

- a) **DOV/19/00615 – Demolition of existing Circuit Offices and erection of replacement building comprising VIP Centre, and additional use of the circuit for non-race activities and construction of new access road from existing access in Geddinge Lane – Lydden Hill Race Circuit, Wootton**

Reason for report: Due to the number of objections received and the sensitivity of the application.

- b) **Summary of Recommendation**

Planning Permission be Granted

- 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)

The most relevant parts of the NPPF are summarised below:

- Chapter 2 of the NPPF seeks to achieve sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of

future generations to meet their own needs. Sustainable development can be broken down into three overarching and interdependent objectives: an economic objective; a social objective; and an environmental objective. Decision should apply a presumption in favour of sustainable development. This means that: development proposals which accord with an up-to-date development plan should be approved without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granting unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance (habitats sites (and those sites listed in paragraph 176 of the NPPF) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63 of the NPPF); and areas at risk of flooding or coastal change) provides a clear reason for refusing the development proposed; or
- ii) 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.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

- Chapter 4 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise and advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
- Chapter six seeks to support a prosperous rural economy by enabling the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings; the development and diversification of agricultural and other land-based rural businesses; sustainable tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- Chapter eight states that planning decisions should aim to achieve healthy, inclusive and safe places which, inter alia, promote social interaction, are safe and accessible and “enable and support healthy lifestyles, especially where this would address green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling”. To provide social, recreational and cultural facilities and services the community needs, planning decisions should:

- (a) “plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;
- (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- (e) ensure an integrated approach to considering

Access to opportunities for sport and physical activity is important for the health and well-being of communities.

- Chapter nine promotes sustainable transport. Transport issues should be considered from the earliest stages of development proposals, so that:
 - (a) the potential impacts of development on transport networks can be addressed;
 - (b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - (c) opportunities to promote walking, cycling and public transport use are identified and pursued;
 - (d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
 - (e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, albeit opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In considering development proposals, regard should be had for opportunities to promote sustainable transport modes, achieving safe access to the site and whether any significant impacts from the development can be cost effectively mitigated for. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- Chapter twelve states that “the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- Chapter fourteen requires that the planning should support the transition to a low carbon future in a changing climate, contributing to radical reductions in greenhouse gas emissions, minimize vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure. New development should be expected to take account of landform, layout, building orientation, massing and landscape to minimize energy consumption.
 - Chapter fifteen advises that planning decisions should contribute to and enhance the natural and local environment by:
 - (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. 4. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development (major development being

defined by the decision maker taking into account nature, scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined) other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- (a) 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;
- (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Development which would cause significant harm to biodiversity should be refused unless the harm can be avoided, adequately mitigated or, as a last resort, compensated for.

Sites should be suitable for its proposed use taking account of ground conditions, land instability and contamination. Account should also be taken of the likely effects of pollution on health, living conditions and the natural environment (having regard for the potential sensitivity of the site). Decisions should ensure that new development can be effectively integrated with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).

The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

- Chapter sixteen requires that the historic environment is conserved and enhanced. Applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. 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/19/00861 - Erection of a marquee for use as a hospitality suite for a period of 3 years (retrospective) – Yet to be determined.

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, 14no. 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 - Refused

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/spectator 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/spectator 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 (Summarised)**

Secretary of State for Housing Communities and Local Government – No comments to make on the environmental statement.

Highways England – *Initial response received 9th July 2019:*

Prior to providing a substantive response, a copy of the LINSIG traffic signal model files for the A7/Geddinge Lane/Coxhill Road junction along with drawing LNMS/06-04-1185/006 with OS mapping will be needed, so the model can be tested independently. Additional information regarding parking limits, number of people at the circuit and traffic flows is also requested.

(A further comment is to be provided. Members will be updated of this at planning committee)

KCC Highways and Transportation – *Initial response received 3rd July 2019:*

Details of the proposed new access road within the site have not been provided and should therefore be submitted, including swept path diagrams to demonstrate that the largest vehicle likely to visit the site can negotiate the access and proposed internal road in a suitable fashion.

Further response received 4th October:

The application is similar to DOV/15/00827 although the B1 and B2 units are no longer proposed. The 'non-event' uses are likely to generate less traffic than the permitted uses. The access from Geddinge Lane, parking and turning arrangement are acceptable. A Traffic Management Plan is proposed which should be secured by condition. 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 to the A2. Vehicles leaving the site will be able to access the A2 by the existing access onto Dumbrell Hill and via the proposed Geddinge Lane access. A Travel Plan should be secured by condition to formalize arrangements for minibus transfers to and from the train station.

No objection is raised, subject to conditions.

KCC LLFA – Initial response received 4th July 2019:

Whilst satisfied with the drainage design for the proposed building, drainage details for the proposed access road prior to the determination of the application.

Subsequent response received 15th August 2019:

No objection to the principles proposed, subject to conditions. Advice is also provided regarding what would be expected within any submission seeking to address conditions.

Southern Water – The Environment Agency should be consulted on the scheme, which proposes the use of a cess pit. The applicant will need to secure the long term maintenance of surface water drainage infrastructure.

DDC Strategic Tourism Manager and Tourism Manager – Tourism is worth over £282m annually and supports nearly 6,000 jobs in the district, is a crucial driver for our economy and any opportunity to explore and harness new projects should be encouraged. There is huge scope to grow the overnight market and all options to convert some of the day visitor market into the short break market should be explored.

Dover District has a strong and extensive range of history, heritage and attractions but as the visitor market continues to change and evolve, many are seeking new experiences and opportunities alongside the more traditional offer; for example Sports Tourism. The proposed development has the ability to complement and add to this new and growing sport and experience offer, with the potential to benefit and provide new opportunities to local businesses and local producers. Sports tourism is one of the fastest growing segments within the travel industry and is a potential area of growth within the district. The development would address the three core visitor groups in sports tourism – participatory sports tourists; event-based sports tourists; and celebratory sports tourists.

The Lydden Hill investment is a prime example of new potential to deliver new jobs, experiences, opportunities and economic benefit for the entire district. The Tourism Department supports this planning application.

DDC Head of Inward Investment – 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.

In recognition of the value and strategic importance associated with the tourism sector to Dover District, the Council is developing a Tourism and Visitor Strategy. This sets out a new and ambitious approach to the Tourism and the Visitor Economy and is due to be reported to Cabinet on 4 November. While the report to Cabinet seeks authority for a final round of public consultation, in advance of a formal adoption of the Strategy in April 2020, this nonetheless signals a major foundation for future tourism based investment, sector growth and associated economic performance.

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, corporate manner.

DDC Senior Natural Environment Officer – The assessment and recommendations to achieve biodiversity net gain in the Environmental Statement are acceptable. Securing the long-term ecological importance of new habitats should be secured by conditioning the production and implementation of a Landscape and Ecological Management Plan. The following are also recommended: bat sensitive lighting; creation of new native species hedgerows, trees, grassland and wildflower (chalk grassland species); provision of bat boxes; and habitat manipulation in respect of reptiles, with the provision of log piles.

There is uncertainty whether the proposed building would blend into the AONB landscape, what mitigation the screening would have or what the landscape impact would be. Views on this are deferred to the AONB Unit.

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

The abatement notice 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 Significant Observed Adverse Effect Level (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.

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 were conducted to establish trackside drive-by L_{Amax} decibel limit levels. This is, in part, intended to address tyre squeal, backfire, etc. There is also a 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, will form part of the operating procedures that will be submitted for approval by the Local Planning Authority prior to use under this application, should permission be granted.

The NMP also provides 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. Under the current NAB there are in effect 3 categories:

- 2 event days with unrestricted noise levels
- 24 event days where the noise level must not exceed 55db L_{Aeq}(1hr) at specified monitoring points
- 26 event days where the noise level must not exceed 50db L_{Aeq}(1hr) at specified monitoring points

The application seeks to add an additional 313 (314 on a leap year) days, 104 of which fall into a fourth and fifth category as detailed below:

- Category 1 - 2 event days with unrestricted noise levels
- Category 2 - 24 event days where the noise level must not exceed 55db L_{Aeq}(30mins) at specified monitoring points
- Category 3 - 26 event days where the noise level must not exceed 50db L_{Aeq}(30mins) at specified monitoring points

- Category 4 - 52 event days where the noise level must not exceed 45db LAeq(15mins) at specified monitoring points
- Category 5 - 52 event days where the noise level must not exceed 40db LAeq(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. Noise surveys at nearby noise sensitive properties, taken when there was no activity from the circuit, indicate residual levels are around 45dB LAeq(t).

These controls along with those in the draft NMP, whilst not guaranteeing inaudibility, will aid in preventing adverse impact for the additional 104 days proposed under categories 4 and 5.

The proposal also seeks an additional 2.5 hours on two Sundays. This amounts 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 and 2 the number of days permitted to be used by a Category 2 event within that same calendar period will be reduced by 1 day. If the additional 2.5 hours were to take place within Categories 3, 4 or 5 the number of days permitted to be used by a Category 3 event within that same calendar period will be reduced by 1 day. We therefore suggest this is conditioned.

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.

Regarding respite to the surrounding area, we feel it is important to have 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. We also suggest this includes Armistice 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 phot 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.

Reclassification of events can only take place from Category 2 to Category 3 and from Category 4 to Category 5. Events cannot be reclassified from one of the 5 categories to 'other events' or 'silent days'

The NMP should be reviewed every 6 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 setup of such a committee should be a requirement under the NMP and be required by condition. The Local Planning Authority would subsequently decide if changes are needed.

Construction noise 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 should be required to be submitted for prior written approval.

Environmental Protection has reviewed the Environmental Statement dated May 2019 in relation to air quality issues. Chapter 8 examines the current air quality conditions in the area of the development and assesses the impact of the development in terms of both construction and operation of the site. The report identifies that dust deposition and resulting elevated PM10 levels could potentially result in elevated levels from construction activities, however we agree with the conclusions that a Construction Environmental Management Plan should be submitted and agreed with the Council. The CEMP should include standard mitigation for dust control as identified in Institute of Air Quality Management Guidance. In respect of the operational phase of the development, the traffic generated by the development is below the IAQM/EPUK threshold for developments outside an AQMA and as such further consideration is not necessary.

Proposals to install x4 electric vehicle charging points are noted and it is recommended this proposal is secured by condition if possible.

A review of the Ground & Environmental Services Ltd. Phase I Contamination Risk Assessment ref: 11203.2 dated April 2019 has been carried out. The Environmental Protection Team accept the findings of the report and advise that the development must be carried out in accordance with the recommendations made within the report in section 8. The condition is suggested to deal with any unexpected contamination that may be discovered during the development of the site.

To Conclude, 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 conditions be included should permission be granted.

A series of 14 conditions are recommended which include: submission and approval of a final Noise Management Plan; limiting the use of the circuit to the activities proposed, defining the activities and confirming which activities fall into each category; submission and approval of details for the noise monitoring system and its maintenance, including details for the retention of noise data; limiting the number of days usage and hours of operation, including breaking the use down into categories; allowing additional use of Sundays, subject to the loss of a full days use as compensation; limiting noise from the circuit in accordance with the categories and setting out how monitoring shall take place; limiting noise from loudspeakers; restricting use of the circuit on two consecutive days more than 12 times a year, restricting use on more than two consecutive days; and requiring intervals between pairs of consecutive days use, in respect of Category 1-3 days; publication of a calendar of events and requiring advance notice of any changes;

submission and approval of a Construction Management Plan; requiring recording of any breaches in maximum noise levels and the action taken to remedy it; provision of a publicly accessible website as a source of information on the circuit and its activities; and reporting of any contamination which has not previously been identified.

It is also recommended that clear definitions of terms are provided within the decision notice for completeness and to avoid uncertainty.

