

**TRAKBAK RACING LTD**  
**REGULATION 19 REPRESENTATIONS TO THE BEDFORD BOROUGH LOCAL**  
**PLAN**  
**OCTOBER 2018**

**1. INTRODUCTION**

- 1.1 Trakbak Racing Limited has previously made representations in relation to the Plan and wishes those representations to be taken into account. It has not repeated the submissions made previously on the basis that the original representations will be taken fully into account. The points made in them in relation to the principle of the noise impact from Santa Pod and the importance of protecting the business at Santa Pod remain relevant and material to this representation and are adopted as part of it.
- 1.2 Trakbak Racing Limited is pleased to see that the proposal for Colworth Garden Village (CGV) has been withdrawn and would oppose any proposal to reintroduce it for the reasons already given. It remains the case that no evidence has been provided to show that the noise from Santa Pod can be adequately mitigated so as allow residential development to take place on the former CGV site
- 1.3 In this representation reference is made to the paragraph numbers in the NPPF 2012 because it is anticipated that the plan will be submitted before the 24<sup>th</sup> January and will benefit from the transitional provisions allowing it to be assessed under the 2012 plan.

**2. 2S SPATIAL STRATEGY**

- 2.1 Trakbak Racing Limited objects to the reliance placed in revised policy 2S on limited development in smaller rural service centres to deliver sustainable development and growth. The reason for the objection is that this relies, (as a result of the wording of policy 3S) on the allocation of sites in neighbourhood plans without offering adequate strategic guidance as to the location of such developments. It is of fundamental importance that the sites proposed (particularly with reference to Sharnbrook) are not in locations which would give rise to an unacceptable noise environment when events are taking place at Santa Pod. We reiterate the point made in the earlier representation that Santa Pod has consent to operate on 365 days of the year from 9.00am to 9.00pm. It holds in the order of 29 competitive meets a year and this level of mainstream drag racing activity is necessary for the business to remain financially viable. The business makes an important social and economic contribution to the district as outlined in the earlier submission.
- 2.2 This failure to guide development away from the areas most likely to be impacted by noise from Santa Pod means that the plan is unsound by reason of a failure to plan positively to ensure that proposed development is sustainable or to adopt the most appropriate strategy as required by paragraph 182 of the NPPF.

### 3. **3S AMOUNT AND DISTRIBUTION OF HOUSING DEVELOPMENT**

- 3.1 In response to the withdrawal of CGV the Council has shortened the plan period to reduce the amount of housing which must be provided for and has added in a proposal for 500 houses at Sharnbrook which is East of Santa Pod and so is downwind of the raceway in westerly winds. The plan does not give any indication of where those houses will or should be located, but relies on the Neighbourhood planning process to identify the sites for housing. This is unsafe because there is potential for sites to be proposed in a neighbourhood Plan for Sharnbrook in locations at which the noise environment is not suitable for residential development. The Sharnbrook Neighbourhood Plan is at an early stage in its preparation, which is being undertaken by a group of volunteers. It is unlikely that those preparing the Neighbourhood Plan will have the necessary expertise to make an assessment of the suitability of sites from a noise perspective.
- 3.2 By withdrawing the CGV proposal the Council has recognised that the development of housing in close proximity to Santa Pod is inappropriate, but there is nothing in the Local Plan, as drafted, to reflect that or to protect Santa Pod from the effects of alternative development proposals on its business.
- 3.3 Trakbak Racing Limited has concerns about the extent of reliance on Neighbourhood Plans (NP) to fulfil the strategic housing need. This has increased in absolute terms, in terms of the proportion of the housing requirement in the plan and in terms of the number expected to be delivered through neighbourhood plans in the first five years of the plan, since the last submission draft was produced and it now also relates to housing in Sharnbrook.
- 3.4 Reliance on Neighbourhood Plans for the provision of housing was addressed by the Inspector reporting on the Torbay plan in 2014. He stated (paragraph 28 of his report APPENDIX 1) that the approach of reliance on NP to deal with the spatial distribution of housing in the medium to long term is acceptable in principle, subject to three provisos. Firstly, the plan needs to deal adequately with the short term, especially the five year housing land supply position, second, noting 184 of the NPPF, it must contain a clear strategic framework for the NP to work within and third the plan needs to include a clear policy commitment to undertake the necessary development plan work if the neighbourhood planning process does not deliver the local plan strategy.
- 3.5 The Housing Sites Trajectory (Sept 2018) shows reliance on Neighbourhood Plans to deliver needs within the first five years and sole reliance on it to deliver all the needs in Key Service Centres. This could serve to undermine the delivery of the plan.
- 3.6 The reference to an immediate review of the plan (paragraph 1.6b) does not provide any assurance because the commitment to review is not a specific policy; it is open ended and provides no indication of a deadline for submission of a review to the Secretary of State. Furthermore, the statement that if NPs have not been submitted by October 2020 or 12 months after adoption of the local plan (whichever is later) the Council will “consider the need to allocate additional sites” does not provide clarity or

certainty that sites will be allocated in a timely manner to prevent a failure to maintain a 5 year supply of housing land.

