

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



**TO EACH MEMBER OF THE
DEVELOPMENT MANAGEMENT COMMITTEE**

13 January 2015

Dear Councillor

DEVELOPMENT MANAGEMENT COMMITTEE - Wednesday 14 January 2015

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the Late Sheet:-

(i) Late Sheet

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Should you have any queries regarding the above please contact Democratic Services on Tel: 0300 300 4040.

Yours sincerely

Helen Bell,
Committee Services Officer
email: helen.bell@centralbedfordshire.gov.uk

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LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 14th JANUARY 2015

Item 6 (Supplement Pages 5-33) – CB/14/03678/VOC – Motorcycle Track South of, Stanbridge Road, Great Billington

Additional Information

The noise assessment referred to in the Committee report has been appended at Appendix A.

The applicant has withdrawn the proposed use of the track on any Bank Holidays from the proposal.

Additional Consultation/Publicity Responses

A letter of objection has been received from the occupiers of 4 Station Road, Stanbridge. The objections are as follows:

“1) The noise level will increase with more bikes and this will continue to disrupt our peace on a Sunday when we are trying to have some rest, of which we have had to endure for the past 2 years. We believe that it will not be possible to control the amount of bikes going in and out of the site.

2) We believe there is not going to be enough space on site for 18 vehicles to park which transport the bikes, and the first aid vehicle accompanying them, which will mean they will have to park on a very busy road congesting the surrounding areas. We are concerned about the training centre vehicles and this will further increase the traffic surrounding the field.

3) Also have the emergency services been contacted regarding access on site in order for them to treat any injured riders?

4) Are there facilities at the site that are going to be built such as toilets and accessibility for the disabled?

5) Another concern is that expanding this track will lead to the devaluing of the surrounding properties, including my own, and this will mean people will have to seek compensation from the council.”

An objection has been received via Andrew Selous MP from the occupiers of Mead House, Great Billington. The objection has been reproduced in full, below:

“Dear Mr Selous

I am writing to ask for your help to ensure the truth about the noise nuisance of the motocross track reaches the right people, i.e. those actually making the decision at the January Planning Meeting.

We received a letter from planning at central beds which just says the application is 'recommended for approval'!!!!

As over 130 objections were received by the planning officer I can only assume that this is as a direct result of the noise report requested by the council in November and presumably paid for by us, the taxpayers of Central Beds. I presume that you are aware that the address used on the application is not the applicant's home address. He has the luxury of being able to stay at home in more peaceful Essex when he feels like it and is NOT a Central Beds. resident.

I live at Mead House, the closest property to the track and am therefore uniquely placed to comment on the noise report which has been cited as the only 'OBJECTIVE' report carried out.

The report was carried out by a specialist noise company but the results can in no way be termed objective. The noise report was taken on one day at a TEST EVENT specially arranged by the applicant for the council.

The applicant spent a considerable time preparing the track the night before the event which was for specially invited participants. The applicant selected the groups of bikes which were to use the track at any given time and understandably completely CHOREOGRAPHED this event.

I stood near the microphone with Mr Stone from the council and there was indeed no discernible difference in the noise levels we experienced when more, presumably quieter, bikes were sent out onto the track.

I also pointed out to Mr Stone that the levels of noise were NOT TYPICAL and could not be termed REPRESENTATIVE of the more disruptive levels we more usually experience when the track is running.

I would therefore like the point that the only way a noise test can be termed OBJECTIVE is if the applicant is unaware of it taking place and is done on a more random basis to allow for changing weather conditions i.e. wind direction and speed etc.

This noise report can then reasonably be used as a control thus producing a FAIR TEST!

I would appreciate your also finding out why the council feel the change to winter use (7 months for the applicants purposes in this instance) is being considered for approval when this will compound the noise nuisance for those of us who choose to live a rural lifestyle using our outdoors to the max. The increase in operational hours is a huge concern in that it encompasses pretty much ALL of our daylight hours every weekend during the winter.

I do hope you can help us and look forward to receiving your suggestions as to who to contact and what we (myself and all the other central Bedfordshire residents affected) can do to ensure this application is not approved on the strength of one unfair, carefully choreographed, unrepresentative test event!"

A letter has also been received via Andrew Selous MP from an occupier in Station Road, Stanbridge. The letter has been reproduced in full, below:

"I apologise for writing to you on this issue, but I must add my voice to the others that I am sure have contacted you regarding the latest planning application from the motocross facility near Stanbridge. I have been a resident in the central beds area since 1985, and never felt it necessary to write to my MP before, but the current situation, and the way CBC have handled this issue is beyond belief.