Environment Agency – Due to the scale of the built development proposed and the nature and setting of this proposal and the supporting information submitted, no objection is raised, subject to conditions relating to: contamination not previously identified; limited infiltration of surface water; approval of a foul drainage strategy; and details of the storage of fuels, oils and chemicals. An informative regarding earthworks and waste is also recommended.

KCC PROW – No comments to make.

Natural England – No comments to make.

Kent Downs AONB Unit – The application needs to be tested against the purpose of the designation of the AONB, to conserve and enhance the natural beauty and the way that this purpose is represented in national and local policy. The proposal is considered to constitute major development and has the potential for significant environmental impacts. The application should 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 and enhancing 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, and introduces three criterion against which major developments should be assessed.

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

The development should also be assessed against policies DM15 and DM16 of the local plan and the AONB Unit considers that the development would be contrary to these policies.

The AONB Unit also considers that the development would be contrary to the Kent Downs AONB Management Plan, which can be a material consideration when assessing planning applications.

The site lies within the East Kent Down Character Area and the Elham Valley local character area. Key characteristics of this area 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 is at the end of an attractive dry valley that is typical of the local landscape character area and is surrounded by agricultural land with sparse development. The area is rural in character despite the proximity to the A2. Views are 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 existing built development on the site is not readily visible from outside the site due to being located in the valley bottom and lower slopes. The existing structures and low key in appearance and modest in scale with the racetrack being the most prominent feature. Due to the limited use of the site it retains a rural feel for most of the year, although this character changes on race days with many visitors and parked cars.

Canterbury City Council – No objection

Acrise Parish Council – Object. The AONB is under threat from multiple developments which cumulatively undermine the integrity of many parts of the AONB. The application would further erode the quality of the AONB and urbanise the tranquil rural area. It would be impossible to contain noise and air pollution, and cause distribution to the highway network. Approval would be contrary to the commitment to be a carbon neutral economy by 2050.

Denton-with-Wootton Parish Council – Whilst there is much in the application which could reduce the problems for local communities, the experience of residents has resulted in distrust. Noise is an existing problem which will be exacerbated by the development. The AONB Unit should be invited to comment on the application. The development would have a substantial long term detrimental impact upon the local communities in the immediate vicinity, adversely affecting their lives. Should permission be granted, conditions should be strictly implemented and enforced in a timely way.

The current level of monitoring by DDC is not considered to be effective. The application lacks detail about how noise management would operate and the timescale for its introduction. The 'Goodwood' model, which the application proposes to follow collects noise readings from three sets of noise monitoring equipment, the readings can be viewed in real time and are published on the internet the following day. There is trackside testing with competitors warned or excluding for noise breaches. Transparent noise monitoring is essential. Monitoring periods for noise should be limited (Goodwood reduced monitoring from 60 minute averages to 30 minute averages). Noise monitoring should be through multiple sets of monitoring equipment close to neighbours, not one set of equipment which extrapolates readings elsewhere. The two days of unlimited noise should be prohibited on the basis of harmful effects.

Improved signage for vehicles would be welcomed but must be accompanied by traffic management arrangements.

Last minute changes to race calendars should be avoided and there should be a duty on the track to ensure that events do not clash with other long standing local events. Dates for category 1 events should be fixed and published a year in advance. It is unclear whether the category of event will be published in advance or determined retrospectively. Disturbance on Sundays (particularly Sunday mornings) should be restricted.

It is essential that forum be set up (secured by condition) to allow discussion and remediation of issues.

A review of Article 4 restrictions should be prompted to protect the surrounding AONB. There is also an opportunity to refresh or renew policy AS13.

Lydden Parish Council – Support

Shepherdswell with Coldred Parish Council – Support. The proposed noise monitoring system and entrance facilities in Geddinge Lane with access to the A2 are welcomed.

Public Representations –

Nine hundred and sixty-four (964) letters of support have been received, raising the following issues:

- The development will benefit tourism and the local economy
- The development will aid the physical and emotional welling of the community
- The level of investment is significant
- The contentious parts of the previous application have been omitted
- The circuit need to remain viable and competitive
- The circuit attracts visitors from around the world
- The circuit is well concealed
- The development would not cause harm to/would improve the character of the countryside
- The circuit have shown commitment to limit any potential negative impacts
- Visitors to the circuit may visit other attractions in the district
- The circuit supports local charities
- The development will support the economy and provide employment
- The development will support local businesses
- The development will provide activities for people/families
- Increased revenues for the district
- Visitors are currently put off by the outdated facilities
- There is a need for motor sport facilities to support British motorsport and provide the ability to participate in the sport
- The site provides a range of recreational activities
- Lydden Hill is the home of rallycross
- The circuit is a community asset and an important leisure facility
- The circuit is a great visitor attraction
- The site is well located to attract participants and spectators for Europe
- The development will help to get traffic off the A2 and make it easier to access the A2 Improved highway safety and traffic management
- The proposals will reduce vehicle movements through the village of Lydden
- The track is part of the county's heritage
- The track has been located on the site for a long time and has a long and rich history
- The modernisation of the circuit is much needed and will help to retain and attract international events
- Support for motorsport (including electric motorsport) and cycling
- It would be fantastic to see the circuit being utilised more
- Other tracks have shown that growth and expansion can happen without detriment to the surrounding area If this permission is not granted the circuit may struggle to be financially viable and will result in job losses
- The increased use of the circuit will provide opportunities for adults, children and the disabled
- The proposed buildings would enhance views of the site
- The application would result in a reduction in noise/increased monitoring of noise
- There is more noise from the A2 than the circuit
- The circuit does not excessively impact on local residents
- Having a local circuit prevents local drivers/spectators from having to drive to other parts of the country

- The application would safeguard nature and ecology Sustainable development
- The site has permission for a substantial Formula One (McLaren) project
- The site has been used successfully for cycling days and the proposal would allow further opportunities to be explored

Eighty-five (85) letters of objection have been received, raising the following points:

- The noise generated by the existing use of the circuit created a statutory nuisance in law
- Increased noise and disturbance
- Lack of sufficient information to determine the application
- The methodology used to assess noise impacts is flawed
- Increased controls on the circuit should take place regardless of any expansion
- The submission is unclear/inconsistent
- The development would cause adverse landscape and visual impacts
- The site is located within an Area of Outstanding Natural Beauty
- The development would cause significant highway impacts, including on the A2
- The site is not in a sustainable location and is not accessible by sustainable modes of transport
- The 'tilted balance' should not apply as the site is within the AONB
- Additional uses of the circuit are proposed which have no functional need to be located at this site and are not ancillary
- The site is outside of any settlement confines and is in the countryside
- There is insufficient justification that an 'alternative' or 'do nothing' alternative have been properly considered
- Additional camping is proposed (beyond the 28 days permitted by permitted development rights)
- The methodology of LVIA deviates from the established methodology
- Reduction in tranquility
- The economic benefits of the scheme have been overestimated
- The traffic evidence is unreliable
- The McLaren permission should not be relied upon
- The permeability of the ground is unclear
- Developing the site would detract from its uniqueness and heritage
- The benefits of the development have not been supported/sufficiently supported with evidence, which should be interrogated by the council
- On race days the roads in the area are congested and this will be exacerbated by the development
- Noise from the circuit can be heard 2 miles away and impacts on residents
- The Goodwood method of noise management would be acceptable to the local community
- Access to the circuit by sustainable forms of transport is extremely difficult
- The circuit does not support local jobs
- Adverse impact on wildlife
- The development would increase pollution in the area
- The application is contrary to Policy AS13
- A continuous noise monitoring plan is required
- If permission is granted effective checks and balances need to be put in place
- The calendar of events needs to be produced earlier with no last minute changes
- Conditions are suggested, should permission be granted
- The previous application for the site was refused
- The draft noise management plan is unclear
- The development is not sustainable
- The application does not commit to protect archaeology

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

- A good addition to a brilliant track

- 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.
 - 1.2 The site, which is a little over 35 hectares in size, lies within a 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 existing 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 to 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 In 2015, a planning application (DOV/15/00827) was submitted for the site which proposed:

“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, 14no. 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”

This application was refused for two reasons, namely:

- 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 significant 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.

It should be noted that the references to paragraphs in the National Planning Policy Framework relate to the previous, 2012, iteration of the Framework.

1.7 The current application seeks permission for a holistic redevelopment of the site, based around the existing tarmac track. This application proposes:

- The demolition of the existing two storey administration building (which is of a prefabricated construction)
- The erection of a part two, part three storey ‘Pavilion’ building, containing administration/office space, external viewing areas, function areas, toilets, a bar, a press room, a shop, a scrutineering bay, a medical centre, six garages and other ancillary spaces.
- The formation of a new access road from Geddinge Lane
- Provision of additional land for the parking of vehicles
- Associated infrastructure and hard and soft landscaping
- Use of the circuit for addition uses. The application proposes use of the circuit for:
 - 52 days for motor vehicle racing (retention of)
 - Bicycle training and racing
 - Learning and advanced driver training, including police training
 - Education (work and motorsport practical experience)
 - Corporate events and experience days

1.8 The uses proposed by the current application are largely comparable to the uses proposed by the previous application; however, the proposed area of camping to the south west of the Public Right of Way ER111 has been omitted from this

application. The proposed buildings have been rationalized into one building which is of a reduced size compared to the previous application, whilst the previously proposed engineering units have been omitted. The access road remains comparable to that which was previously proposed. Other ancillary works and landscaping are also still proposed, albeit the landscaping has been amended in response to the amended design and comments on the previous application.

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

Policies

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. This starting point for the assessment of applications is replicated at Paragraphs 2 and 12 of the National Planning Policy Framework (NPPF). An important material consideration is the NPPF which, broadly, seeks to achieve sustainable development. Notwithstanding the primacy of the development plan, paragraph 11 (c) and (d) of the NPPF states that development which accords with an up-to-date development plan should be approved without delay whilst, where there are no relevant development plan policies or where the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) 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.

In assessing point (i) above, the 'policies' referred to are those relating to: SPA's; SAC's; Ramsar Sites; SSSI's; Greenbelt; Local Green Space; AONB's; National Parks; Heritage Coast; irreplaceable habitats; designated heritage assets (including assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments); and areas at risk of flooding or coastal change.

2.3 Having regard for paragraph 11, it is necessary to consider whether the development plan is up-to-date and whether the policies which are most important for determining the application are out-of-date. Notwithstanding this, the site is within an AONB and, as such, should the development's impact on the AONB (or any other policy listed) provide clear reasoning for the refusal of the application, the provisions of paragraph 11 (d) would not support approval.

