



Planning Policy Team
Bedford Borough Council
Borough Hall
Cauldwell Street
Bedford
MK42 9AP

28 July 2022

Dear Sir/Madam,

Trakbak Racing LTD – Representations to the Bedford Local Plan 2040

On behalf of our client, Trakbak Racing LTD, we write this letter to set out their representations to the ongoing regulation 19 consultation for the emerging Bedford Local Plan 2040. This letter firstly outlines Trakbak Racing LTD objections to six sites submitted in the call for sites process. Following on from this, representations to the wider spatial strategy and site allocation policies of the emerging local plan are made.

OBJECTIONS TO THE SIX SITES SUBMITTED IN THE CALL FOR SITES PROCESS

Trakbak Racing LTD, the operator of Santa Pod Raceway (SPR), **objects** to the allocation of the following six sites submitted as part of the local plan consultation:

- Up to 600 homes at Glebe Farm Solar Park, Podington (Site ID:529)
- 800+ dwellings at Land to the north west of Forty Foot Lane, Podington (Site ID: 532)
- Up to 700 dwellings at Odell Solar Park, Odell (Site ID: 531)
- 4,500 dwellings at Land adjacent to Colworth Science Park (Site ID: 1002)
- Land to the West of Vicarage Lane, Podington (Site ID: 527)
- Land to the south east of Wymington Road, Podington (Site ID: 519)

Trakbak Racing LTD agree with the councils assessment that the sites listed above are not suitable for a housing allocation. Their allocation would be contrary to paragraph 35 of the National Planning Policy Framework (NPPF) (2021) which explains that in order for local plans to be found sound, they must be in accordance with policies of the NPPF. The allocation of these six sites would render the local plan unsound because they are not in accordance with the following paragraphs of the NPPF:

- **Paragraph 81:** which explain that *“Planning policies and decisions should help 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”*.

- **Paragraph 174:** which explains that: *“Planning policies and decisions should contribute to and enhance the natural and local environment by... 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”* (underline added).
- **Paragraph 185:** which explains that *“Planning policies and decisions should also ensure that new development is appropriate for its location.... 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”* (underlines added).
- **Paragraph 187:** which explains 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”*.

Further to the above, paragraph 2 of the NPPF explains that planning permissions should be determined in accordance with the development plan. Owing to this, these six sites are not deliverable (and should not be allocated) because they conflict with the following extant policies in the Bedford Plan 2030. These policies are:

- **Policy 28S (Place making):** which explains that development will be expected to *“have a positive relationship with the surrounding area, integrating well with and complementing the character of the area in which the development is located”*.
- **Policy 32 (The impact of development- disturbance and pollutions impacts):** which explains that *“development proposals should ensure that they minimise and take account of the effects of pollution and disturbance. Planning applications should give particular attention to....the suitability of the existing environment in relation to nuisance or pollution in the vicinity of the site”*.
- **Policy 47S (Pollution, disturbance and contaminated land):** which explains that development proposals should: *“Avoid noise giving rise to significant adverse impacts on health and quality of life or, where appropriate, mitigate and reduce its impact”* and that development proposals should *“be appropriate for their location, having regard to the existing noise”*.

Explanation as to why these six site submissions conflict with the NPPF and adopted development plan is outlined below in this letter. This letter follows on (and should be read alongside) Trakbak Racing LTD previous representations to the Bedford Local Plan 2030 and the Bedford Local Plan 2040, these are listed below:

- Letter by WSP on behalf Trakbak Racing Ltd – Representations to the Bedford Local Plan 2040 (dated 02-09-2022)

- Trakbak Racing LTD – Regulation 19 Representations to the Bedford Borough Local Plan 2030 (dated 28-3-18); and the following appendices in relation to this representation
 - Appendix 1: Local Noise Profile Assessment undertaken by Santa Pod
 - Appendix 2: Review of Noise Impact in relation to Santa Pod Raceway (27th March 2018)
- Trakbak Racing LTD Regulation 19 Representations to the Bedford Borough Local Plan 2030 (October 2018); and the following appendices in relation to this representation
 - Appendix 1 of the above representations entitled “Report in the Examination into the Torbay Local Plan”
 - Appendix 2 of the above representations which outlines a composite list of noise assessments undertaken by MAS Environmental

Many of these documents were previously submitted on behalf of Trakbak Racing LTD to the consultation period of the then emerging (now adopted) Bedford Local Plan 2030 in which a previous proposal for a new 'garden village' settlement at Colworth (nearby to SPD) was put forward as an emerging allocation. This emerging garden village allocation was subsequently removed prior to the adoption of the plan over issues around SPR noise. This garden village proposal has again been submitted (Site ID 1002) in the call for sites submission for this emerging local plan, with a further representation of support submitted at the last round of consultation (Regulation 18) in the form of a letter by the site promoters (Wrenbridge Land Ltd / Fiera in association with Unilever, herein referred to as 'Wrenbridge / Fiera') planning consultants Rapleys.

