0.1% change) in any given year.
- 2.115 Whilst there are no surface streams, rivers or other watercourses in the area, the Nailbourne passes through the southern part of the site. This watercourse, for the most part, flows underground, only rising above ground after heavy rain (approximately every seven years). No operational development is proposed in the area where the Nailbourne flows.
- 2.116 Having regard for the flood risk of the site and the development proposed, it is not considered that flooding from rivers or the sea is a constraint to development.
- 2.117 Whilst the development would be acceptable in terms of flood risk from rivers and from the sea, regard must be had for surface water and foul drainage. The site lies within Groundwater Protection Zone 3 and overlies a principal aquifer in the

Upper Chalk bedrock with undifferentiated aquifers in the sands and gravels under Nailbourne.

- 2.118 There are no foul drainage sewers or surface water drains in the vicinity of the site and, as such, the development will need to provide a suitable alternative method of foul sewerage and surface water disposal. Accordingly, the application proposes that uncontaminated surface water be disposed of via an extensive series of shallow soakaways and drainage gulleys, whilst foul sewerage would be dealt with via two new on-site waste water treatment plants and infiltration pipes. The existing cess pools would be abandoned with flows instead being diverted into the new treatment plants. Full designs and specifications for these systems have been provided.
- 2.119 The Environment Agency have raised no concerns regarding the proposed drainage system, subject to a condition being attached to any grant of permission to require that the non-mains drainage system is carried out in accordance with the submitted details. In particular, this requires that surface water infiltration systems be constructed in accordance with the relevant British Standards and SUDS guidance and that toilet blocks, septic tanks and package treatment plants are not located within 50 metres or upslope of any stream, river, well, spring or borehole used for private water supply. A condition is also recommended to ensure that there is no infiltration of surface water other than that which is approved.
- 2.120 Subject to the foul sewerage and surface water drainage infrastructure being secured by condition, the drainage from the development would cause no unacceptable risk from contamination to human health or the environment. Should permission be granted, and conditions attached, the precise wording of these conditions will need to ensure that construction and operation of the drainage features only takes place once it has been established that there is no contamination in the locations of these features or that such contamination has been remediated such that drainage would not create a contamination pathway.

Economic and Tourism Benefits

- 2.121 The NPPF is clear that there must be presumption in favour of sustainable development. Paragraph 17 states that planning should:
- “Proactively drive and support sustainable economic development to deliver [sic] the business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the [sic] business and other development needs of an area, and respond positively to wider opportunities for growth”.
- 2.122 Chapter 1 of the NPPF focuses on the need to secure economic growth, with paragraph 18 stating that securing economic growth will “create jobs and prosperity, building on the country’s inherent strengths”, with paragraph 19 continuing “significant weight should be placed on the need to support economic growth through the planning system”. Chapter 3, building on the general support for economic development, specifically supports economic development in rural areas, requiring that a positive approach is taken to sustainable new development. Paragraph 28 states that plans should:
- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings.

- Promote the development and diversification of agricultural and other land-based rural businesses.
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship”.

2.123 The application has been supported by an Economic Benefits Statement which sets out the existing activities at the circuit and its current economic contribution together with the projected, post-development economic contribution. The Environmental Statement includes a socio-economic chapter. The need for investment and employment within East Kent, and Dover in particular, is well known. The Councils Authority Monitoring Report 2016/17 confirms that the District is in England’s most deprived half of local authorities, whilst the Districts position in the national rankings has worsened over the plan period and is now considered to be more deprived than it was in 2007. Unemployment rates in the District are also higher than the average for the rest of East Kent, the South East and England as a whole. The Core Strategy has an objective to create 6,500 jobs over the plan period, albeit the evidence base for this figure is considered to be out-of-date.; however, the economy has contracted and forecast job growth is significantly lower. Between 2006 and 2016 the total workforce jobs lost was 4,700 (net), although hospitality and recreation saw an increase in employment over this period. Given the economic picture of the district, it is considered that significant weight should be attributed to the investment and employment generated by the development.

2.124 The submitted report advises that the Lydden Hill is currently Dover District’s third largest paid for visitor attraction, drawing 55,500 visitors to events in 2013 and a slightly higher number in 2016. Third parties have disputed this figure, commenting that not all of the events listed took place and noting that the figures are estimates only and are rounded to the nearest 500 attendees. There is some sympathy with third parties, as there are records that some events did not take place; however, there is little evidence to demonstrate with certainty what the actual attendance was. However, it remains the case that, whilst there is a degree of elasticity to the number of attendees, the circuit is a major tourist attraction in the District. The report advises that the circuit currently supports around 14 full-time equivalent jobs directly and 30 full-time equivalent jobs overall.