- 2.4 The weight to be given to particular policies in each decision will vary on a case-by-case basis, depending on how important each policy is to the particular proposal, how important the issue underlying the policy is in the particular case and the circumstances of the particular application. The assessment as to what weight should be given to policies is for the decision-maker, having regard for the policies consistency with the NPPF, whether it is outdated or whether it has been overtaken by other events.
- 2.5 The Core Strategy (and the saved policies of the Dover District Local Plan) was adopted before the NPPF was published and, as such, its policies might no longer be consistent with national policy. Policies should not be considered out-of-date simply because they pre-date the NPPF. Instead, due weight should be given to them according to their degree of consistency with the NPPF.
- 2.6 As a matter of judgement, the most important policies for the determination of this application are considered to be Core Strategy policies CP1, DM1, DM3, DM11, DM15, DM16 and the saved policy within the 2002 Local Plan AS13. These policies relate to the principle of whether the development is acceptable on this site or, in the case of policy DM16, whether the development would cause harm to the character of the landscape.
- 2.7 Policy CP1 sets out a settlement hierarchy and provides that “the location and scale of development in the District must comply with the Settlement Hierarchy”. In locations such as the application site the policy states that further development is not suitable unless it functionally requires a rural location. CP1 is considered to be more restrictive than the NPPF, which is more supportive (albeit qualified) of rural businesses than CP1. However, the proposed development is considered to functionally require a rural location as it expands upon and is ancillary to the existing use of the site. As such, the development would accord with CP1 and, for the purposes of assessing this particular application, it is considered that CP1 broadly accords with the NPPF and should be attributed only slightly reduced weight.
- 2.8 Policy DM1 generally seeks to restrict development which is located outside of the settlement confines, unless it is justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses. In accordance with the conclusions from the 2015 application, it is considered that the racing circuit is long established, has a lawful use and, consequently, it would be reasonable to conclude that the erection of a building containing viewing areas, hospitality provision and garages and scrutineering bays, and the formation of a new access road/parking areas etc., together with broadening the use of the site, are ancillary to the existing business at the site (albeit it is considered that the sum of the changes at the site would significantly evolve the business). Moreover, due to the need to be co-located with the circuit, these developments are considered to functionally require this rural location. Consequently, the development is considered to be in accordance with DM1. For the purposes of this application, it is considered that DM1 is broadly consistent with the NPPF which, whilst seeking to protect the intrinsic character and beauty of the countryside and manage patterns of development, supports the sustainable growth and expansion of business in rural areas. It is considered that, in the context of this application, DM1 should be attributed slightly reduced weight.
- 2.9 Policy DM3 supports new commercial development or the expansion of existing businesses in the rural area provided that, insofar as this application is

concerned, there is a functional requirement for it to be located outside of, and away from, settlements. As set out above, there is considered to be a functional need for the development to be located on the application site and, as such, the development accords with DM3. Again, by the same reasoning as set out above, it is considered that this policy, for the purposes of assessing this application, is broadly consistent with the NPPF and should be attributed only slightly reduced weight.

- 2.10 Policy DM11 requires that (1) applications which 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. The policy also states that (2) development that would generate travel will not be permitted outside of the settlement confines unless justified by other development plan policies. Finally, the policy states that (3) Development that would generate high levels of travel will only be permitted within urban areas in locations that are, or can be made to be, well served by a range of means of transport. It is considered that the proposed development is contrary to Policy DM11 (parts 2 and 3) as, whilst it is supported by an assessment of its impacts on the highway network and is supported by CP1, DM1 and DM3, the development would generate high levels of travel and is located within the countryside (with poor links to public transport). Turning to the weight to be applied to this policy, in respect of (1), the need to provide evidence of likely impacts on the highway network is fully consistent with the NPPF (paragraph 111). In respect of (2), whilst the NPPF supports travel generating development being focused in locations which are or can be made sustainable, it does not adopt the same 'blanket' approach as DM11, specifically acknowledging that "opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making". As such, for the purposes of assessing this application, (2) is inconsistent with the NPPF. Finally, in relation to (3), again, the 'blanket' approach to restricting development which generates high levels of travel to urban areas served by public transport, is inconsistent with the NPPF. Whilst the first sentence of DM11 is consistent with the NPPF, the second and third paragraphs are not, being significantly more restrictive than the NPPF for the purposes of assessing this application. As such, it is reasoned that DM11 should carry only limited weight in the context of this application.
- 2.11 Policy DM15 advises that applications which would result in the loss of, or adversely affect the character or appearance of, the countryside, will only be permitted if one of three exceptions are met, where it cannot be accommodated elsewhere and where it does not result in the loss of ecological habitats. Development will also be required to incorporate measures to reduce, as far as practicable, any harmful effects on countryside character. The development would result in the loss of 'countryside' (through the construction of a new access road, but not through the erection of the 'Pavilion' building which would be located on developed land) but, as will be set out later in this report, would cause a minor adverse effect on the character or appearance of the countryside, subject to conditions. Of the three exceptions, one is relevant to the current application: where the development is justified by the need to sustain the rural economy or rural community. An economic argument has been advanced for the application, whilst the application has been supported by the councils Strategic Tourism Manager, Tourism Manager and Head of Inward Investment. A large number of third-party representations have also commented on economic benefits of the scheme and their expenditure during visits, albeit it is equally recognised that other third-party representations have disputed the likely economic benefits of the development. This will be set out in more detail later in this report. The

conclusion is that the development would provide a significant number of jobs and that the economic benefits should attract substantial weight. Consequently, the view is taken (balancing the benefits and disbenefits) that the development is justified by a need to sustain the rural economy, whilst the development could not be accommodated elsewhere, would not result in the loss of ecological habitats and would incorporate mitigation to reduce, as far as practicable, any harmful effects on countryside character. As such, I consider that the development accords with Policy DM15. Turning to the weight to be applied DM15, it is considered that the policy comprises two 'triggers'. The first is whether the development would result in the loss of countryside and the second is whether the development would adversely affect the character and appearance of the countryside. The first trigger, due to its 'blanket' protection of the countryside, is inconsistent with the NPPF for the reasons which have been discussed. The second trigger is broadly consistent with the NPPF (paragraph 170), albeit the terms character and beauty are used instead of character and appearance (the "appearance" of the countryside is not necessarily inherently worthy of protection and would be affected by any development). Consequently, the second paragraph is partially inconsistent with the NPPF. In terms of this application, both 'triggers' are engaged, albeit the harm to countryside character is limited, but the development would meet an exception. Having regard for the context of this application, it is considered that DM15 attracts reduced weight.

- 2.12 Policy DM16 requires that development which would harm the character of the landscape will only be permitted if it accords with a development plan allocation and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. It is considered that the development would cause a minor negative impact on the landscape, but that this impact has been minimized through the siting of the building and the application incorporates design measures to mitigate the impacts to an acceptable level. Therefore, it is concluded that the development accords with Policy DM16. Policy DM16 is consistent with the NPPF and is considered to attract full weight.
- 2.13 Policy AS13 is a site-specific policy for Lydden Race Circuit which reads:

"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".

The proposed application would expand the use of the circuit and intensify the frequency of use of the circuit and so is clearly contrary to AS13. However, it is not considered that the proposed building, access road and other hard and soft landscaping would "expand the use of Lydden Circuit for motor sports or intensify its frequency", instead being "ancillary to its existing use" and so these elements would not, therefore, be contrary to AS13. Policy AS13 is now 17 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 technically 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".

- 2.14 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 172), whilst major developments in AONB's will be refused except in exceptional circumstances and where they are in the public interest (paragraph 172). 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 places a blanket presumption against the expansion or intensification of the site, does not emulate the NPPF's support for the economy and, in particular, the rural economy and does not require that an assessment is made to 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 inconsistency between AS13 and the NPPF. Consequently, it is considered that AS13 should attract reduced weight.
- 2.15 The question of whether paragraph 11 is engaged by virtue of the most important policies for determining the application being out-of-date and having regard for current case law, requires that this assessment consider whether the 'basket' of policies which are most important are out-of-date collectively. It is considered, as a matter of judgement and within the context of the proposal and the site at hand, that the policies which are most important for determining this application are not out-of-date and the 'tilted balance' is not engaged. In reaching this conclusion, a view has been taken that whilst the most important policies attract reduced weight (to differing degrees) it is not considered that their inconsistencies with the NPPF are so significant to conclude that they are out-of-date, particularly as the majority of policies do not oppose the application, whilst policies DM11 and AS13 only oppose the application in part.

Principle

- 2.16 Having assessed the 'most important policies' for determining the application, the weight to attribute to these policies and, together, whether these policies are out-of-date, it is necessary to consider whether the principle of the development is acceptable.

- 2.17 The previous application for the site (DOV/15/00827) was refused, in part, due to the principle of the engineering units which were proposed under that application. The principle of the other buildings and the proposed additional uses were considered acceptable.
- 2.18 The current application has removed the engineering units and rationalized the previously proposed buildings (hospitality building, grandstands, administration and scrutineering building) into one building. The engineering units, the principle of which was found to be unacceptable, have been omitted from this application.
- 2.19 As set out in the previous section, it is considered that the development accords with Policies CP1, DM1, DM3, DM15 and DM16 (subject to conditions). The development is, however, contrary to Policies DM11 and AS13. In accordance with section 38(6) of the planning and compulsory purchase act 2004:

“If regard is to be had to the development plan for the purpose 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”.

As such, given the conflict with Policies DM11 and AS13, the application should be refused unless material considerations indicate otherwise.

- 2.20 An important material consideration is the NPPF. As set out in the preceding section, it is considered that, whilst there is conflict with Policies DM11 and AS13, these policies are considered to attract reduced weight. As the assessment of whether the NPPF provides a material consideration which indicates that the development plan should be set aside and permission granted is a holistic one, this assessment will be made in detail within the relevant sections of this report, before being concluded towards the end of the report.
- 2.21 Notwithstanding this, the assessment as to whether the principle of the development is acceptable must be cognisant of the site’s location in the AONB. In addition to the statutory duty provided by the Countryside and Rights of Way Act 2000 (set out at paragraph 2.14), the NPPF, at paragraph 172, requires that “great weight should be given to conserving an enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty”. Additionally, there is a need to establish whether the development is ‘major’ development. The definition of ‘major’ development for this purpose is a matter for the decision maker, taking into account its nature, scale, setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. It is therefore for the Council to determine whether or not this application is for a major development. Given the scale of the development, its situation in a valley and the significant expansion of the use of the site proposed (albeit within the context of the existing built development at the site), it is considered that the development could impact upon the AONB and should therefore be treated as major (albeit the conclusions later in this report will find that, subject to conditions, the development would have only minor adverse effects on the AONB). Having reached this conclusion, the NPPF requires that planning permission should be refused unless exceptional circumstances exist and it can be demonstrated that the development is in the public interest. The NPPF goes on to advise that that these considerations should include an assessment of:
- a) 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;

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

As set out above, the assessment of whether this 'major' development should be exceptionally granted will be set out towards the end of this report.

- 2.22 In conclusion, it is concluded that the principle of the development generally accords with policies of the Core Strategy, save for the conflict with Policy DM11, whilst the ancillary buildings, roads etc. accords with Policy AS13, albeit the additional use of the circuit is contrary to AS13, subject to the consideration of 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

- 2.23 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. As set out above, it is considered that both of these policies broadly accord with the NPPF, save for the 'blanket' protection of countryside within Policy DM15 and carry reduced and full weight respectively.
- 2.24 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 Area of Outstanding Natural Beauty (AONB), a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the AONB.
- 2.25 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 (it has been assessed that this development is 'major'), paragraph 172 requires that permission be refused except in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
- 2.26 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.
- 2.27 Regard must be had for the current development at the site and the existing impact it has on the character of the countryside and on the landscape. The site includes several buildings, including a recently constructed race control tower, an open sided portal frame building, '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. A marquee structure has been erected to the rear of the lower grandstand. Given its degree of permeance, it is considered that the marquee constitutes development for which planning permission is required. An application has been submitted retrospectively for the erection of the marquee which intends to allow the temporary siting of the marquee until the permanent building which is the

subject of the current application has been erected (should this application be granted). The most visually prominent feature of the site in the landscape is the race circuit itself (and the raised barriers around it), 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).

2.28 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 smaller than the building proposed under the current application. This fallback position is a material consideration in the assessment of the current application, albeit the two schemes are significantly different.

2.29 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 greater scale than 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 extremely limited prospect of this permission being implemented, it is not considered that this permission represents a realistic fallback position.