This letter outlines the unacceptability of this garden village proposal and of the other five housing proposals submitted in the call for sites process nearby to SPR. The three key reasons why these six housing proposals should not be allocated in the emerging local plan are because they would cause/create issues with:

- Noise issues;
- Unaccepted living environment; and
- Effect on the SPR business and the local economy.

These three key issues are explained further under the subheadings below.

Noise issues

As outlined in our previous representations to the Bedford Local Plan 2040 (dated 02-09-2022) submitted on behalf of Trakbak Racing Ltd, SPR is synonymous with high speed and noise; these two elements are at the very heart of what they do. SPR 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.

The potential development of a housing proposal in such close proximity to the racetrack would be a serious threat to SPR and its business operations. The power available to members of the public with modern legislation is formidable; this means that the opportunity for a single complainant or a group of complainants to curtail the business activities of a company like SPR is very real. Fortunately, due to SPR being present and active in running drag racing for over 50 years, the

community in which they sit is largely accepting of what they do. Existing communities have expectation of intrusion from SPR as they have evolved along with the raceway. This same form and level of expectation cannot exist for any new community who naturally expect development is permitted with their quality of life already protected as part of the assessment process.

Trakbak Racing Ltd previously commissioned a 'Review of Noise Impact in relation to Santa Pod Raceway' (dated 27th March 2018), from MAS Environmental. This report outlines the unacceptability of a housing proposal nearby to SPR and forms an important part of this representation. Paragraph 1.25 (on page 7) of this report explains that it will not be possible to achieve a satisfactory noise environment for a nearby housing development as it would fail to meet numerous objectives of planning guidance and seeks to introduce a large number of noise sensitive receptors at a distance of 500m - 1km from the SPR site. The same paragraph of this report goes further to state that *"Noise at dwellings would be dominant, at times highly intrusive and significantly above background sound levels. Widespread complaints are expected and control by way of statutory nuisance (whether privately or by the Council), use of Community Protection Notices or common law action should be expected"*.

SPR would certainly expect to be the subject of legal injunctions and be in conflict with new residents if houses were to be built this close to its venue. MAS Environmental have previously assessed that, without substantial changes at the Santa Pod site, this potential conflict would likely lead to the demise of the Santa Pod business as a direct result of noise complaints and potential noise nuisance claims¹. In this context it is important to state that paragraph 187 of the NPPF explains that *"Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established"*. Any housing on the sites 1002, 529, 531, 527, 519 and 532 would not be in compliance with paragraph 187 of the NPPF because it relies on placing unreasonable restrictions on SPR and its operations in order to deliver any housing.

It is welcomed that Bedford Borough Council have recognised these noise issues in their assessment of this proposed new settlement as part of their evidence base for the emerging local plan (in the document entitled 'New Settlements Assessment, April 2022'), and have explained that these issues remain unresolved. It is noted that Wrenbridge / Fiera most recent representation (dated 24/08/2021 and submitted by Rapleys), promoting the site at regulation 18 stage of the emerging local plan 2040, provides no further supporting technical information as to how these noise issues could be mitigated/resolved despite alternative noise mitigation solutions being sought from them by the council.

As MAS Environmental explain (at bullet point 4 of page 3 of their 'Review of Noise Impact in relation to Santa Pod Raceway', dated 27th March 2018) any mitigation required would be substantial and relate to significant limitations on the form of residential development as well as major infrastructure changes at SPR. Furthermore, there is no evidence or reasoned logic that such measures would be, even remotely, sufficient. Evidence indicates some of the more important elements of the noise impact cannot be readily mitigated, in relation to its impact upon much of the proposed development site.

¹ Reference to this can be found on page 1 and 63 of the Appendix 2 (Review of Noise Impact in relation to Santa Pod Raceway) which outlines a composite list of noise assessments undertaken by MAS Environmental

It can therefore be satisfactorily concluded that no suitable noise solution/mitigation can be found and therefore this garden village proposal should not be brought forward for a housing allocation in the emerging plan (as recognised by the council).

Paragraph 35 of the NPPF requires that in order for local plans to be found sound they must be in accordance with policies of the NPPF. The local plan would therefore be unsound if these sites were to be brought forward for allocation in this local plan review, as it would not comply with paragraph 187 of the NPPF.