2.125 The development would cost in the order of £6 million to construct, supporting a significant workforce during this period.

2.126 Once completed, the report advises that the number of visitors to the site would increase to around 98,390 visitors, an increase of around 77% compared with the estimated number of attendees at present. The circuit would provide greatly enhanced hospitality on site, with a bar, restaurant and expanded areas for camping, together with substantially increasing the number of days of activity at the circuit. It is important to acknowledge that the circuit recently lost the rights to host the World Rally Cross, which was the most attended event in the circuit’s calendar. Whilst other events have replaced this, it will nonetheless reduce the

potential visitor numbers, as acknowledged by the applicant. The projected attendance figure of 98,390 is based upon the circuit regaining the World Rally Cross or attracting an event of a similar scale. The increased visitor numbers and additional facilities provided by the circuit would increase the number of jobs supported by the circuit. Broken down, this projection comprises: 9 full-time equivalent staff in management and operations; 18 full-time equivalent jobs for event day staff (marshals, medical, gate staff, catering etc.); 8.5 full-time equivalent jobs in the hospitality suite; and 42 full-time equivalent jobs in the engineering units. In addition to the on-site employment generated, the applicants consider that the development would support jobs off-site, although the report acknowledges that due to the extensive on-site provision of facilities and services this would be limited. The off-site expenditure would comprise accommodation in hotels, guest houses, B&B's and camp sites, food, drink, petrol etc. at petrol stations, shops and supermarkets, and food and drink in pubs and restaurants. The report advises that visitors would spend a total of £1.51 million in the local economy, based upon average visitor spend in the District, assumptions regarding average spend and on the basis that attendees would enjoy above average incomes compared with visitors to Dover as a whole. Given the estimated number of visitors to the circuit, the total spend equates to £15.35 per visitor. Concerns have been raised by third parties that the off-site spend has been overestimated. However, the submitted report takes account of the role played by the high level of facilities and services provided on site. Moreover, it is not considered that £15.35 per visitor appears unreasonable or overly ambitious whilst no contrary evidence has been submitted. It is therefore considered that the predicted visitor spend outside of the site is reasonable. On this basis, the development would support 23 full-time equivalent jobs in the local area. Finally, the report applies a multiplier effect (i.e. the additional jobs which would be supported by the wages of those employed, the jobs in companies supplying goods to the circuit etc.), which would support a further 20.5 full-time equivalent jobs.

2.127 The benefits to the economy have been recognised by the Council's Head of Inward Investment who supports the application, commenting that "the development would provide a range of economic benefits to the District, while also sending out a message to future investors that Dover's Corporate ambitions are being realized in a progressive manner". The development would therefore align with the Council's vision in the Corporate Plan to secure "a prosperous future for the Dover district, which will be a place where people want to live, work, invest and visit".

2.128 Whilst it is considered that, in some instances, the economic benefits of the development envisaged within the application are optimistic, it is not considered that they are unreasonable. In total, therefore, the development would increase the number of jobs supported by the circuit from around 30 to around 122.5 full-time equivalent jobs. The Economic Benefits Statement also draws attention to the need to continue to invest in the site, so as to keep up with the competition posed by other circuits. It is accepted that if the circuit is unable to compete with other circuits, the likelihood of the business contracting or closing altogether could increase, putting the existing jobs at the circuit at risk. The jobs created would, in many cases be part-time, seasonal or relatively low-paid, given that they are predominantly in the hospitality sector. However, given the demographic of the District and the acute need to increase employment (as well as the benefits of providing additional part-time 'top-up' wages), it is nonetheless considered that this benefit must be attributed substantial weight in favour of the scheme.