2.30 The application proposes:

1. The demolition of the existing two storey administration building (which is of a prefabricated construction)
2. The erection of a part two, part three storey 'Pavilion' building, containing administration/office space, external viewing areas, function areas, toilets, a bar, a press room, a shop, a scrutineering bay, a medical centre, six garages and other ancillary spaces.
3. The formation of a new access road from Geddinge Lane
4. Provision of additional land for the parking of vehicles
5. Associated infrastructure and hard and soft landscaping
6. The additional use of the circuit

The visual impacts of these elements need to be considered. Whilst some elements would have more obvious visual impacts (for example the impact of a permanent new building), regard must be had for all potential impacts. 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 which would have a transient visual impact). The new 'Pavilion' building is the most significant built element proposed. The building would largely be two storeys in height, albeit a modest third storey would extend above this to the northern side of the building. Both two and three storey parts of the building would have flat roofs rising to around 11m and 15m above ground level respectively (albeit the ground level varies). The building would be set slightly into the rising land by up to around 1.5m. The building would be constructed in concrete/glass reinforced concrete panels, within a black frame (reminiscent of some of the agricultural buildings in the area, but also referencing early C20th motorsport architecture which was sometimes based upon Art Deco aerodrome buildings). The building would contain large areas of glazing which would be of a painted metal type, similar to Crittall windows. Soffits, overhangs and canopies would be finished in black painted metal to match. The building would have a distinct modern character, comparable to the design and materials of the approved (DOV/13/00167) VIP Centre. The angular design of the building and the colour of the materials would do little to moderate the bulk of the building or allow it to blend into the soft landscape, albeit it would respond to the design of the existing buildings on the site. The application also proposes additional landscaping in the form of tree and hedge planting to form and strengthen hedgerows and copses of trees, together with encouraging the growth of calcareous meadows. The plant species selected are typically native species and include species common in the locality.

- 2.31 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 (Guidelines for Landscape and Visual Impact Assessment 3, or GLVIA3) considering the sensitivity to change, the magnitude of change and the significance of impacts, having regard for potential mitigation.
- 2.32 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.
- 2.33 The LVIA establishes 10 viewpoints around the circuit from where the visual impacts of the development are assessed. It is noted that the viewpoints chosen to assess the impacts of this application slightly differ from those chosen in relation to the previous application, in particular with fewer 'distant' viewpoints

being chosen and, instead, more 'close' viewpoints being chosen. Where viewpoints have been omitted, it is considered that the decision to do so has been reasonable, as these viewpoints (from Shelvin Lane and the A2) provide very limited scope to be impacted by the development (i.e. they are outside of the Zone of Theoretical Visibility). As such, it is considered that the viewpoints chosen are generally reasonable, identifying the main visual receptor points around the circuit. In some instances dynamic views should be considered.

- 2.34 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 moderate or high (viewpoint 9), with the exception of one viewpoint (viewpoint 4) which is assessed as having a low sensitivity of view. Overall, these conclusions are agreed with.
- 2.35 Viewpoint 1 is located at the existing entrance to the site on Dumbrill Hill. Many of the structures and buildings on the site are visible from this viewpoint, most prominently the entrance gates and existing ticket booths which are plainly visible in the foreground. The proposed 'Pavilion' would be visible through the metal gates across the entrance and through the wooden gates between the ticket booths. However, due to the presence of these intervening features and the location of the building on significantly lower ground, the visual impact of the development within the site would be limited and would not be harmful.
- 2.36 Viewpoint 2 is located on Dumbrill Hill approximately midway along the Dumbrill Hill boundary of the site. From here views of the circuit can be gained through gaps in vegetation and through vegetation. Much of the built development at the circuit is visible from this viewpoint, including the race control building, the existing offices, the grandstands (which are of light weight construction, limiting their visual prominence), the circuit and the raised barriers around the circuit. From this viewpoint, the long front (trackside) elevation of the Pavilion would be visible. However, it would replace the existing office building and would be seen within a context of other built development (the track and barriers would form the foreground and the building would largely replace existing views of the paddock/car park which would be obscured by the building. As such, I concur that the development would not be harmful from this viewpoint.
- 2.37 Viewpoint 3 is located on Dumbrill Hill a short distance from the western corner of the application site and just to the south of Viewpoint 2 and the visual impact from this viewpoint is similar to that from Viewpoint 2; however, this view is taken from a lower elevation, such that the proposed Pavilion would protrude above the car parking area and obscure a slither of farm land beyond the circuit. However, due to the scale and positioning of the building, the existing development on the site would be significantly more prominent this view, such that the views of the Pavilion would take in the established character of the circuit, significantly limiting its perception. As such, it is considered that the impact would be minor/negligible.
- 2.38 Viewpoint 4 is located on PROW ER111, approximately equidistant between Dumbrill Hill and Geddinge Lane. The submitted LVIA considers that the sensitivity of this viewpoint is low, whilst the magnitude and significance of change is negligible 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 within the site to strengthen existing vegetation belts and to provide new native woodland to the south of the race control tower. Glimpse views of some of this vegetation would be visible from the PROW. It is therefore agreed that views from this viewpoint of the circuit would result in a negligible impact.

- 2.39 Viewpoint 5 is located on Dumbrill Hill to the south west of the site. From this viewpoint the site is largely obscured by trees which permit only glimpse views of site would be possible within wider views, whilst the building would not be visible. As such, the conclusion of the submitted LVIA that the significance of effect would be negligible.
- 2.40 Viewpoint 6 is located adjacent to the junction of Dumbrill Hill, Wootton Lane and Geddinge Lane on PROW ER114. From this viewpoint, the proposed Pavilion and access road would not be visible, although part of the slope to the north of the circuit (where cars currently park and would continue to be used for parking under the proposed scheme) is visible. Whilst it is likely that cars would be parked on the slope more regularly (given the additional uses of the site), it is considered that, given the limited area of slope visible in the view, the effect would be negligible.
- 2.41 Viewpoint 7 is located on Shelvin Lane approximately 1.1km to the west of the site. From here, only a part of the slope used for car parking is visible whilst, due to the distance between the viewpoint and the circuit, this small area of slope forms only a very small component of a wide view. The proposed Pavilion would not be seen (and so would have no impact on this view). Whilst the additional usage of the circuit may increase the periods when parked cars would be visible in this view, it is considered that the overall impact would be negligible.
- 2.42 Viewpoint 8 is located on Geddinge Lane to the north of Pickleden Wood. There is a screen of trees along the northern side of this section of Geddinge Lane, with views of the site opening up to the west of this screen albeit this screen is sparse in places, particularly in winter. There is a raised area of land and tree planting between this viewpoint and the eastern part of the site, such that the Pavilion would not be visible. The hillside used for the parking of cars is plainly visible in this view and, as such, additional parking would have a transitory impact on this view. The application does, however, propose planting to the southern boundary of the site which, over time would reduce the prominence of the existing race control tower. Balancing these factors, it is considered that the development would have a minor negative impact on the short term but, as vegetation becomes established and neutral/minor positive impact in the medium/long-term. It is noted that the officer report for the previous application concluded that the impact from this viewpoint would be moderate negative. The conclusion that a reduced impact would be caused by the current application is justified as a result of the reduced scale of the building and its relocation, such that its prominence would be reduced.
- 2.43 Viewpoint 9 is located on Geddinge Lane to the south of Five Oaks. This stretch of Geddinge Lane is predominantly bounded by hedges which would obscure or filter views of the circuit. However, parts of the hedge are relatively sparse, permitted improved views of the site, whilst there is a short section where the hedge terminates. From this viewpoint much of the site is visible, albeit the far south western parts of the site (including the race control tower, the lower parts of the office building and parts of the circuit) are concealed behind rising land and vegetation. From here much of the Pavilion and the main parking area would be visible. A short section of the proposed access road would be glimpsed but would not be sufficiently visible to cause harm. The visual impact of the Pavilion would be mitigated to a degree as the view of the Pavilion would largely replace an existing view of the offices and, beyond, of the race circuit. Planting is also proposed in the foreground which would filter views once established. As with previous viewpoints, the additional parking of cars would have a transitory impact.

I agree with the submitted LVIA that that effect from this viewpoint will be moderate adverse, reducing to minor adverse in the medium to long term. This effect is judged to be significantly less than that caused by the previous application as the building is greatly reduced in size and would be more sensitively located.

- 2.44 Finally, viewpoint 10 is located adjacent to the existing stub of access road constructed as part of the 'McLaren permission' and the location of the proposed new vehicular access, which is a short distance from 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 spectator car parking areas (which would be used for large events only) would be visible, with the access road being particularly prominent in this view. The presence of vehicles along this road and in the car parking areas (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 of small canopied woodland trees and understorey shrubs is proposed to the north eastern side of the proposed access road adjacent to the A2. The proposed access road 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 low whilst the significance of the impact is minor. On balance, it is concluded that the significance of the impact is reasonable, albeit it is noted that, whilst the landscaping would screen views from the A2 and respond positively to the hedge lined lanes which are characterful of the area, it would do little to screen views from Geddinge Lane. In reaching the same overall conclusion as the submitted LVIA regard has been had for the scale of the proposed access road and its degree of prominence in views, together with weighing the scale of the parking area against the likely frequency of its use.
- 2.45 Overall, it is considered that the proposals would cause negative visual impacts on the character of the area, which is located within a sensitive landscape within the Kent Downs AONB; however, this impact is largely limited to discrete areas close to the site where views already take in the existing buildings, infrastructure and parked cars. Regard has been had to the cumulative impacts of the development, i.e. the cumulative impacts of the development, the existing development on site which is to be retained and committed development (albeit regard has also been had for the cumulative impacts of the marquee which is yet to be determined). Whilst it is considered that the increase in built form, access road and additional parking of vehicles on the site would have an adverse impact on alter the character of this part of the AONB, overall, this impact would be minor.
- 2.46 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 provide some support to the economy in this rural area (albeit the benefit of businesses in the wider area is moderated by the range of facilities and services which will be provided by the circuit). Since the previous application, the harm caused to the character of the countryside has been reduced, whilst the development would continue to support a significant number of jobs, both at the site and beyond. Whilst this is a balanced assessment, it is considered that the development is justified by the need to sustain the rural economy or a rural community. In terms of the ancillary 'Pavilion', access roads and car parking, it is not considered that they could be located elsewhere. The application is therefore considered to accord with policy DM15.

2.47 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, a minor adverse impact on the character of the landscape would be caused. However, in accordance with exception (ii) the building has been sited in an optimal position within the site to reduce its visual impact, whilst landscaping has been proposed to provide further mitigation. A minor impact would still be caused and so it is necessary to consider whether the impacts have been mitigated to acceptable level. Whilst the Core Strategy does not define what an 'acceptable level' is, the preamble to the policy does provide some assistance by advising that "the character of the landscape should be protected. This does not, however, preclude the possibility of development but requires that its location should be carefully selected and the scale and design of buildings crafted to fit the circumstances. Conversely, development will be unacceptable if its location and/or design is inappropriate and would have a harmful effect on the landscape". In considering whether the impacts of the development have been mitigated to an acceptable level, regard should also be had for the extant permission which does form a realistic fallback position (DOV/13/00167) which granted permission for a race control tower, which has been built, and a toilet/shower block, single storey workshop/store/scrutineering building and VIP centre/canteen building, which have not been built. Whilst none of the approved buildings are of comparable size to the proposed 'Pavilion' building, cumulatively they would likely have a similar, if not greater, visual impact. The visual impacts of the development are confined to views which are already impacted by the existing development within the site, with views taken over significant distances and it is considered that care has been taken to minimize the impacts of the development as much as practicable. Having regard for the benefits of the development, which will be discussed later in this report, it is considered on balance that the impacts have been reduced to an acceptable level and, as such, the development accords with Policy DM16.

2.48 For the same reasoning, the development would also accord with 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.