- 3.7 It is likely that the proposed developers of the CGV will continue to press for development at the former CGV site. This may be through seeking an allocation in the neighbourhood plan or as a result of an application relying on a failure to demonstrate a five year supply of housing land, in the event that the neighbourhood planning process fails to provide an adequate supply of sites in the medium term.
- 3.8 It is likely that in the first two years or so of the plan period it will be apparent that some of the sites relied on to provide five years supply of housing land will not come forward and the Council will quickly fall into the position that it does not have a five year supply, leaving Santa Pod vulnerable to a speculative application by the promoters of CGV. Provision in 3S to address the issue of noise from Santa Pod would provide some degree of protection to this important local business and facility.
- 3.9 The absence of policy wording which addresses the issue of noise means that the policy is not consistent with the NPPF. In particular, it is not consistent with paragraph 123 of the NPPF in that it does nothing to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development. There is a known noise issue in connection with Santa Pod. In consequence, there is a risk of unreasonable restrictions being placed on Santa Pod Raceway because of new development. The importance of compliance with paragraph 123 of the NPPF is emphasised by the way in which the issue has been treated in the recently issued updated NPPF which makes it clear in paragraph 182 that “existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established.” The agent of change (the housing development) should be required to provide suitable mitigation where the operation of an existing business could have a significant adverse effect on new development.
- 3.10 Attached as APPENDIX 2 is a letter from MAS Environmental dated 25<sup>th</sup> October 2018. This makes it clear that any development within the previously proposed CGV development area would carry significant risks regarding noise impact. Development in the area indicated as the inner buffer zone (highlighted in red) would be subject to noise from the raceway for the majority of events and there is no evidence to suggest that mitigation could adequately resolve the issue. Trakbak Racing has been advised that such mitigation could not be satisfactorily provided within the inner buffer zone without its cooperation. The cooperation of Trakbak Racing has not been secured and it would not be appropriate for housing to be allocated in the inner buffer zone
- 3.11 In the outer buffer zone it would be essential for the Council to be satisfied, before supporting the allocation of a site, that it would be possible for mitigation within the proposed development to provide an acceptable noise environment. This would need to be supported by robust evidence and the Council should provide guidance in the Local Plan as to what standard should be required.
- 3.12 Adoption of the MAS recommended exclusion buffer zone for residential development around Santa Pod would represent a positive response to the issue and

would ensure that the Local Plan gave adequate guidance to the Neighbourhood Plan site allocation process to enable conflict in land uses to be avoided.

- 3.13 The restriction will need to be in a strategic policy to ensure that it guides the Neighbourhood planning process adequately (paragraph 185 of the NPPF) so as to satisfy the criteria set out by the Inspector in relation to the Torbay Plan. Paragraph 8 of schedule 4B of the Town and Country Planning Act 1990 requires that a Neighbourhood Plan is in general conformity with strategic policies in the Local Plan and it is only strategic policies which will take precedence over an adopted Neighbourhood Plan, as is made clear in paragraph 30 of the NPPF adopted in 2018. This means that any restriction in relation to noise which is contained in a non-strategic policy would be at risk of being over-ridden by a Neighbourhood Plan, depriving Santa Pod and future residents of the protection which is required by paragraph 123 of the NPPF.
- 3.14 There is precedent for the adoption of a noise buffer zone in the Chichester Local Plan. The Goodwood motor circuit lies within the Chichester district and in connection with the Westampnett/North East Chichester Strategic Development Location the local plan contains the following explanatory memorandum

*A number of specific issues need to be taken into account in planning development at this location. These include:*

*The proximity of the site to the Goodwood Motor Circuit and Airfield requires some screening of the site for visual amenity and noise attenuation, together with careful layout of new buildings. Housing development should not be within 400m of the boundary of Goodwood Airfield and Motor Circuit<sup>(1)</sup>. It may be possible for limited development to occur within 400m of the Circuit, subject to any proposal demonstrating that there would be no adverse noise impact on the occupiers of proposed housing development, and no adverse impact on building design or development layout resulting from proposed noise mitigation measures;*

<sup>1</sup>

*Existing noise control for the Goodwood Motor Circuit is based upon the nearest dwelling to the Circuit which is 400m away*

- 3.15 It is significant that in the case of the Santa Pod Raceway there is no restriction on noise levels. The distance selected for the buffer zone has been identified based on the measured noise levels experienced in the relevant areas and so is based on a sound evidence base. The introduction of housing in to the inner buffer zone would represent a serious threat to the continuation of the business at Santa Pod, which makes a valuable cultural and economic contribution, as set out in the previous representation submitted by Trakbak Racing Limited in relation to the Local Plan. It would not accord with paragraph 123 of the NPPF and so would render the Plan unsound. Any housing within the outer buffer zone would need to be subject to robust mitigation measures to provide a specified satisfactory indoor and outdoor noise environment and sites should not be allocated unless that can clearly be demonstrated. In this case the plan does not, in the absence of clear policy guidance

in relation to the location of housing to avoid noise issues from Santa Pod, provide a clear and adequate strategic framework and that omission goes to the soundness of the plan.

- 3.16 The Plan recognises in explanatory text associated with policy 103 that it is appropriate to protect existing sports facilities and the Plan also recognises the unique nature of the Santa Pod facility. It would be consistent with that to plan positively to protect it from the adverse impacts of inappropriate residential development.

#### 4. **SUMMARY**

- 4.1 The Local Plan as drafted fails adequately to protect Santa Pod from the obvious risks which would be associated with the allocation of housing sites or the grant of consents in the noise buffer zone. This represents a failure to plan positively to achieve sustainable development. The strategy adopted is not the most appropriate strategy when considered against the reasonable alternative proposed in this representation of providing appropriate policy protection to Santa Pod. The failure to provide such protection does not accord with national policy.

Hewitsons LLP  
29 October 2018  
On behalf of Trakbak Racing Limited