Alternatives

- 2.129 Having regard for the Environmental Impact Assessment Regulations, it is necessary to consider alternatives to the development proposed. The applicant has proposed three such alternatives, namely: 'do nothing'; 'alternative site option' and 'design evolution'.
- 2.130 The 'do nothing approach' would mean that the existing lawful use of the circuit would continue, in accordance with the extant planning permission (albeit also within the limits set by any other legislation, such as the Noise Abatement Notice). The third party representations demonstrate that there is significant concern with the existing operation of the circuit, most notably in terms of noise and traffic management (particularly in respect of larger events), although other concerns have also been raised. The application would, whilst significantly increasing the number of day's usage of the site, allow for better management of noise through the ability to attach enforceable and precise conditions, the creation of a more suitable access to the site and the implementation of a traffic management measures, and by having a calendar for which notice must be given of changes (improving the predictability of events). The 'do-nothing' approach would also have the potential to put the existing jobs at the circuit at risk, as losing events or visitors due to competition from other circuits may negatively impact upon the business. The circuit would also for-go the potential additional investment and employment which could be generated. This situation represents the opportunity lost position and must be weighed against the harms which have been identified.
- 2.131 In terms of the 'alternative site option', the applicant has advised that "due to the specific nature of the development in association with the existing circuit, alternative sites have not been considered by the applicant as the proposals specifically relate to development in association with the existing circuit". This approach is understandable in relation to the uses directly associated with the running of a race circuit (scrutineering, race-control, grandstands etc.), although third parties have criticized the lack of any assessment of moving the circuit in its entirety. Moving the existing circuit would be difficult in the extreme and it is considered that locating ancillary development at the circuit is reasonable. However, it is not accepted that it is reasonable to consider the engineering units in the same manner. Accordingly, it is considered that the failure to consider alternative locations (and provide robust justification as to why they cannot be located elsewhere) is a significant omission.
- 2.132 Turning to 'design evolution', the applicant has provided a trail through the decisions which have led them to submit the current application, such that the thought processes and reasoning behind the current application can be understood. The circuit was granted permission under application DOV/11/01115 which sought to improve the existing facilities, albeit that permission was relatively minor in comparison to the proposals now being considered. This permission did not include the transport and noise measures which form a part of the current application. The applicant, aware of the increased traffic volumes for major events (and the need to increase the quality of the facilities and services available so as to compete with other circuits for events and visitors), wished to open up an improved access similar to that which had been granted under the MacLaren permission. The location of new buildings were chosen to replicate the positions of the smaller grandstands approved under application DOV/11/01115, whilst the scrutineering and competitors facilities were rationalized into one building and located at a low point to reduce its visibility (the applicant considers

that the this building would, consequently, not be viewed in longer views of the AONB; however, this conclusion is not accepted). The new application also presents an opportunity to consider how to better control noise, whilst the Environmental Statement confirms that the number of 'Drift' events (which is not currently considered to be controlled by the extant planning permission) be reduced to 8 days per year.

Other Material Considerations

2.133 Whilst the principle of the proposed 'ancillary race-day buildings' and additional use of the circuit is considered to be acceptable, the principle of the engineering units is not considered to be acceptable, being contrary to the development plan. Furthermore, the VIP building, grandstands and scrutineering building, together with the camping area to the south west of the Public Right of Way ER111, would cause substantial harm to the character of the countryside and the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty and the areas tranquility. In such circumstances, permission should be refused unless material considerations indicate otherwise. The NPPF is an important material consideration which must be carefully considered to determine whether it provides any justification to depart from the development plan.

2.134 Paragraph 14 of the NPPF advises that, where a development plan is absent, silent or out of date (this last criterion being the case), permission should be granted unless:

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

specific policies on this Framework indicate development should be restricted”

The specific policies, which are described at footnote 9, include policies relating to Areas of Outstanding Natural Beauty. As such, the 'tilted balance' does not apply.

2.135 It is considered that the specific policies in the NPPF relating to the AONB must be considered in accordance with paragraph 14 of the NPPF. Should the development be contrary to these policies, it will indicate that permission should be refused.

2.136 It is considered that the development, taken as a whole, is major development. Even taken in isolation, it is considered that the grandstands and the engineering units would each amount to major development for the purposes of paragraph 116 of the NPPF.

2.137 Paragraph 116 states that:

“Planning permission should be refused for major developments in [AONB's] except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy

- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”

2.138 The starting point then is that permission should be refused, unless justified by the terms of paragraph 116. No particular national benefit has been evidenced, albeit the application and third party representations have drawn attention to the positive impacts derived from raising the profile of the circuit nationally and internationally. A case has been made that the granting of the permission would provide beneficial impacts on the local economy, whilst a lack of investment in the circuit may impact on the businesses viability. These matters weigh in favour of the scheme, albeit the level of public benefit derived from this is not considered to outweigh the harm caused to the AONB. The cost of, and scope for, developing outside of the AONB has not been undertaken by the applicant. Notwithstanding this failure, it is acknowledged that the potential for relocating the circuit is highly unlikely to be feasible given the need to find a suitable alternative site and the costs associated with purchasing land and constructing the track infrastructure. However, the failure to properly consider locating the engineering buildings elsewhere is a significant flaw. Finally, the report identifies that the development would cause harm to the landscape. Whilst regard must also be had for the other benefits of the development, such as the potential to enhance the noise and traffic controls, overall it is not considered that the application demonstrates that exceptional circumstances exist which warrants allowing this major development in the AONB, whilst the development would not be in the public interest. Furthermore, it is not considered that the landscape harm has been successfully moderated, for example by its scale, layout, location of buildings and uses, detailed design, landscaping etc. As such, it is concluded that paragraph 116 of the NPPF militates against permission being granted.