- 2.49 To conclude, 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 minor harm to the character of the area and to the landscape. However, these impacts have been minimized through the careful siting of the proposed 'Pavilion' building and by proposing landscaping which would provide some mitigation. As such, it is concluded that the development accords with Policies CP7, DM15 and DM16 of the Core Strategy. Notwithstanding this, it is considered that the development would not conserve or enhance the natural, landscape and scenic beauty of the AONB. This impact, whilst itself minor, must be weighed in the balance and should attract great weight.
- 2.50 Should permission be granted, it would be necessary to ensure that the effects of the development are controlled by the inclusion of conditions to ensure that appropriate hard and soft landscaping is provided and suitably maintained; details of all lighting, including its time of use, are submitted for approval; and samples of materials are provided. Conditions will also be required to ensure that the more visually prominent car parking areas are used solely for larger events and once the less visually prominent areas have been occupied.

Noise

- 2.51 Paragraph 170(e) of the NPPF states that "preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of....noise pollution". Paragraph 180 continues, stating (in relation to noise):

"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- (b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason

Finally, paragraph 182 of the NPPF states that:

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in

its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed".

- 2.52 The Planning Practice Guidance (PPG) advises that "noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced)", continuing, "good acoustic design needs to be considered early in the planning process to ensure that the most appropriate and cost-effective solutions are identified from the outset".
- 2.53 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.
- 2.54 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.
- 2.55 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.
- 2.56 The NPSE and the PPG both describe three tiers of noise impact, 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.
- 2.57 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".

2.58 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 on the next page:

Response	Examples of Outcomes	Increasing Effect Level	Action
No Observed Effect Level			
Not present	No Effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, 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 small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, 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,	Significant Observed Adverse Effect	Avoid

	premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.		
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent

2.59 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 the existing and, where appropriate, planned character of the area.

2.60 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.

2.61 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.

2.62 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 use, 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 5

minutes (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”.

2.63 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 considered to be a robust method of controlling noise from vehicles. There has also been concern raised that, whilst the circuit are required to submit a calendar of events (so that surrounding residents can plan for potentially noisy days), the condition does not prevent changes to the calendar with little notice, significantly reducing its reliability.

2.64 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 has the potential to create significant 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 statutory 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 over a period of almost five years (both on race days and non-race days), and having regard for third party representations, I concur with this view, although it must be noted that the changed behaviour 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.

2.65 At present, having regard for the planning permission for the circuit, together with the restrictions of the Noise Abatement Notice, the circuit can operate for:

- 2 days of unlimited noise ('Category 1')
- 24 days where noise cannot exceed 55dB LAeq 1 hour ('Category 2') at specified monitoring points

- 26 days where noise cannot exceed 50dB LAeq 1 hour ('Category 3') at specified monitoring points

The current application seeks to continue operating on these days and increase the current usage through the addition of the following uses:

- 52 days (for demonstration/corporate events, car testing, driver experience days, quiet vehicle festivals and shows, use of the site for road speed driving of vehicles at no more than 70mph and ancillary noise) where noise cannot exceed 45dB LAeq 15 minutes. ('Category 4')
- 52 days (for car testing, driver training, driver experience days, slow speed cavalcades, demonstrations, photo shoots and media activities, and use of the site for road speed driving of motor vehicles at no more than 70mph and ancillary noise) where noise cannot exceed 40dB LAeq 15 minutes. ('Category 5')
- An option to extending operating hours by up to two and a half hours on up to two Sundays per year, with one category 2 or 3 day being lost in compensation for each extended Sunday. If a period of up to an additional 2.5 hours of time takes place on a Sunday in association with an event falling within Categories 1 and 2 the number of days permitted to be used by a Category 2 event within that same calendar period will be reduced by 1 day. If the additional 2.5 hours were to take place within Categories 3, 4 or 5 the number of days permitted to be used by a Category 3 event within that same calendar period will be reduced by 1 day.
- Up to 209 (210 in a leap year) for 'other activity', not falling within the above categories. This may include use by conventional road vehicles ancillary to charitable or other events, road driving lessons, emergency incident training, photo shoots, media activities and use by non-motorised bicycles for training during daylight hours, including non-motorised bicycle events. ('Other Activity')

2.66 Surveys were carried out in 2013 and 2015 as part of the previous application. These were 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. During visits to the site, it is noted that noise from traffic on the A2 is audible a significant distance away, albeit this noise has a relatively constant, benign character. It is also noted that the areas around the A2, and around the circuit are shown on the Tranquility Map within the Kent Downs AONB Management Plan as having a medium to medium/low level of tranquility.

2.67 Environmental Health have commented that, against the backdrop of the Noise Abatement Notice, whilst "it may be considered there are no grounds for increased activity", "this need not be the case" as:

"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".

Whilst the additional activities could exacerbate the existing SOAEL of noise, it is necessary to consider whether the additional activities would exacerbate the

existing SOAEL and, if so, whether this additional harm can be mitigated. The PPG advises that this mitigation can take the form of:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

2.68 The proposed 'Pavilion' building is located at, approximately, the bottom of the 'valley' and is orientated across the 'valley' to the south east of the circuit. In this location, the building may provide some baffling of noise from the circuit, in particular from properties on Geddinge Lane. However, in the absence of detailed modelling, any mitigation provided by the building cannot be established and, as such, it is not considered that any significant weight can be attached to the potential for the building on the site to mitigate noise.

2.69 The application includes a Noise Assessment Study (within the Environmental Statement), together with a draft Noise Management Plan (NMP) which seeks to demonstrate that the additional uses at the site would not result in an exacerbation of the existing SOAEL. The NMP builds upon the NMP submitted in respect of the previous application (which was not refused on noise grounds). The NMP is based upon (although is not a direct replication of) the noise management process and procedures in place at Goodwood. The NMP is not intended to be the only means by which noise will be controlled (as there will be several conditions which specify how the track will be used and the noise limits for different events). However, it provides an extra layer of control to detail how the circuit will manage noise so that the noise limits are not exceeded.

2.70 Use of the site would be split into categories, with each category limiting the type of activity and the maximum permissible average noise level which can take place within that category. Categories 1-3 would broadly 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 respectively), 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 categories would provide a benefit compared to the existing situation, through enhanced control over noise, i.e. a shorter monitoring period means that there is less scope for louder noises to be 'diluted' by periods of relative quiet. This is pertinent given the potential for a series of short races with intervening periods of limited activity and the 'character' of noise generated by motorsport (for example tyre squeal, backfiring or dump valves creating noise which is more likely to attract attention compared with a consistent noise). The noise limits for the newly introduced categories (which would have maximum average noise levels of 45dB and 40dB respectively) would be averaged over 15 minutes, which provides a tighter control. Finally, a category 'Other Activity' has been proposed, which would allow quieter uses, such as road driving lessons conducted by a DVLA

approved instructed and use by non-motorised bicycles for training and racing events during daylight hours.

- 2.71 The Councils Environmental Health team have also proposed an additional category, 'silent days', on which no motor vehicles would be permitted to use the site, save for static photoshoots, maintenance, servicing etc. 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 some silent days is not considered to be unreasonable.
- 2.72 Environmental Health have concluded that, whilst the existing use of the circuit impacts the locality through 52 days usage, the amended NMP would place greater controls on the use of the circuit and, subject to conditions being attached to any grant of permission to secure these controls, raise no objection on noise grounds.
- 2.73 The additional events would be limited to 45dB LAeq (15mins) and 40dB dB LAeq (15mins) respectively (together with other events and silent days which would not allow activities likely to generate significant noise).. Whilst some peak noise levels may exceed background noise (which is itself variable), and therefore, be audible, the choice of a relatively short period over which noise would be averaged (15 minutes) means that the potential for activity to be audible is reduced. However, this additional noise remains important in the overall assessment. 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.
- 2.74 The current use of the circuit requires that noise be averaged over a period of 1 hour for category 2 and category 3 events. This relatively long period over which noise is averaged means that high peak noise is moderated in the assessment by periods of relative quiet. For example, if a very noisy 20 minute race is followed by 40 minutes of inactivity on the circuit, the average may fall below the required average noise, despite severely affecting residents. The application seeks to reduce this monitoring period from 1 hour to 30 minutes, significantly reducing the potential for peak noise (such as back firing, tyre squeal, dump valves etc.). It is considered that this change to how noise is monitored would reduce the adverse impact from the currently permitted use of the circuit. It is also proposed to monitor LAmax noise levels at trackside, with problem vehicles being withdrawn. These benefits should be weighed in the balance
- 2.75 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 (comparable to an existing condition for the site). Whilst maximum noise levels from the system may vary, and whilst the system may be operational for a greater number of days, 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.

2.76 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 (in their proposed condition 9) 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.

2.77 In addition to the above, it is for the local authority to attach conditions as it sees fit, provided that the conditions are:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

The applicant has proposed conditions to provide control the use of the circuit, which Environmental Health have had regard for in reaching their conclusion to raise no objection. A third party, whilst maintaining their objection to the application, has also suggested possible conditions to be attached should permission be granted. I have had regard for all three sets of suggested conditions. It is considered that the proposed conditions, whilst requiring some amendments to ensure that they meet the tests, would provide significant benefits (reducing the impacts from the existing uses of the site) to off-set the limited impacts from the additional uses of the site and I therefore concur with Environmental Health's recommendation.

2.78 Given how critical the precise wording of the noise conditions will be (given the level of objection in relation to noise, the technical nature of noise and the previously difficulty in assessing potential breeches), members may require sight of the full wording of the proposed conditions such that the merits of greater control of noise can be balanced against the additional use of the circuit. The wording of the proposed conditions will be agreed with the applicant and can be provided to members if required. However, in brief, the following will be secured:

- The submission for approval of a final noise management plan prior to the first use of the site (other than for the sites established use). The NMP, which will be based on the draft NMP, will need to include: details of operation and management; trackside average and pass-by noise limits for each category; details of the noise monitoring system to be installed at the circuit and how it will be maintained; the measures in place to remove vehicles which breach noise limits; details for attended monitoring sites; details of how data will be presented; how activities and events will be published; how a consultative committee will be set up and who will be invited; details for how the circuit will be managed and reviewed; details for static testing; how complaints will be dealt with; how noise readings will incorporate audio recordings; and that noise records will be available to the local planning authority for inspection.
- Limited use of the site to the various categories (categories 1 to 5, other activity and silent days), specifying what uses can occur within each category and the noise limit for each category.
- Details to be submitted for approval of the noise monitoring system, how it will be maintained, how data will be retained and how data will be disseminated to the local planning authority and to the public.
- The hours of use for each category and whether days can be reclassified. In respect of silent days, the condition will specify how many days are to be silent and what days must be included as silent days.
- Requiring that, should the circuit exercise the ability to extend its hours of operation on a Sunday, a full days use will be forfeited (as explained in more detail at 2.65).
- Limiting operation to noise limits, setting out the four community noise monitoring points and detailing how measurements will be taken.
- Limiting noise from public address system.
- Limiting the frequency of category 1, 2 and 3 events
- Requiring that a calendar of forthcoming events is published (and made publicly accessible) on the circuit's website and requiring that any changes to category 1-3 events provide notice of any changes.
- Requiring the submission for approval of a construction management plan
- Stipulating what action must be taken if vehicles breach trackside LA_{max} limits
- Requiring that quarterly updates are provided to the local community (via a mailing list and circulation to local residents) detailing upcoming events and other news

2.79 It is noted that, whilst the third-party proposed conditions approximately reflect the conditions which have been recommended by Environmental Health, one significant difference (albeit not the only significant difference) is that the third-party conditions seek to limit the Category 4 and 5 days to 35dB LA_{eq} 15 minutes. Given the level of background noise, it is not considered that such a low noise level would be necessary. The justification for this noise level is based upon a perceived need to ensure that Motor Racing Vehicle Noise is at least 10dB below the prevailing background noise. The activities within categories 4 and 5 do not include motor racing. The limit level methodology used under BS4142 is also referred to as a comparison to motor vehicle racing noise. BS4142, states "The standard is not intended to be applied to the rating and assessment of sound from: a) recreational activities, including all forms of motorsport". It is therefore not relevant in this context.

