



## **TRAKBAK RACING LTD – REGULATION 19 REPRESENTATIONS TO THE BEDFORD BOROUGH LOCAL PLAN**

In this representation reference is made to the paragraph numbers in the NPPF 2012 because it is anticipated that the plan, if submitted in this form (which in our view it should not be) will be submitted before the publication of the new NPPF

### **1. 2S SPATIAL STRATEGY**

- 1.1 Trakbak Racing Limited objects to the reliance of the plan on Colworth Garden Village (CGV) as part of its spatial strategy.
- 1.2 CGV is relied on as a “focus for strategic growth”. The plan assumes that 4,500 houses will be provided at CGV, 2,500 of which will be in the plan period (Plan 6.10). The evidence relied on in relation to CGV is, however, inadequate and unreliable, rendering the plan unsound. The policy is, furthermore, not consistent with the NPPF and in particular is not consistent with paragraph 123 of the NPPF in that it relies on placing unreasonable restrictions on Santa Pod Raceway (SPR) its operations in order to deliver any housing. 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 consultation draft NPPF which makes it clear in paragraph 180 that “existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established.”
- 1.3 Contrary to paragraph 47 of the NPPF the Council has not used a proper and robust evidence base to ensure that the Local Plan meets the full objectively assessed needs for housing. The development at CGV is not deliverable within the meaning of the NPPF (footnote 11 to paragraph 47) because the site does not by reason of the level of noise generated by SPR offer a suitable location for development now.
- 1.4 It cannot be satisfactorily demonstrated that it is likely that the development will be deliverable in the plan period or at all due to an unacceptable degree of uncertainty over what is required by way of noise mitigation and whether that can be achieved. The uncertainty over noise mitigation casts doubt on whether development of the site is viable because the cost of necessary mitigation is unknown (even if it is technically possible to achieve, which is in doubt). Insufficient evidence is available to allow proper consideration to be given to compliance with paragraph 173 of the NPPF because the obligations in relation to noise mitigation at CGV (specified in policy 27) may well be so onerous that they threaten the viability of the development, in both financial and practical terms.

- 1.5 The Council has given insufficient consideration to whether the controls which are proposed over the SPR will be feasible and to the impact which they will have on the operation of SPR.
- 1.6 It has failed to take account of the importance of SPR to the economy and culture of the district and (being the only drag racing track in the UK) to the culture of the UK as a whole. It has not considered any evidence in relation to this.
- 1.7 The Council has inadequate evidence to allow it to determine whether the changes which are proposed to mitigate the noise impact on CGV will be effective to achieve their intended purpose and whether they will exacerbate noise elsewhere. The Council has disregarded evidence, provided by Trakbak Racing Limited, which shows that the evidence that the Council has relied on in relation to noise is inadequate. The evidence has not addressed the impact that changes to the layout of the facilities at SPR would have on noise levels in existing villages. Exacerbation of noise in those locations would lead to harm to the living conditions for residents in established villages whilst, on the evidence of Trakbak Racing Limited, not adequately protecting the amenity of new residents in CGV.
- 1.8 The Council has also failed to consider whether the noise mitigation measures proposed in the policy will be acceptable to the racetrack operator or feasible.
- 1.9 The development of CGV is dependent on the mitigation of noise from Santa Pod. The Council has, however, inadequately addressed the mechanism for securing the mitigation (paragraph 176 NPPF). There is no evidence that the safeguards required by the policy could be secured. The operator of SPR does not support the proposal, which it sees as a serious threat to its business and has not entered into any agreement with the landowner or promoter of CGV. The Freehold owner of the raceway of a 50% shareholder in Trakbak Racing Limited and supports its position in relation to this objection. Trakbak Racing Ltd has a new 30 year lease over the racetrack which started this year and a 25 year lease over additional land which is used mainly for car parking and camping. Since it took over the track in 1996 it has invested £7 M on the venture. Accordingly it has every reason to wish its successful business to continue.