Unacceptable living environment

The proposed development locates residential dwellings (i.e. noise sensitive land use) within close proximity of a noisy site. This goes against basic principles for avoiding adverse noise impact.

In their assessment of the noise issues around site 1002, MAS Environmental explained (at paragraph 1.11 of their 'Review of Noise Impact in relation to Santa Pod Raceway', dated 27th March 2018) that the objective is to stop short periods of high noise which is precisely what happens at SPR. MAS Environmental then assess that (in paragraph 1.12 of the same report) conservative estimated noise levels at site reference 1002, based on levels previously measured in nearby community locations, exceed noise limits used at other raceways including within the Bedford district (42-47dB LAeq,T) by a significant margin, from around 10-30dB(A) depending on source type and meteorological conditions etc. The MAS report provides clear evidence that this is simply too large to be addressable by mitigation such as screening. As sites 529, 531, 519, 527 and 532 are also adjacent to SPR, similar noise survey results can be anticipated.

If site references 1002, 529, 531, 527, 519 and 532 were to be allocated for development in the local plan review, the nearest residential houses would be around 500m from the SPR start line. The sound generated by SPR this close to a family home would be intrusive and impossible to ignore. As MAS Environmental explain (at paragraph 1.26 of their 'Review of Noise Impact in relation to Santa Pod Raceway', dated 27th March 2018) this would fail to meet the aims of the NPSE ², as described within the Planning Practice Guidance on noise, to mitigate and reduce adverse noise impacts to a minimum and to improve the health and quality of life through effective management of noise. It also fails to protect SPR or any future development of the site.

Government guidance places emphasis on improving health and quality of life but also not placing unreasonable restrictions on industry or commerce. Substantially higher noise levels occurring much more often are predicted at the proposed sites than currently exist in nearby communities. Thus, health and quality of life for those at newer housing in the area cannot be improved compared to existing communities.

Housing on this site would therefore be in conflict with policy 47S of the adopted local plan (Bedford 2030) which explains that development proposals should "*Avoid noise giving rise to significant adverse impacts on health and quality of life or, where appropriate, mitigate and reduce its impact*" and that development proposals should "*be appropriate for their location, having regard to the existing noise*". For the same reasons, it would also be in conflict with policies 28S and 32 of

² Great Britain. Department for Environment and Rural Affairs (DEFRA) (2010) *Noise Policy Statement for England*



the adopted local plan and paragraphs 174 and 184 of the NPPF, owing to noise issues creating an unacceptable living environment.

Paragraph 35 of the NPPF requires that in order for local plans to be found sound they must be in accordance with policies of the NPPF. The local plan would therefore be unsound if this site were to be brought forward in this local plan review, as it would not comply with paragraphs 174 and 187 of the NPPF.

Effect on the SPR business and the local economy

Trakbak Racing Ltd (the freehold owner of the raceway and a 50% shareholder in SPR) 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 £7M on the venture.

As explained under the subheading above, entitled 'Noise issues', if site references 1002, 529, 531, 527, 519 and 532 were to be allocated in the emerging Bedford Local Plan 2040 the future of SPR and its business operations would be under serious threat. In considering this, it is important to take into account 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.

SPR makes a significant financial contribution to the local economy by providing employment in a rural area. Excluding director's salaries, the SPR wage bill for 2016 was £1,315,459. The vast majority of SPR employees live within 15 miles of the venue. As a business SPR spends £1,633,215.76 on goods and services in the locality. The company also pays an annual rates bill of £50,000. Santa Pod is able to operate at this level because of the type of events that are run at the venue.

In reference to the above, any housing on the sites 1002, 529, 531, 527, 519 and 532 would be contrary to paragraph 81 of the NPPF which explains that *"planning policies and decisions should help 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"*.

Paragraph 35 of the NPPF requires that in order for local plans to be found sound they must be in accordance with policies of the NPPF. The local plan would therefore be unsound if these sites were to be brought forward in this local plan review, as it would not comply with paragraph 81 of the NPPF.

REPRESENTATIONS TO THE SPATIAL STRATEGY AND SITE ALLOCATIONS OF THE BEDFORD LOCAL PLAN 2040

Need for SPR to be allocated as a key employment/sports arena to support its continued growth and development

SPR is a sporting facility of national significance which makes a valuable cultural and economic contribution to the local area, as set out earlier in these (and previous) representations. Despite this, there is no policy allocation in the emerging or adopted local plan which reflects the primacy of the venue and which looks to support its future growth. This is despite SPR continuing to look for opportunities to expand its operations, to the benefit of the local area, owing to its continued success as a venue.