2.80 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.

- 2.81 Regard must be had for the noise impacts associated with the construction phase of the development. Whilst the development is of a significant scale, 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.
- 2.82 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 180 of the NPPF states that planning decisions should “identify and protect tranquil areas 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 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. The assessment of noise above, focuses on noise impacts to residential properties. Whilst 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 significantly diminish tranquility beyond the application site.

Impact on Residential Amenity

- 2.83 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.
- 2.84 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

- 2.85 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.
- 2.86 Kent County Council Archeology have not commented on the current application but in respect of the previous application advised that the archaeological chapter of the Environmental Statemen which was informed by an Archaeological Desk-based Assessment, provided a good account of the site’s archaeological potential and agreed 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. The current application continues to propose a new access road which would be similar to the access road proposed previously and, whilst the previously proposed buildings on site have been rationalized into one smaller building, it is considered that there remains a reasonable potential that archaeology will be encountered. As such, it is considered that the use of such a condition would remain

proportionate and ensure that any features of archaeological interest are properly investigated.

Transportation

2.87 The Core Strategy contains several policies which are relevant to the assessment of transport implications from development.

2.88 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".

2.89 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".

2.90 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.

2.91 The NPPF requires, at paragraph 108, that sustainable transport be promoted. In assessing applications, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location.
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

At paragraph 109, the NPPF confirms that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Within this context, paragraph 110 requires that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that

maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Finally, paragraph 111 states that “All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

- 2.92 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 M2. 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.
- 2.93 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 simple 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. 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. There is a recently constructed roundabout serving this crossing of the A2, which was delivered as part of the housing development at Aylesham. 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.
- 2.94 The application has been supported by a Transport Assessment. Data was collected in 2013, 2018 and 2019 to assess the current traffic levels on the A2 and on the roads around the site on both event days and non-event days. This shows that the vast majority of trips to and from the site are via the A2. Arrivals to the site are relatively spread out throughout the morning, albeit there is a peak between 09:00 and 10:00 (265 arrivals for the large event expressed by the data). Departures from the site are more concentrated, with a peak between 17:00 and 18:00 of 535 departures. To put this in context, total flows (on Saturdays) on the eastbound carriageway of the A2 are between 6,000 and 14,000 movements,

with similar flows on the westbound carriageway. Accident data for the A2/Geddinge Lane/Coxhill Road area shows that there were 16 accidents resulting in personal injury recorded between 1st October 2013 and 30th September 2018 (4 serious and 12 slight, with no fatalities), although the submitted Transport Assessment advises that there is no indication that any of these accidents coincide with the events at the Lydden Circuit. The Transport Assessment has assessed the likely traffic that would be generated by the proposed events, concluding that they would generate relatively limited vehicle movements to and from the site and significantly less than many of the existing permitted events. The Transport Assessment has also applied an uplift to vehicle numbers to account for potential increases in attendances as a result of the improved facilities.

- 2.95 Having established likely trip generation, the Transport Assessment has modelled the likely flows from the development. It has been specifically acknowledged in the report that concerns have been raised by local residents relating to the use of the smaller local roads and performing U-turns on the A2 by people attending Lydden Hill Circuit. The evidence submitted shows that less than 10% of vehicle accessing the site do so via the local (non-trunk) road network and less than 1% leave the site via the local road network.
- 2.96 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, providing access to and from both the east bound and west bound carriageways. The existing access, from Dumbrill Hill allows access from the westbound carriageway only. The revised access arrangements would obviate the 'need' to perform U-turns on the A2, as the access will instead be via Geddinge Lane which is accessible from both carriageways (east bound and west bound) of the A2.
- 2.97 In acknowledgement of the additional attendees to the site, and the desirability to reduce movements on rural lanes more generally, it is proposed to install signage on the A260 to discourage drivers from using smaller local road. Additionally, for larger events, temporary road closures (with residents access only) will be put in place.
- 2.98 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 application includes a Traffic Management Plan which addresses how vehicle movements will be managed to reduce impacts and how traffic will be marshalled for larger events.
- 2.99 Concerns have been raised by third parties 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. The Traffic Management Plan proposes, for larger events, 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. Passes will be provided to residents to enable them to pass through temporary road closures, with access to the village hall also maintained.

- 2.100 Concerns had been raised by third parties that, for larger events, vehicles may queue back along the access road as they await tickets to be issued and direction towards parking areas. Such an occurrence is considered to be highly unlikely, due to the length and width of the access road which would provide a queuing area for a significant number of cars (which is substantially longer than the existing access). 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.
- 2.101 It is advised that an existing mini-bus service to and from Dover train station will continue to operate to serve the development (which can be secured within a Travel Plan condition). The application also proposes the provision of four electric vehicle charging points which, to a small degree, would support a more sustainable means of travelling to the site. Again, this can be secured by condition. Whilst the development would continue to require significant numbers of trips to be made by car, it must be recognised that a substantial number of these trips are derived from the events which already take place at the site. Whilst overall vehicle movements would increase, the development would secure the operation of a mini-bus service to Dover train station (which has been operated from time to time by the circuit on a voluntary basis only). The development would also secure a traffic management plan, including improved signage and, for larger events, marshalling of traffic. Finally, the electric vehicle charging points would encourage, to a small degree, a more sustainable form of transport.
- 2.102 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, meaning that vehicles will have direct access to the east and west bound carriageways (removing the need to travel up the A2 to turn around, and reducing the pressure on the A2/A260 roundabout at Aylesham, in order to reach the Dover bound carriageway). The 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 formalise 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. The access road itself would be 9m in width which would be of sufficient width to provide three lanes and would run parallel to the A2 before turning south west. 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.
- 2.103 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, and subject to the final detailed comments of Highways England, the development would not cause any significant harm to the safe and efficient operation of the strategic or local road networks. This matches the conclusion reached in respect of the 2015 application.

- 2.104 It is considered, having regard for the above, that the proposed access, parking and turning arrangements are acceptable. The Traffic Management 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, as indicated on the drawings, prior to any increased use of the site (full details of which will first need to be submitted for approval); the provision and retention of the vehicle parking areas; the provision of four electric vehicle charging points; and the submission and implementation of a construction management plan, a Travel Plan and a Traffic Management Plan.
- 2.105 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 will likely be the events which will continue to draw the most visitors. The other additional events which are now proposed will be likely to generate less traffic than the existing events and this correlates with the applicant's projections (for example the figures provided by the Economic Benefits Statement). 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 (and subject to the final comments of Highways England), would not cause a severe cumulative impact on the highway, which is the relevant test as described by paragraph 109 of the NPPF.

Ecology

- 2.106 The NPPF, in furtherance to the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended), requires that, when determining a planning application, local planning authorities should refuse permission for development which would cause significant harm to biodiversity, unless the harm can be mitigated or, as a last resort, compensated for, whilst development which is likely to have an adverse effect on a Site of Special Scientific Interest should not normally be permitted.
- 2.107 The application has been supported by an Ecological Impact Assessment. The application site supports areas of Lowland Mixed Deciduous Woodland and hedgerows which are Habitats of Principal Importance. Furthermore, these woodlands provide suitable habitat for reptiles, as does the verge to the southern side of the A2. However, given the location of the proposed Pavilion building, on an area which is already developed, and the road, which would be around 15m from the verge, these habitats would not be impacted by the proposed development. A bat survey was carried out in 2016 which confirmed that the 'Large Toilet Block' building supports a Soprano Pipistrelle bat roost. However, no works are proposed to this building. The site also contains areas of scrub, hedgerow, woodland, scattered trees and arable farmland which provide suitable habitat for birds (for nesting and foraging) and Hazel Dormouse. The proposed access road would necessitate the loss of a strip of grassland to the north of the site. Whilst the development would not harm these species or their habitats, conditions will need to be attached to secure the mitigation and enhancements which have been recommended.

- 2.108 There are no recorded Badger setts within 30m of the proposed development areas, whilst the development has been assessed as being unlikely to have any significant adverse effects on Invertebrates, Great Crested Newts and other Amphibians, Water Voles or Otters. As such, no further survey work is required in relation to these species, which are not a constraint to development.
- 2.109 The Ecological Impact Assessment proposes a scheme of ecological mitigation, compensation and enhancements. To ensure that any reptiles which may be present in the grass verge are not impacted during construction, the grassland adjacent to the verge will be mown regularly prior to the commencement of construction. This will discourage reptiles from migrating away from the grass verge. Additionally, it is recommended that the works relating to the new access road take place between October and March (inclusive) when reptiles are less active. Should any demolition works take place between March and mid-September (inclusive), a check for nesting birds should be undertaken, whilst there should be no demolition of the Large Toilet Block. A bat sensitive lighting scheme should be secured, which minimizes lighting, especially near woodland and hedgerows. Finally, new native hedgerows (at least 750m in length), trees, grassland and wildflower areas should be provided and maintained, through a Landscape and Ecological Management Plan. Any mammal burrows (excluding Badger setts) that are identified on-site will need to be carefully excavated to ensure that animals can safely escape, whilst any hedgehog found should be moved to an alternative area of dense scrub away from construction areas. Care should also be taken to ensure that animals do not fall into excavations or are able to exit excavations. At least 10 bat boxes should also be provided. Deadwood/log piles should also be provided on site.
- 2.110 The council's Senior Natural Environment Officer has confirmed that she is satisfied with the submitted Ecological Impact Assessment and concludes that the ecological enhancements would achieve biodiversity net gain. The enhancements set out at page 5 of the report should be secured by condition, as should a Landscape and Ecological Management Plan. Natural England have 'no comments' on the application, albeit they do not assess a development's impact on protected species. Having regard for the submitted information and the consultation responses and third-party comments, subject to conditions, it is considered that the development would protect and enhance biodiversity, in accordance with the NPPF.

Contamination and Air Quality

- 2.111 The NPPF requires that regard must be had for contamination. Paragraph 170(e) states that planning decisions should "prevent new and existing development from contributing to, being at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans". Paragraphs 178 to 183 expand upon this requiring, amongst other things, that new development be appropriate for its location taking into account effects of pollution on health, living conditions and the natural environment, having regard for the potential sensitivity of the site or the wider area. Decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Planning decisions should assume that separate pollution control regimes will operate effectively. Some of the issues raised by the above paragraphs will be dealt with under different headings (for example noise).

- 2.112 Chapter 10 of the Environmental Statement focuses on Ground Conditions, whilst a separate Phase 1 Contamination Risk Assessment has also been submitted. These documents address the likelihood of contamination being present at the site, the environmental sensitivities of the site (its geology and hydrology) and the potential impacts of the development on contamination. The assessment identifies that: the geology of the site comprises silt and gravel over chalk; that the site is over a Principle Aquifer and within Groundwater Source Protection Zone 3; that the asphalt on site is 'competent' and clean such that the potential for mobile contaminants to migrate into the soil is minimized; and it is likely that clean soil may need to be imported to the site. The report continues, making recommendations based upon the assessment of the site, concluding that potable water supplies should be delivered in barrier pipe and that, whilst further intrusive investigation or remedial works are not necessary, should there be a requirement to remove any soils from the site during construction, confirmatory soil samples should be taken to determine likely waste classification and thereby confirm absence of significant ground contamination.
- 2.113 Environmental Health have advised that they accept the conclusions of the Phase 1 Contamination Risk Assessment, subject to the development being carried out in accordance with the recommendations which have been made in section 8 of the report. Environmental Health have also recommended that a condition be attached to any grant of permission to ensure that any previously unsuspected contamination found is fully investigated, with works ceasing until that contamination is remediated.
- 2.114 The Environment Agency have also concluded that contamination is not a constraint to the development taking place, subject to conditions being attached regarding previously unidentified contamination, water infiltration, surface water and foul sewerage disposal and the storage of fuels and chemicals. 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.
- 2.115 The Environmental Statement submitted as part of the application includes a Chapter (Chapter 8) which focuses on Air Quality which addresses both the construction and operation phases. Whilst this identifies that dust levels may be elevated during the construction phase, Environmental Health consider that this can be adequately controlled through a requirement for a Construction Management Plan. Such a plan would need to identify how dust will be controlled having regard for Institute of Air Quality Management Guidance. In respect of the operational phase, the development (through increased vehicle movements) would fall below the threshold for developments outside of an Air Quality Management Area (such as this) and therefore Environmental Health have advised that no further consideration is required. It is relevant to note that 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.
- 2.116 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. The advice of Environmental Health is therefore adopted. The Air Quality Chapter of the Environmental Statement also considered impacts on ecological receptors; however, due to the level of additional vehicle movements, so unacceptable impacts would be caused. The application proposes the provision of four electric vehicle charging points. Whilst this would have only a very minor beneficial impact on air quality, it is nonetheless welcomed.