I find it incredible that CBC are recommending the latest planning application. We have seen a huge local response rejecting it, yet CBC apparently have taken little notice. Do they believe that all these residents from three separate villages and three parish councils are lying to them?

CBC have commissioned a noise test that as far I can see has been performed completely to the advantage of an operator. The test omits crucial information such as the type of bikes and their respective decibel levels, in fact the report seems intent on misleading the reader by quoting specified sound levels of individual bikes, to give the impression they were measured when they were not.

This report is not objective, it is in many respects very subjective. There is no evidence to suggest the sample was representative of the site in use, in fact the report actually states bikes and riders were specially invited by the operator himself.

The ACU (Auto Cycle Union) are the UK national governing body for motorsport. Their latest (2014) requirements for Motocross mirror those of the FIM (international Motorsport body) and provide an up to date method of testing bikes in real world conditions with bikes under full throttle. Why then has the noise assessment been performed against a code of practice from 1994, in place of the latest accepted requirements?

The report also quotes the WHO guidelines for community noise to justify the use of decibel levels, but omits to reference other recommendations from the same WHO document which state these levels are for continuous sounds, and recommends maximum sound levels are considered where the sound is not continuous. It also references the capacity of a noise to induce annoyance. Again this aspect has been disregarded.

I am employed by the British Standards Institution in Kitemark Certification and routinely review assessment and test reports from a variety of sources. As a matter of principle, any tests we commission are from UKAS (www.ukas.com) accredited laboratories and suppliers as they are the only government recognised organisation that ensure laboratories are independent, and impartial, and the reports are objective. Why wouldn't CBC have done this?

Whilst, given the local opposition, I am at a loss to understand why the noise test is even necessary, I think that it should be repeated before any decision is made, this time

- 1) using an accredited supplier*
- 2) permitting representatives from the parish councils to attend*
- 3) to be conducted as far as possible to simulate a typical event*
- 4) to be evaluated objectively against appropriate criteria.*

I have now seen CBC report to the planning committee and am incredulous that they have chosen to include vague comments from the applicants supporters, but have chosen to ignore factual comments from residents. For example, I discussed the fact that increased popularity of 4 stroke machines since 1995 are known to cause problems, as these have a low frequency sound which travels much further (in the

same way as bass sounds from loud car stereos can be heard for a long time after the car has passed by)

I am also aware of a friend who attends church in Eaton Bray who objected due to the disturbance to a time of quiet contemplation during Sunday service yet their letter does not appear to have been included at all.

In addition to those who have objected, I am sure many local people have been intimidated by some of the comments made by the operator on Facebook etc, and not put their views across to CBC. In comparison, it seems many of the responses from the supporters believed the facility was closing, encouraging them to write in.

It seems the report has also been tailored to ensure the applicant is successful.

I can understand that it might appear to be minor problem to some, but to me it has become a most important issue. I work 5 days and only have weekends. My interests and hobbies revolve around my home and the noise levels are often intolerable. We can clearly hear the noise from inside our home.

I won't go on, as I am sure others have similar issues which you will have heard.

I am aware that you are involved in discussions with various parties on the issue, so I am not expecting a detailed response, but I (along with many others I am sure) am at my wits end with the situation and feel powerless to influence the outcome."

Appendix B comprises a statement made by the occupier of Rye Farm, Eaton Bray.

Appendix C comprises a statement submitted by a member of the public entitled "Motocross History".

Appendix D comprises a report prepared by Applied Acoustic Design reviewing the noise assessment referred to in the Committee report. This report was accompanied by a letter which states the following:

"I attach an report by AAD (one of the UK's leading motorsport noise specialists) prepared on behalf of a group of Eaton Bray residents which reviews the LFA Noise Report submitted by CBC in relation to the above application.

You will see from the review that serious questions are raised over the test procedures used, proposed mitigation measures and the analysis and interpretation of results, to the extent that 7 motorbikes (let alone the 18 being proposed) are likely to exceed the maximum noise limits set by the WHO and other statutory bodies to avoid noise nuisance at residential dwellings close to the track. On this basis, it is clearly unsafe to continue using the LFA report as a fundamental justification by planning officers in recommending approval of the application. It is also recommended that any noise management plan should include a noise monitoring point with a pre-set noise limit as detailed in the review report and commonly used at tracks elsewhere in the country.

I would request that the attached review is included in papers made available to the Planning Committee as the conclusions of the report will be raised by objectors when addressing the committee on Wednesday."