The lack of an allocation of SPR appears to be an oversight in the emerging local plan, Trakbak Racing LTD therefore would like to put forward the site for a specific allocation which looks to support the upgrading and expansion of this key employment area and sports arena. A red line boundary is attached at Appendix A of this letter which shows the site area proposed to be put forward for this allocation. This red line boundary encompasses the whole site as well as some land to the west of it that SPR may consider expanding into in the future.

The red line boundary outlined should be allocated under a specific policy entitled 'Santa Pod Raceway'. This allocation should then explain the significant cultural and economic contribution of SPR before stating that any proposals for development at the raceway, which are related to and build upon its existing operations, will be permitted as long as it is considered sustainable development in accordance with paragraph 11 of the NPPF.

The addition of this policy allocation in the emerging plan would be in accordance with paragraph 81 of the NPPF as it would help create conditions for this key local business (of national significance) to invest, expand and adapt, increasing the number of people it can employ and benefitting the economy.

Need for a noise buffer zone around SPR

When the Council previously withdrew the garden village settlement at Colworth (nearby to SPD) which was put forward as an allocation in the previously emerging Bedford Local Plan 2030, they recognised that the development of housing in close proximity to SPR is inappropriate. Despite this, there is nothing in the 'Spatial strategy and Site allocations' chapter, on pages 22-84 of the emerging Local Plan 2040, to reflect that or to protect SPR from the effects of alternative development proposals on its business.

Trakbak Racing LTD has concerns about this, and in particular if the Council fall into a position of failing to demonstrate a five-year supply of housing land during the emerging plan period which could result in speculative housing applications being submitted nearby to SPR. At paragraph 3.9 of the document 'Trakbak Racing LTD Regulation 19 Representations to the Bedford Borough Local Plan (October 2018)' it is explained that there is a known noise issue in connection with SPR. In consequence, there is a risk of unreasonable restrictions being placed on SPR because of new development.

In relation to this, paragraph 187 of the NPPF that "*existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established*" needs to be complied with to ensure that the emerging local plan is in accordance with policies of the NPPF (as required by paragraph 35 of the NPPF). 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.

Appendix 2³ of Trakbak Racing LTD Regulation 19 Representations to the Bedford Borough Local Plan 2030 (October 2018) contains a letter from MAS Environmental dated 25th October 2018. This

³ Reference to this can be found on page 3 of the Appendix 2 which outlines a composite list of noise assessments undertaken by MAS Environmental

letter explains that any development within the previously proposed Colworth garden village development area (site reference 1002) would carry significant risks regarding noise impact. Development in the area indicated as the inner buffer zone (within a 1.4km area of SPR, highlighted in red on figure 1) 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 any housing development approved within this area would indicate substantial changes needed at SPR and potential demise of the business due to noise complaints or severe restrictions on the operation and use of the raceway. Housing therefore should not be allocated, or approved, in this inner zone.

The outer buffer zone (within a 2.4 km area of SPR, highlighted in blue on figure 1) corresponds with the distance from the raceway to the nearest residential housing in Podington and Souldrop, where there has historically been a campaign of noise monitoring. Within this area, Trakbak Racing have been advised that, any proposed housing would require significant and substantial mitigation both at the development site and at the raceway.

In this outer buffer zone it should be essential for the Council to be satisfied, before supporting the allocation of any sites, 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.