- 2.117 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.
- 2.118 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

- 2.119 The NPPF requires that regard be had for flood risk from all sources of flooding (i.e. from rivers, the sea and 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.
- 2.120 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.
- 2.121 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. No operational development is proposed in the area where the Nailbourne flows.
- 2.122 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.
- 2.123 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 the Nailbourne.
- 2.124 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, replacing the historic drainage system at the site. The application proposes that uncontaminated surface water from the Pavilion building be disposed of via a soakaway which would pass through a rain water harvesting tank, whilst foul sewerage would be dealt with via a 54,000 litre cesspool. Full designs and specifications for these systems have been provided.

- 2.125 The Environment Agency have raised no concerns regarding the proposal drainage system, subject to conditions being attached to any grant of permission to require that no infiltration of surface water is permitted other than as agreed by the local planning authority and to require that a full foul water drainage strategy is submitted for approval. KCC Flood and Water Management have confirmed, following a clarification that the drainage for the access road will rely on infiltration via a French drain which replicates the existing site drainage arrangement, that they are satisfied with the drainage principles applied, subject to a condition requiring the submission for approval of a detailing sustainable surface water drainage scheme.
- 2.126 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.

Economic and Tourism Benefits

- 2.127 The NPPF requires, at paragraph 80, that “planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.
- 2.128 In addition to paragraph 80, paragraphs 83 and 84 focus upon support for a prosperous rural economy. Paragraph 83 requires “policies and decision to enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship”.

Paragraph 84 requires that there be recognition that “sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport”. In such cases, development will need to be “sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable”. Use of previously developed land and sites that are physically well-related to existing settlements are encouraged. More broadly, the NPPF also provides general support for sport and recreation facilities.

- 2.129 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 State of the District report confirms that district has an unemployment rate which is higher than the average for Kent, the South East and England. Based on the English Indices of Deprivation 2015 (the 2019 Indices

have been released by at the current time are yet to be interpreted) the District is in England's most deprived half of local authorities, whilst the District's position in the national rankings has worsened over the plan period and is now considered to be more deprived than it was in 2007. 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. 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. The Dover District Council Corporate Plan sets out an 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'. The importance of tourism within the local economy has also been highlighted within the work undertaken to inform the council's Tourism and Visitor Strategy.

- 2.130 The submitted report advises that, whilst only open for up to 52 days per year, Lydden Hill is Dover district's third largest paid for visitor attraction. In 2017, the circuit drew in 51,510 visitors to events, whilst in 2018 the attendance dropped slightly to 49,349. Consequently, it is considered that the circuit is a major tourist attraction in the District. It is also relevant to note where attendees travel to the site from, as those travelling greater distances would be more likely to stay for extended periods (i.e. more than one day). Evidence has been submitted by the applicant which demonstrates that, whilst around 22% come from east Kent and 24% from west Kent, the remaining 54% come from further afield, with particularly high numbers coming from London (13%), the East of England (10%) and Scotland (9%). Whilst not represented in the data, the origin of representations to this planning application is also noted, with significant numbers of interested parties coming from abroad (albeit how often visitors from abroad attend events or their spend is unknown). The submitted report estimates that around 30% of visitors stay overnight in the vicinity of the circuit, of which around 48% stay 1 night, 38% stay 2 nights, 6% stay 3 nights and 8% stay more than 3 nights. The report also identifies where visitors stay overnight, with around: 27% staying in a hotel; 27% staying at a campsite; 17% staying with friends and family; 13% staying on-site; 11% staying at a holiday/second home; and 6% staying at a B&B (figures add up to 101% due to numbers being rounded).
- 2.131 The report advises that the circuit currently employs 6 full-time staff in management, finance and marketing, 1 full-time catering manager and two part-time staff, one in marketing and the second in site maintenance (8 FTE in total). In addition 3.5 FTE jobs are supported through staffing requiring for events. The circuit also procures goods and services from external companies which, in 2018 amounted to £247,667 (35% of which was from Dover and Deal based companies and a further 30% from Canterbury based companies), which will support further employment. The evidence for overnight stays, set out above, would support an estimated 22 FTE jobs, whilst day visitors would support a further 2-4 FTE jobs.
- 2.132 The development would cost in the order of £5.5 million to construct, supporting a significant workforce during this period which has been estimated using two different methodologies to be 31 person years of construction (i.e. it would provide the equivalent 31 jobs for a period of one year) or 55 FTE person years. Even adopting the lower figure, this would be a significant transitory benefit.
- 2.133 Once completed, the report advises that the number of visitors to the site would increase to around 89,000 visitors by 2025, an increase of around 76% compared with the estimated number of attendees at present. It is important to acknowledge that the circuit has, since 2015, lost the rights to host the World Rally Cross, which

had been the most attended event in the circuit's calendar. Whilst other events have replaced this (the applicant has advised that large cycling events and electric rally cross events are planned), the loss of such a high profile, global event is of consequence. Since the previous application, the projected attendance figure has, accordingly, reduced from of 98,390 to 89,000. The current figure is considered to be fair. The circuit would provide greatly enhanced hospitality on site, with a bar and restaurant together with substantially increasing the number of days of activity at the circuit. The expansion of the circuit's use and the construction of the new Pavilion is estimated to generate an additional 24 FTE jobs. 15 of these jobs are based upon the Pavilion being used around 75% of the year. It is considered that, as some events will attract significantly fewer visitors, this may be an overestimate and should be treated with caution. However, notwithstanding this, it is considered that the development would nonetheless directly support a significant number of jobs. Purchases from suppliers would increase from just under £250,000 to just over £400,000. Within the local economy, the report advises that visitors would be worth an additional £1.14 million (£2.63 in total) to businesses, supporting an additional 17 FTE jobs. Day visitors would support a further 1.5 to 3 FTE jobs. The applicant has also advised that, through the multiplier effect (i.e. by providing employment, employees have more money to spend which, in turn, supports further jobs) around 5 additional jobs would be created. Overall, the number of jobs supported by the circuit, directly and indirectly, would increase from 37 FTE to 78 FTE. Whilst the number of jobs which would be supported by the development can only be estimated, it and whilst it is noted that third parties have raised concerns regarding the projections, is not considered that the figures provided by the applicant are unreasonable, relying on sound methodology and survey data. Having regard for the economic and employment context of the district, it is considered that that benefit is of substantial weight.

- 2.134 The benefits to the economy have been recognised by the Councils Strategic Tourism Manager, Tourism Manager and Head of Inward Investment who all support the application. These comments identify tourism as a crucial driver of the district's economy and the potential benefit of sports tourism to complement more traditional forms of tourism.
- 2.135 The development would support the retention of existing jobs and the creation of a significant number of additional jobs, both within and outside of the circuit. As with all businesses, and as recognised by the NPPF, there is a need for this business to adapt and evolve in order to remain competitive. The figures provided for job creation are considered to be reasonably robust and, within a district which has relatively high levels of unemployment and deprivation, it is considered that the economic benefits associated with the proposed development should be attributed substantial weight in favour of the granting the application. Having reached this conclusion, there is also a risk that, if permission is not granted, the viability of continuing the current operation of the site may become strained.

Alternatives

- 2.136 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: 'alternative sites', 'do nothing alternative'; and 'alternative designs and layouts'.
- 2.137 In terms of alternative sites, the application relates to an existing site which has been used for racing since the 1940's, whilst the asphalt track dates to the 1960's.

The buildings on site are of various dates, some of which appear to have been present for many years (such as the toilet blocks and former scrutineering building (now used as a seating area), whilst other buildings are more recent (such as the race control tower and the stacked portacabins which provide offices). The race track is therefore well established. The circuit is also in a use which, having regard for the functional needs of a circuit and the existing noise abatement notice, would be difficult in the extreme to relocate to a new circuit, whilst part of the unique appeal of the site is its location and the topography of the site (and therefore the track). Given the practical and financial implications, it is not considered that finding an alternative site for the existing business is feasible. Further, the development proposed is ancillary to the existing circuit and so there is a functional necessity for it to be co-located with the circuit, such that an alternative location is not a realistic option.

- 2.138 The 'do nothing alternative' 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 (and 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.
- 2.139 Turning to 'alternative designs and layouts', 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 differed from the current application, being of a reduced scale to that which is 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 to compete with other circuits for events and visitors), wished to open an improved access similar to that which had been granted under the MacLaren permission. This led to an application being submitted in 2015 for a new VIP Centre and grandstands, Scrutineering building, business units, together with a new access, camping and the expansion of uses at the site. This application was refused permission on the grounds of visual impacts and the failure to demonstrate that the case for business units in this location. Following the refusal of the 2015 application, the applicants have further revised their proposals to significantly reduce the scale of the new buildings on site and remove the camping and business units from the application. The landscaping proposals have also been altered to respond to the most important viewpoints identified within the previous application. The evolution of the design prior to the submission of the current application has, it is considered, led to a scheme which provides an optimal balance between limiting visual impacts whilst

meeting the operational needs of the existing business and facilitating its expansion to provide an opportunity for significant investment and employment creation.

Other Material Considerations

- 2.140 The principle of the 'Pavilion', access roads and other ancillary development is considered to accord with Policy AS13. However, the additional uses of the circuit conflict with AS13. Furthermore, the development is contrary to Policy DM11, as it would generate travel outside of the settlement confines. It is considered that the development is otherwise compliant with the development plan. There is a statutory requirement to determine in accordance with the development plan unless material considerations indicate otherwise. The NPPF advises, at paragraph 12 that "local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 2.141 As set out earlier in this report, having regard for paragraph 11 of the NPPF, the 'basket' of policies which is most important for determining this application are not, collectively, out-of-date and so the 'tilted' balance' in favour of granting planning permission is not engaged. However, it is considered that the weight to be applied to the development plan policies are, to varying degrees reduced, with the two policies which militate against the application, DM11 and AS13, considered to attract limited weight and reduced weight respectively.
- 2.142 Throughout the assessment of this application, regard must be had for the duty contained within Section 85 of the Countryside and Rights of Way Act 2000 which requires that in exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty (AONB), local planning authorities shall have regard to the purpose of conserving or enhancing the natural beauty of the AONB.
- 2.143 As set out at paragraph 2.21, paragraph 172 of the NPPF requires that 'major' development within the AONB should be refused unless exceptional circumstances exist, and it can be demonstrated that the development is in the public interest. The NPPF goes on to advise that that these considerations should include an assessment of:
- a) 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;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 2.144 The application relates to an existing racing circuit, which already has a visual and aural character which is distinct from that of the surrounding AONB. The proposed development would have a minor adverse effect on views of the site, albeit this effect relates to views which are already impacted by views of the buildings, structures, track and parked vehicles within the circuit and/or the A2. However, this minor adverse effect must attract great weight.
- 2.145 The development would significantly increase the use of the circuit, increasing its utility as a leisure and sporting venue. The provision of additional social and

recreational uses and the enhancement of the facilities at the site is considered to carry some weight in favour of the development.