In response to the representations received, the Public Protection Officer has made the following comments:

“Further to our meeting, please see the additional/amended conditions below.

The noise during motocross shall not exceed the following boundary noise levels at the locations shown on the attached site plan:

- a. 81 dB Laeq5min at location 1*
- b. 84 dB Laeq5min at location 2*

These levels closely represent (i.e. slightly above) the measured levels as reported in the noise assessment.

In addition to this, a further bullet point could be added to the list in the noise management plan which would read:

iii) A detailed noise monitoring scheme to assess noise levels at the boundary locations as identified in condition x, including measurement intervals, a monitoring record sheet and action to be taken should the boundary limits be exceeded.”

Appendix E shows the plan attached to the response from the Public Protection Officer.

Additional Comments

The report contains three errors which should be corrected. These are as follows:

- 1) The table on page 7 under the heading “Condition 3” should read as follows:

Proposal			Current		
Start	Finish	Total	Start	Finish	Total
1 October	30 April	7 months	1 April	30 September	6 Months

- 2) The response from Eaton Bray Parish Council, shown on page 11 under the heading “Comments”, point 2 should read:

*“Concerns that the applicant will **not** adhere to planning conditions, due to previous history; already has breach of condition notices, operating outside planning conditions/restrictions.”*

- 3) Under the heading “Neighbours” on page 12, it should be clarified that at the time of writing the report, the total number of objections received were 93 (including 35 from Stanbridge, 10 from Billington and 31 from Eaton Bray) and the total number of letters from supporters 123.

Additional/Amended Conditions/Reasons

The following amendments are made to the suggested conditions:

Condition 8:

The development hereby approved shall not commence until a noise management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the details so approved and shall thereafter be maintained at all times in accordance with those details. These details shall include:

- i) A detailed monitoring methodology for assessing noise levels from individual motocross bikes in accordance with the Code of Practice on Noise from Organised Off-road Motor Cycle Sport (1994) and ACU standards and a procedure for recording bikes using the track and excluding bikes that do not meet the specified noise limits. This record shall be kept on site and made available on request to the Local Planning Authority.
- ii) A detailed layout of the track including information on track construction, jumps, direction of flow and bunds around the track which shall be a minimum of 2 metres above the height of the highest point of the track level and the necessary planning permission(s) granted. Once constructed the configuration of the track and the bund shall be maintained and repaired such that they remain at the approved heights.
- iii) A detailed noise monitoring scheme to assess noise levels at the boundary locations as identified in condition 13, including measurement intervals, a monitoring record sheet and action to be taken should the boundary limits be exceeded.

**Reason: To protect the amenities of the occupiers of nearby properties.
(Policies BE8 & R16 SBLPR and 43 & 44 DSCB)**

Condition 9:

The configuration of the track, including any bunding or noise barriers, as approved in the noise management plan shall not be altered without the prior approval in writing from the Local Planning Authority.

**Reason: To protect the amenities of the occupiers of nearby properties.
(Policies BE8 & R16 SBLPR and 43 & 44 DSCB)**

Condition 11:

No motorcycles or any other motorised vehicle activity associated with the use hereby permitted shall take place on the bunds.

**Reason: To protect the amenities of the occupiers of nearby properties.
(Policies BE8 & R16 SBLPR and 43 and 44 DSCB)**

Condition 12:

No motorcycles or any other motorised vehicle activity associated with the use hereby permitted shall take place on the bunds.

**Reason: To protect the amenities of the occupiers of nearby properties.
(Policies BE8 & R16 SBLPR and 43 and 44 DSCB)**

New Condition No. 13 (Existing condition No. 13 becomes condition No. 14)

The noise during motocross shall not exceed the following boundary noise levels at the locations shown on the attached site plan:

81dB Laeq5min at Location 1

83dB Laeq5min at Location 2

Reason: To protect the amenities of the occupiers of nearby properties.
(Policies BE8 & R16 SBLPR and 43 & 44 DSCB)

Additional Note to Applicant:

Please note that in order to comply with condition 8 requiring the provision of improved bunding or noise mitigation measures that planning permission would likely be required for additional height of bunding and that this would need to be submitted to the Planning Authority as a Waste and Minerals Planning Application. The applicant is advised to contact the Planning Authority accordingly.