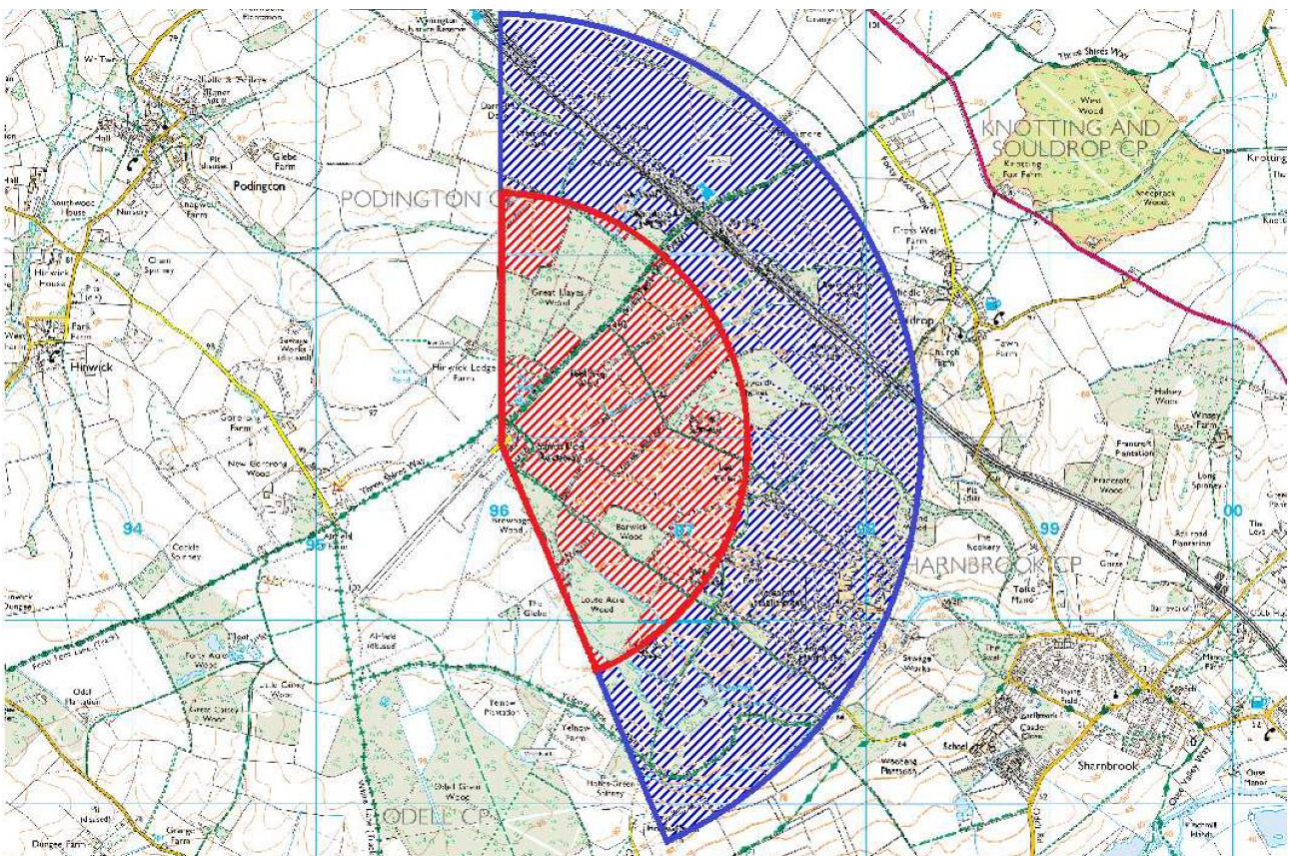


Figure 1: Proposed noise buffer zones for residential housing within 1.4km (outlined in red) and 2.4km (outlined in blue) of Santa Pod



Adoption of the MAS recommended exclusion buffer zone would represent a positive response to the issue of housing around SPR and would ensure that paragraph 187 ('agent of change') of the NPPF is complied with. The restriction will need to be in a strategic policy to ensure that it guides the neighbourhood planning process adequately.

It is significant that in the case of SPR 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 into the inner buffer zone would represent a serious threat to the continuation of the business at SPR. It would not accord with paragraph 187 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 policy guidance in relation to the location of housing to avoid noise issues from SPR, provide a clear and adequate strategic framework and that omission goes to the soundness of the plan.

Summary

These representations are made on behalf of Trakbak Racing LTD to **object** to the allocation of the six sites (references: 1002, 529, 531, 527, 519 and 532) submitted as part of the local plan consultation. Trakbak Racing LTD agree with the councils assessment that the sites listed above are not suitable for a housing allocation. The allocation of these sites would be contrary to paragraph 35 of the NPPF which explains that in order for local plans to be found sound they must be in accordance with policies of the NPPF.

These representations also explain that the 'Spatial strategy and Site allocations' chapter of the emerging local plan should be amended, with SPR allocated under a specific policy allocation which reflects the primacy of the venue and looks to support its future growth. Further to this, to protect SPR from the effects of inappropriate housing development proposals on its business, it is explained that an exclusion buffer zone for residential development around SPR should be outlined in policy. This would represent a positive response to the issue of housing around SPR and would ensure that paragraph 187 ('agent of change') of the NPPF is complied with, therefore ensuring the soundness of the emerging Bedford Local Plan 2040.

We would be grateful if you could confirm safe receipt of these representations and we look forward to them being considered in the consultation process of the emerging plan. In the meantime, please contact me if you have any queries in respect of the matters raised in this letter.

Yours faithfully

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APPENDIX A

Site area proposed to be put forward for a specific allocation entitled 'Santa Pod Raceway'