- 2.146 Whilst the application proposes significant additional use of the circuit which would generate noise, the noise generated by the additional uses would be limited. Mitigation could be secured by condition to ensure that, overall, the noise generated from the site would be no more disruptive (possibly less disruptive) than the existing use. As such, the impact is considered to be neutral.
- 2.147 The development would increase vehicle movements to and from the site which, but virtue of the site's location, would predominantly be by private car. However, it is acknowledged that the sustainability objective of policy DM11 is, to a degree, out-of-step with the NPPF which states that "opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should taken into account in both plan-making and decision-making. The application proposes that the informal bus service between the track and Dover railway station be secured and that four electric vehicle charging points be provided. Moreover, the development would provide a framework (the physical works on site, together with a Traffic Management Plan and Travel Plan) which would enhance access and egress from the site. Overall, it is considered that the development would have a neutral impact on the highway network.
- 2.148 The development would mitigate impacts on ecology and provide enhancements which are supported by the council's Senior Natural Environment Officer. This small benefit is considered to carry some, albeit limited, weight in favour of the scheme.
- 2.149 The proposed development would be likely to safeguard the existing jobs at the site and secure a considerable investment which would support a large number of jobs both at the circuit and in the wider area. Given the economic challenges in the district and the important role of tourism and the associated hospitality, it is considered that the economic benefits of the development should carry substantial weight.
- 2.150 Having considered all material considerations, including those within the various sections of this report and those raised by third parties, it is not considered that any other material considerations carry significant weight either in favour or against the development.
- 2.151 The applicant has considered alternative options for providing the development. However, it is concluded that that relocating the development is wholly unrealistic whilst the proposed development minimizes adverse impacts whilst mitigating existing and future impacts.
- 2.152 Returning to the NPPF paragraph 172 test, it is considered that, there is no realistic scope for developing outside of the AONB. The applicant has sought to moderate impacts of the development by significantly amending the scheme following the determination of the previous application. The development relates to an established race circuit within the AONB which provides recreational opportunities to participate or otherwise engage (spectate) in motorsport – the facilities for which are sparse. Despite being within the AONB, and notwithstanding the need to attribute great weight to conserving and enhancing the AONB, the adverse impacts of the development would be minor. The applicant has proposed mitigation in the form of landscaping to moderate these impacts. As such, it is concluded that there are exceptional circumstances in this instance. Furthermore, it is considered that the development would bring

substantial economic benefits which provide a compelling public interest. As such, it is resolved that the 'paragraph 172 test' has been met.

- 2.153 Finally, it is necessary to consider whether the material considerations of this case indicate that the conflict with policies DM11 and AS13 should be set aside and permission be granted.
- 2.154 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 £5.5 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, supporting a significant increase in the number of employees both at the site and beyond. It is considered that substantial weight should be attached to this benefit. 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 the development would provide short term and long term economic benefits which must be attributed substantial weight in favour of the development.
- 2.155 The development would provide an enhanced leisure and recreation offer at the site which would help to create and foster recreational communities with shared interests (albeit these communities may be from diverse locations). The proposed Pavilion building is considered to be of a reasonable architectural quality, being reminiscent of other motorsport buildings in the UK whilst also referencing some of the agricultural buildings in the area. Overall, it is considered that the development would have a minor social benefit.
- 2.156 Turning to the environmental role, the development would cause harm to the natural environment, comprising major development in the AONB which would cause a minor adverse impact on the character of the landscape, whilst increasing the use of the site significantly. It is acknowledged that the tranquility of this part of the AONB is already reduced (medium to medium/low) by virtue of the existing use of the circuit and by the busy A2. Subject to conditions, it is not considered that tranquility would be significantly diminished. Subject to conditions, the development would cause no unacceptable impacts on biodiversity or protected species and would 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 and are not suited to built-up areas. Notwithstanding this, the site is not accessible by more sustainable modes of transport such as public buses or trains, although a shuttle bus service will be secured whilst four electric vehicle charging points will be provided, reducing the harm caused by the unsuitable location of the circuit when balanced against the existing use. The additional uses would generate noise, albeit at significantly lower levels than the existing uses. This would be balanced against the benefits of enhanced controls for the existing (and proposed) uses, to be secured by condition. 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 minor adverse impact.
- 2.157 Overall, the development would give rise to substantial economic benefits, minor beneficial social benefits and minor adverse environmental harm. It is concluded, applying a 'flat' balance, that the benefits of the development are compelling and

indicate that the developments conflict with policies DM11 and AS13 should be set aside in this instance.

Environmental Statement

- 2.158 The development is the subject of an Environmental Statement, as the application falls within the description of 'Schedule 2' development (in particular under 10(f) 'the construction of access road' exceeding 1 hectare and under 11(a) 'permanent racing and test track for motorized vehicles' exceeding 1 hectare). The site is within a 'sensitive area', being within an AONB. The purpose of the Environmental Statement is to establish whether the development would be likely to have significant effects on the environment.
- 2.159 Having regard for the Secretary of State for Housing Communities and Local Government response, the development would not be likely to have significant effects on the environment of any European Union Member State or any other country that has ratified the United Nations Economic Commission for Europe Convention on Environmental Impact Assessment in a Transboundary Context.
- 2.160 This report has assessed the likely significant effects of the development, both during the construction phase and thereafter. The development has the potential to cause short term effects during the construction phase (before mitigation is considered). These include: visual impacts of the construction (building works, cranes, site offices etc.) and storage of plant, materials and vehicles; noise and vibration; fugitive dust; vehicle movements; impacts on ecology; and potential impacts on archaeology and contamination of land. Post development, the application would cause minor adverse visual impacts and has the potential to: increase vehicle movements; create noise; impact on ecology; cause contamination and affect surface water drainage. Mitigation measures have been proposed to limit or remove any significant adverse environmental effects, which will be secured by condition. This includes review (or monitoring) mechanism within the Noise Management Plan and Traffic Management Plan. The applicant has considered reasonable alternatives and reasoned why the development proposed has been advanced. Having regard for the assessments and conclusions within this report, together with the conclusions in the submitted Environmental Statement, it is considered that, the environmental effects of the development are understood and that, subject to the mitigation measures, the only likely significant effect on the environment is a minor adverse effect on landscape character; the character of the landscape being the reason for designation of the Area of Outstanding Natural Beauty.

3. Overall Conclusions

- 3.1 In June 2018 planning permission was refused for a comparable application for two reasons. The first reason related to the proposed erection of engineering units (Use Classes B1 and B2). In the absence of evidence to justify a functional need for the units to be located at the site or an overriding public benefit, the units were considered to be unsustainable. The second reason for refusal related to harm caused to the scenic beauty of the AONB, by virtue of the location, scale, height, design and use of materials of the buildings on site and the location and scale of the camping area. Following the refusal, the applicant has significantly amended the scheme in response to these reasons for refusal, omitting the engineering units (therefore addressing the first reason for refusal) and omitting the camping area which was cited in the second reason for refusal. The second reason for refusal also relied upon the visual impact caused by the buildings on site. These buildings have been rationalized into one building which is significantly smaller than the previously proposed building and would be

positioned in a relatively concealed location. The previous application was considered acceptable in all other material respects (including noise and transportation), subject to conditions. This decision is material to the assessment of the current application.

- 3.2 Whilst the development accords with most relevant policies in the development plan, the location of the site conflicts with the blanket presumption against development which would generate travel outside of the settlement confines found within policy DM11. The increased use of the site is also contrary to Policy AS13, which states that proposals to expand the use of Lydden Circuit for motor sports or intensify its frequency will be refused, albeit many of the proposed additional uses are not motor sports. Notwithstanding the judgement that these policies carry reduced weight, it is therefore necessary to consider whether there are material considerations which indicate that permission should be granted.
- 3.3 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 a sensitive location. The proposed Pavilion has been substantially reduced in size since the 2015 application was refused and would be located in a relatively discreet position on the site, where its visual impact would be limited. Where views would be possible, the building would be seen within the context of the existing features of the race circuit which already give the site an appearance which is distinct from the surrounding countryside. A landscaping scheme has also been proposed to provide further mitigation. 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; however, this report concludes that the impact on the character of the landscape would be minor (albeit the sites location within the AONB requires that great weight be given to this harm).
- 3.4 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 exacerbate the impacts of noise 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.
- 3.5 Subject to a programme of archaeological work being secured by condition, the development would have proper regard for heritage assets.
- 3.6 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.
- 3.7 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.

- 3.8 The site is not likely to be significantly contaminated, although it has been recommended that precautionary conditions be attached to any grant of permission.
- 3.9 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.
- 3.10 The development would draw significant investment into the District and provide significant employment benefits, gaining the support of the Councils Strategic Tourism Manager, Tourism Manager 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.
- 3.11 As the development is contrary to the development plan, it is necessary to consider whether the material considerations indicate that the development plan should be set aside and permission be granted. The National Planning Policy Framework has been assessed, being an important material consideration. It is acknowledged that this is a balanced case, which largely turns on whether the economic benefits are sufficient to provide an exceptional circumstance, and public interest, to set aside the conflict with parts of the development and to warrant major development within the AONB. Whilst the development would cause some harm to the character of the area, it is concluded that the economic benefits of this application, when weighed against the level of harm caused, are compelling.
- 3.12 Overall, it is considered that the application has overcome the concerns which led to the 2015 application being refused for two reasons (the principle of the engineering units and visual harm). The proposed development would cause a minor adverse impact on the character and beauty of the area, albeit within the context of the site which is already visually distinct from the agrarian countryside beyond. However, the development would provide significant benefits, most notably in terms of its potential contribution to the local economy. The application will also provide a more appropriate access onto the A2 and greater controls of noise. Whilst it is acknowledged that the application conflicts with policies DM11 and AS13, it is considered that the benefits of the application, in particular the economic benefit, indicate that these conflicts should be set aside and planning permission be granted.

g)

Recommendation

I PERMISSION BE GRANTED, subject to the following conditions:

- (1) Time limits for implementation, (2) approved plans, (3) programme for the delivery of the development, (4) submission of a Noise Management Plan, based upon the draft Noise Management Plan submitted with the application, (5) restricting use of the circuit to specific definitions within categories (category 1, category 2, category 3, category 4, category 5, other activities and silent days), (6) provision and maintenance of a noise monitoring system on site, with the LPA having real-time +>30mins remote access data, (7) detailed limitations regarding the maximum number of days use within each category and operating hours, (8) additional hours on up to two Sundays per year, subject to the forfeiture of a day's racing, (9) track noise limits, (10) noise limits for the public address system, (11) limitations of consecutive days racing, (12) publication of a calendar of events and the notice period for any changes, (13) samples of materials, (14) provision of landscaping, in accordance with full details to be submitted, (15) provision of

access road prior to the increased use of the site (i.e. prior to category 4, category 5, other activities and silent days), full details of which shall be submitted to the LPA for approval, (16) traffic management plan, (17) travel plan, (18) provision of four electric vehicle charging points, (19) car parking to be provided in accordance with the submitted parking strategy (small/medium/large events), (20) Construction Management Plan, (21) programme of archaeological works, (22) ecological mitigation and enhancements, (23) full details of all external lighting, (24) Landscape and Ecological Management Plan, (25) full details of the method of bringing potable water to the site, (26) foul drainage strategy, (27) surface water strategy, (28) contamination mitigation in accordance with Section 8 of the submitted Phase 1 Contamination Risk Assessment, (29) previously unexpected contamination, (30) full details of areas to be used for the storage of chemicals, oils and fuels

- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by Planning Committee and to draft and issue a Statement of Reasons.

Case Officer

Luke Blaskett