## **2. 3S AMOUNT AND DISTRIBUTION OF HOUSING DEVELOPMENT**

- 2.1 Trakbak Racing Limited objects to the reliance on CGV as a principal element of the provision of new housing.
- 2.2 The objectively assessed need for housing in the plan period is 7,822 dwellings. CGV is intended to meet over 30% of that need. There is, however, significant doubt over its ability/suitability to do so. This makes the plan unsound. The policy is not justified because it is not founded on robust credible evidence backed by facts (in respect of noise mitigation). It does not accord with NPPF paragraph 158 because it relies on placing unreasonable restrictions on SPR and its operations in order to deliver any housing. It also makes the plan ineffective because the housing relied on will not be deliverable over the plan period due to significant practical, regulatory and national policy barriers, as referred to above.

2.3 The development will fail to achieve the objective set out in 7.38 of the plan that the garden village “provides a place that is attractive to live and work” because residents will, if mitigation proves to be inadequate, suffer a poor level of amenity and unacceptable disturbance from noise environment.

### 3. **Policy 26**

3.1 Trakbak Racing Limited supports the principles set out in policy 26 but does not agree that CGV will fulfil those principles because, in the light of the likely noise environment resulting from its proximity to SPR, it will not establish an environment which will promote health and well being. It will not allow fulfilment of an opportunity (7.38) to create a place which is attractive to live in.

### 4 **Policy 27**

4.1 Trakbak Racing Limited regards the allocation of CGV to be unsound and to render the plan unsound.

4.2 The allocation is based on inadequate and unreliable evidence in relation to noise impact and mitigation and it is not consistent with the NPPF paragraph 123 in that it relies on placing unreasonable restrictions on SPR and its operations in order to deliver the planned housing.

4.3 The need to address noise is recognised (7.49) but this is addressed by including, without discussion with the operator of SPR, provisions requiring changes to be made to the physical layout and to the operation of activities at Santa Pod.

4.4 The policy recognises that noise mitigation to an “agreed level” will be needed prior to occupation of any dwellings, but the required level has not yet been set. It is not, therefore, possible to ascertain whether the appropriate level will be achievable, even with the cooperation of the operator. There is a very real risk that it will not be (see MAS Review of Noise Impact from MAS Environmental attached as Appendix 2 paragraph 7.12) and that the development is not deliverable in the plan period or at all. If the plan were to be adopted in reliance on policy 27, with the unacceptable uncertainty over noise mitigation, there is a real risk that the development will be allowed to proceed with the best mitigation that can be achieved in the circumstances and that it will be an unsatisfactory level of mitigation leading to unsatisfactory living conditions for the occupants of CGV and potentially of other villages with changed sound environments. This will lead to complaints, and will impact adversely on Santa Pod and on the new residents. This is not sustainable development and the plan is not, accordingly positively prepared or justified because the most appropriate strategy has not been identified.

4.5 The policy relies on “suitable delivery mechanisms such as planning conditions/obligations to restrict activities” but no consideration appears to have been given to how this can be achieved. This does not accord with paragraph 176 of the NPPF. 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 and to provide a level of activity to support and maintain the interest of the fan base. These large events are the ones which produce the greatest level of noise and the noise is an essential part of the activity. There is no likelihood that events will be voluntarily reduced or varied to enable the development of CGV. In addition SPR hosts a number of other events which provide additional income and attract a different group of visitors. Examples are drifting and public track days; the facility at Santa Pod allows these activities to take place in a safe and controlled environment rather than taking place in public locations such as car parks and public highways. These events also form an important part of the contribution made by the facility and have a social value beyond their leisure or entertainment value.