Item 7 (Pages 15-24) – CB/14/04070/FULL – The Red Lion, 1 Station Road, Potton, Sandy

Additional Consultation/Publicity Responses

None

Additional Comments

Section 4 'Other Matters' of the officer's report, sets out that a nomination request has been received by Central Bedfordshire Council to list the Red Lion as an asset of Community Value. The report states that this nomination request was received from the Potton Town Council. This is incorrect. The nomination was received from East Bedfordshire Campaign for Real Ale.

The listing process has now been completed by Central Bedfordshire Council, with the following decision made;

In the opinion of Central Bedfordshire Council, our reasonable consideration of Section 88 of the Localism Act 2011 is that the building or other land has in the recent past been used to further the social wellbeing or social interests of the local community. Furthermore, until permission has been granted for a change of use, it is realistic to think that there can continue to be use of the building which will further the social wellbeing or social interests of the local community.

If permission is granted by Planning Committee on 14 January 2015 the property will be de-listed at the point action is taken to change its use - as residential dwellings cannot be listed under the Act.

The listing of the building as an Asset of Community Value is a material consideration, however for the reasons set out in the main report, it is not considered that this material consideration outweighs the planning policy support for the proposal.

Additional/Amended Conditions/Reasons

None

Item 8 (Page 25-32) – CB/14/04511/FULL – River House, 6 Firs Path, Leighton Buzzard, LU7 3JG

Additional Consultation/Publicity Responses

The response from Leighton-Linslade Town Council has been received and the Town Council have no objections to the scheme.

A document has been submitted by the applicant in support of the application; this document is appended.

Additional Comments

In response to the document submitted by the applicant, it should be noted that each application must be determined on its own merits. A substantial number of the examples submitted by the applicant were in place prior to the introduction of the Area of Special character and policy BE6 in the 2004 South Bedfordshire Local Plan Review, including the extensions and construction of the garage at The Firs, Firs Path, the extension at Silver Birch, Plantation Road, the extension at 42 Redwood Glade and the extension at 12 Heath Park Drive.

Other examples, namely 180 Heath Road and 255 Heath Road were for first floor front extensions rather than side extensions and therefore did not include a loss of spacing between properties and thus are not directly relevant to the consideration of this application.

Insufficient information has been provided in regards to the example at Knolls Wood and the other example from Redwood Glade to identify the relevant applications.

The most applicable example provided is the side extension at 4 Firs Path, which was approved in 2007. However, this extension is of a different design in that is extremely subservient to the subject dwelling, being well set back from the front building line, which significantly reduces the impact of the extension on the sense of spaciousness within Firs Path. In contrast, the proposed extension under consideration would be forward of the main building line of the subject dwelling, exacerbating the loss of spacing. Furthermore, the extension at No. 4 has a very different relationship with the immediately adjoining neighbour at No. 5, which is set some 15 - 20m behind the rear building line of No. 4. This again reduces the impact of the extension at No. 4, however, this relationship does not exist in the current situation, where the neighbouring property at No. 7 is in line with the subject dwelling. Officers therefore consider that the recommendation for refusal to this application is not inconsistent with other decisions made within the vicinity.

Additional/Amended Reasons

None

Item 9 (Page 33-40) – CB/14/04656/FULL – 2 Lakefield Avenue, Toddington, Dunstable, LU5 6DB

Consultation/Publicity Responses

No objection from Toddington Parish Council

No objection has been raised by the Highways Officer subject to the following condition:

'No development shall take place until details of a scheme showing the provision of a minimum of two off-street parking spaces to serve the extended dwelling have been submitted to and approved by the Local Planning Authority. The details to be approved shall include the proposed materials for construction and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.

Reason: To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway'.

One objection has been received from the occupiers of no. 1 Lakefield Avenue which is as following:

"I would like to object to the front extension on the above property. The proposed flat roof is not in keeping with my property or any other in the vicinity.

I cannot see any method of tying the proposed roof to my existing roof line that will keep the front of my property looking as designed.

The existing wall at the front of Number 2 also protrudes the front of my property (approx 100mm by eye) but the drawings show this as a flat line in keeping with my property line. The plans seem to show this wall staying.

A note for the rear extension and other works would be sound insulation between the properties. I would like the design to maximize any sound insulation available between the bedrooms, bathrooms and joining walls".