2.139 Notwithstanding the conclusion above, it is also worthwhile to set out the benefits and disbenefits of the development, having regard for the NPPF as a whole.

2.140 The development would provide a short term economic benefit, by providing employment during the construction phase. The application advises that the cost of the construction works would be around £6 million. In the longer term, the development (provided it is fully built out) would increase visitor numbers and increase the range and quality of facilities and services available on site which would, correspondingly, increase spend and the number of jobs which could be supported. Whilst third parties have questioned the projected number of visitors to the circuit and the number of jobs which would be created, and whilst some of the jobs created would be part-time and relatively low paid, the development would undoubtedly create a significant increase in the number of employees. It remains the case that the increased activities at the circuit would provide a significant level of additional employment, to which substantial weight is attached. The application also advises that development would support the local economy through the increased expenditure on hotels and other accommodation, restaurants, pubs, shops and petrol stations, albeit the application acknowledges that this would be limited as much of the spending is retained onsite. It is considered that the circuit would provide most of the facilities and services required, whilst the application also seeks permission for on-site camping (which already takes place for some events). As such, whilst the development would undoubtedly benefit local businesses, this benefit is limited. The engineering units would also provide employment, although it is not considered that the use of these units could be sufficiently controlled to ensure that they would provide high value, high skill jobs. The development would include the provision of highways

and drainage infrastructure to meet the needs of the development without causing harm on-site or elsewhere. Overall, it is considered that, whilst limited in some respects, the development would provide short term and long term economic benefits which must be attributed substantial weight in favour of the development.

2.141 Whilst the proposed buildings are of a reasonable architectural quality in their own right, the scale and prominent design of the proposed buildings would not respond to their setting and would not create a high quality built environment. The development would, however, provide a social and recreational facility which would help to create and foster recreational communities with shared interests (albeit these communities may be locationally diverse). Additionally, the development would, to a degree, provide additional custom to rural businesses such as pubs, shops etc. which may assist them in remaining viable and allow them to continue to support their home communities. Overall, it is considered that the development would play a minor beneficial social role.

2.142 Turning to the environmental role, the development would cause substantial harm to the natural environment, comprising major development in the AONB which would alter the character (and increase the intensity of use of) of the landscape. Whilst it is acknowledged that the tranquility of this part of the AONB is already reduced by virtue of the existing use of the circuit and by the busy A2, the development (in particular the additional area to be used for camping) would reduce tranquility further. The development would, subject to securing mitigation, cause no unacceptable impacts on biodiversity or protected species and would be expected, through the use of conditions, to provide some enhancements. The development is not located such that it would promote or facilitate sustainable modes of transport; however, it is also acknowledged that race circuits necessarily draw people from a wide area. However, the site is not accessible by more sustainable modes of transport such as public buses or trains. The Transport chapter of the Environmental Statement confirms that coach drop-off/pick up points will be provided and the existing shuttle bus service from points across Kent (The Traffic Management Plan only refers to a shuttle from Dover Priory Station) will be continued and formalised. Subject to these being secured by condition, it is considered that this would reduce the harm caused by the unsuitable location of the circuit when balanced against the existing use. However, the erection of the engineering units, which are a new addition and not considered to functionally require this countryside location, would not support a sustainable pattern of development. The increased use of the circuit would extend the areas exposure to noise, albeit the additional activities would be significantly less noisy than existing events. This would be balanced against more stringent controls of the noisiest events, including reduced monitoring periods (averaged over 30 minutes instead of one hour), enforceable conditions and a noise management plan (including remotely accessible measuring equipment and prior warning of events). Overall, subject to conditions, the adverse impacts from noise pollution from the development would be comparable to the noise pollution caused by the existing use of the circuit (which is controlled by planning conditions and a Noise Abatement Notice under Environmental Health legislation). Overall, attributing great weight to the harm caused to the AONB and having regard for all other environmental factors, it is considered that the development would cause a severe adverse impact.

2.143 Overall, the development would give rise to substantial economic benefits, neutral/minor beneficial social benefits and severe adverse environmental harm. In conclusion, it is considered that the benefits of the development are significantly and demonstrably outweighed by the adverse impacts and,

therefore, the development is not sustainable development and is not supported by the NPPF.