- 4.6 The document “Santa Pod Raceway Local Noise Profile Assessment” (Appendix 1) sets out the levels and nature of activity at Santa Pod and also provides some information about the social and economic contribution that it makes. The information provided demonstrates that the noise assessment provided on behalf of Wrenbridge is not representative and should not have been relied on as part of the evidence base of this policy. The period in which the sound survey was undertaken was late in the season and included only one “loud event” of which around 29 are held during the course of a year. The report also explains (para 6) that the relocation of drag racing and alteration to the stadium seating, both of which are identified in the policy as physical mitigation measures, are not possible. The evidence of this report, which was submitted as part of the regulation 18 consultation, appears to have been disregarded by the Council in preparation of the policy. The Council may have believed that the operator was supportive of the proposals so that the representation could be disregarded, but this is not the case and the Council does not appear to have sought any evidence that it was. In any event, the information in the report casts doubt on the accuracy of the promoter’s noise assessment such that it should not be relied on in support of a large and critical allocation.
- 4.7 The PBA Preliminary Noise Assessment provided by the promoter of CGV relies (7.2.1) primarily on off site mitigation (i.e. on SPR land) and that reliance was based on “encouraging dialogue” and non binding “commitments” to continue that dialogue. This is a weak basis on which to allocate a site of such size and importance. The report considered the impact of an 8m high seating area during a “Drift What Ya Brung” event, but this is not representative of noise impact on the site during one of the louder events (29 per year) as described in the “Santa Pod Raceway Local Noise Profile Assessment”. It is manifestly not appropriate to base the allocation on such a poor evidence base.
- 4.8 A significant number of objectors in earlier consultations raised the issue of the impact of noise from Santa Pod on CGV and queried the adequacy of the noise assessment prepared by PBA but this does not appear to have resulted in the Council asking for or receiving any further (particularly any independent) advice or assessment of noise. This can be contrasted the the assessment of highways and transport undertaken by SYSTRA and referred to below.
- 4.9 Trakbak Racing Ltd has commissioned a Review of Noise Impact from MAS Environmental and it is attached as Appendix 2 to this representation. This report, forms an important part of this representation. Read as a whole it shows that it will

not be possible to achieve a satisfactory noise environment at the proposed CGV. It shows that estimated noise levels at CGV will exceed noise limits used at other raceways by a considerable margin. Maximum noise levels would exceed those set for Palmer Motorsport which is also in the district. This illustrates the lack of consideration given to proper evidence in relation to noise before this site was allocated. The situation is summarised clearly in the executive summary from which it is clear that the promoters have been unable to provide any certainty as to an appropriate range of controls that would allow Santa Pod and CGV to co-exist. It should be noted that MAS has shown that the noise would not be mitigated sufficiently even by an 800m long 8m high wall (6.1 to 6.6), which is in any event impractical.

- 4.10 In the submission draft of the Local Plan Santa Pod Raceway has been included within the site of CGV but there is no evidence that any agreement has been reached with the landowner about its inclusion and development and in fact such an agreement has not been reached. This casts doubt on the deliverability of the site. Furthermore, in the Garden Village Topic Paper the SPR land has been used to boost the area of brownfield land which is included in the site whereas there is no intention of carrying out any development on the SPR land. Changes to the operation and facilities have been suggested by the promoter to provide noise mitigation but the owner and operator do not intend to carry them out and they do not represent a more efficient use of brown field land than is currently occurring.
- 4.11 It would appear that little detailed consideration has been given to noise in the site allocation process. The potential sites for garden villages were shortlisted with out any consideration being given to noise. It is apparent from a study of the process as outlined in the GardenVillage Topic Paper that it was not until [February ] 2017 that information about noise at CGV was provided by which time the sites had already been short listed.
- 4.12 The Topic paper shows that the Council had an independent highway and transport assessment of the shortlisted sites carried out by SYSTRA in 2017 and as a result of that Sharnbrook was identified as the preferred location for the garden village (7.6-7.7). It was in the light of that selection that noise was considered. It is dealt with superficially in 8.1 of the Topic Paper and the assumption is made that there will be reduced noise. In part 2 the matter is dealt with in a little more detail but the statement that the Council's EHO is of the view that inclusion of SPR means mitigation can be prescribed and delivered through the allocation policy is not backed by any justification. The basis for the assertion is not explained.

## 5. **Policy 29S**

- 5.1 Trakbak Racing Limited supports the principles set out in policy 29S but does not agree that CGV will fulfil the criteria because, in the light of the likely noise environment resulting from its proximity to SPR, it will not integrate well with and complement the character of the area. Development proposals should be required to contribute towards health and well being.

## 6. **Policy 103**

6.1 Trakbak Racing supports Policy 103 but considers that other policies of the plan, in particular policy 27 are in conflict with this policy due to the restrictions that they impose on the SPR site, a well-established leisure facility.

7. **Summary**

7.1 The plan places significant reliance on CGV to deliver the necessary housing in the plan period, but the approach is substantially flawed because it relies on inadequate evidence and is contrary to the NPPF, meaning that it cannot be adequately demonstrated that the houses are either deliverable or developable. An alternative allocation should be identified in relation to which better certainty can be demonstrated. The degree of uncertainty in this case is such that CGV cannot be regarded as the most appropriate strategy as required by paragraph 182 of the NPPF.

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