Overall Conclusions

- 2.144 The principle of erecting ancillary race-day buildings and expanding the use of the circuit is considered to be acceptable; however the proposed erection of 14 two storey engineering units (Use Class B1 and B2) is contrary to Policies CP1, DM1 and DM3 of the Dover Core Strategy. Whilst it is acknowledged that there could be a case for some businesses to functionally require being co-located with circuit test facilities, a robust case for such a synergy has not been made.
- 2.145 The site lies within the Kent Downs Area of Outstanding Natural Beauty, for which there is statutory protection, and as such the development is considered to be in an especially sensitive location. The proposed engineering units are relatively visually contained; however, the VIP, grandstand and scrutineering buildings would be prominent in views. Their location, scale, height, design and use of materials would substantially alter the character of the site, and its impact on the wider character of the area, when compared to the current situation where the buildings on site are of limited scale and, accordingly, have a limited impact on the character of the area. Given the scale of the development and its location in the AONB, members may wish to undertake a Site Visit, to enable them to reach their own views on the landscape impacts of the development.
- 2.146 Noise is an important consideration in the assessment of the development, with the existing site causing a managed (through a Noise Abatement Notice) nuisance to neighbouring properties and the majority of objections raising noise as a concern. Regard has been had for the Noise Policy Statement for England and advice has been received from the Councils Environmental Health team. Whilst the use of the circuit would be significantly expanded, it is considered that this would be balanced against the improved management of the circuit and more stringent monitoring (which would be secured by condition). Overall, the development would not make the current situation any worse and, therefore, no additional planning harm would be caused. The development would not harm the living conditions of neighbours in any other respect, subject to conditions.
- 2.147 Subject to a programme of archaeological work being secured by condition, the development would have proper regard for heritage assets.
- 2.148 The development would include the creation of a new access onto Geddinge Lane which, together with securing the implementation of a Traffic Management Plan and Travel Plan, would mitigate the traffic impacts of the increased use of the circuit. However, in the absence of adequate justification for such a location, the engineering units would not support a sustainable pattern of development
- 2.149 The application has considered the impacts of the development on ecology and, subject to mitigation and enhancement being secured by condition, would not cause harm to protected species or habitats, whilst some habitat enhancement would be provided.
- 2.150 The site is not likely to be significantly contaminated, although it has been recommended that precautionary conditions be attached to any grant of permission.

- 2.151 The development would not be at significant risk from flooding and, subject to conditions, foul sewerage and surface water drainage would be appropriately dealt with on-site without causing risks to human health or the environment.
- 2.152 The development would draw significant investment into the District and provide significant employment benefits, gaining the support of the Councils Head of Inward Investment. Given the demography of the District and the unemployment rate, this benefit must be attributed substantial weight in the planning balance.
- 2.153 Given that the development is contrary to the development plan, the application must be refused unless other material considerations indicate otherwise. The National Planning Policy Framework has been assessed, being an important material consideration; however, it has been concluded that the development is contrary to the framework. It is acknowledged that this is a balanced case, which largely turns on whether the economic benefits are sufficient to provide an outweighing public interest in approving the scheme. However, the benefits and disbenefits of the scheme have been weighed in the balance, having regard for the relevant statutory provisions, and your officers have concluded that such a conclusion is not reached.
- 2.154 Overall, it is not considered that there are other material considerations which indicate that permission should be granted contrary to the development plan and, therefore, it is recommended that permission be refused.

g) **Recommendation**

I PERMISSION BE REFUSED for the following reasons:

(1) The proposed engineering units (Use Class B1 and B2) are located in an unsustainable countryside location within the Kent Downs Area of Outstanding Natural Beauty. Such a location would fail to support a pattern of development which facilitates the use of sustainable modes of transport or reduces the need to travel and would intensify the development within the Area of Outstanding Natural Beauty. The application has failed to provide sufficient evidence to demonstrate that these engineering units functionally require such a location or to demonstrate that there is an overriding public interest in their provision. Consequently, these engineering units are contrary to Policies CP1, DM1 and DM3 of the Dover Core Strategy and paragraphs 17, 29, 115 and 116 of the National Planning Policy Framework.

(2) The proposed development, by virtue of the location, scale, height, design and use of materials of the VIP Building, Grandstand 1, Grandstand 2 and the Scrutineering/Admin/Canteen/Shower/W.C. Block and by virtue of the location and scale of the camping area to the south west of the Public Right of Way ER111, would cause substantial harm to the character of the countryside and the tranquility and landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty, which would not be overcome by the landscaping mitigation which has been proposed. Consequently, the erection of these buildings would be contrary to Dover Core Strategy Policies CP7, DM15 and DM16 and paragraphs 17, 56, 58, 60, 61, 115 and 116 of the National Planning Policy Framework.

Case Officer

Luke Blaskett