Additional Comments

None

Additional/Amended Reasons

None

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NOISE ASSESSMENT

**APPLICATION TO VARY PLANNING CONDITIONS
AT DUNSTABLE MOTOCROSS TRACK**

CENTRAL BEDFORDSHIRE COUNCIL

CB/14/03678/VOC

DECEMBER 2014



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NOISE ASSESSMENT

**APPLICATION TO VARY PLANNING CONDITIONS
AT DUNSTABLE MOTOCROSS TRACK**

CENTRAL BEDFORDSHIRE COUNCIL

DECEMBER 2014

This report has been prepared using all reasonable skill, care and diligence within the resources and brief agreed with the client. LFAcoustics Ltd accept no responsibility for matters outside the terms of the brief or for use of this report, wholly or in part, by third parties.

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Appendices

1. Introduction

LF Acoustics Limited have been appointed by Central Bedfordshire Council to undertake an assessment of the noise levels associated with the use of the existing motocross track located on land off Billington Road, Stanbridge, Leighton Buzzard.

Planning consent for the operation of the track was granted in 1995 (Application Ref. SB/95/00176/FULL). The application was subject to conditions, which limited the operation of the site to:

- between 1st April and 30th September in any calendar year;
- to operate the track only between the hours of 10:00 – 12:30 and 14:30 – 17:00 hours Mondays to Saturdays and between 10:00 – 14:00 on Sundays and Bank Holidays; and
- a restriction of no more than 7 bikes on the track at any one time.

Mr Brooks, a new operator, took over control of the track approximately 3 years ago and has renovated the track and layout such that it is now one of the most demanding in the country. Following a number of recent complaints, he is seeking to vary the conditions of the current planning consent to operate during the winter months, with variations to the number of operating dates, times and number of bikes allowable on the track.

The following section of this report describes the relevant guidance within the UK with regards planning and the operation of motocross facilities. Section 3 describes the current and proposed operating regime for the track. Section 4 presents the results of a noise monitoring exercise carried out to evaluate the current and proposed noise levels associated with the bikes, with the levels assessed within Section 5. Section 6 provides recommendations for additional noise mitigation and control measures which should be implemented should the variation in conditions be permitted. Finally, Section 7 provides a brief summary of the assessment.

2. Applicable Guidelines

2.1. Noise Units

Decibels (dB)

Noise can be considered as 'unwanted sound'. Sound in air can be considered as the propagation of energy through the air in the form of oscillatory changes in pressure. The size of the pressure changes in acoustic waves is quantified on a logarithmic decibel (dB) scale firstly because the range of audible sound pressures is very great, and secondly because the loudness function of the human auditory system is approximately logarithmic.

The dynamic range of the auditory system is generally taken to be 0 dB to 140 dB. Generally, the addition of noise from two sources producing the same sound pressure level, will lead to an increase in sound pressure level of 3 dB. A 3 dB noise change is generally considered to be just noticeable, a 5 dB change is generally considered to be clearly discernible and a 10 dB change is generally accepted as leading to the subjective impression of a doubling or halving of loudness.

A-Weighting

The bandwidth of the frequency response of the ear is usually taken to be from about 18 Hz to 18,000 Hz. The auditory system is not equally sensitive throughout this frequency range. This is taken into account when making acoustic measurements by the use of A-weighting, a filter circuit which has a frequency response similar to the human auditory system. All the measurement results referred to in this report are A-weighted.

Units Used to Describe Time-Varying Noise Sources (L_{Aeq} and L_{A90})

Instantaneous A-weighted sound pressure level is not generally considered as an adequate indicator of subjective response to noise because levels of noise usually vary with time.

For many types of noise the Equivalent Continuous A-Weighted Sound Pressure Level ($L_{Aeq,T}$) is used as the basis of determining community response. The $L_{Aeq,T}$ is defined as the A-weighted sound pressure level of the steady sound which contains the same acoustic energy as the noise being assessed over a specific time period, T.

The L_{A90} is the noise level exceeded for 90% of the measurement period. It is generally used to quantify the background noise level, the underlying level of noise that is present even during the quieter parts of measurement period.

2.2. National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 [1]. The Framework seeks to simplify the planning system and has replaced a number of national policies, including the former noise guidance contained in Planning Policy Guidance Note PPG 24.

The aim of the Framework is to move the decision making process to a local level and to promote new development, with the presumption in favour of sustainable development.

Local planning authorities are required to develop local policies, and regards noise, planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life from new development;

- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- Recognise that development will often create some noise.

2.2.1. Reference is made within the NPPF to the Noise Policy Statement for England [2] (NPSE), which sets out the long term vision of the Government noise policy. Further information has been provided on the assessment of noise within recent Planning Practice Guidance, published in March 2014 and available on the Government planning web site. Whilst this guidance does not provide any objective criteria upon which to base noise assessments, the guidance provides a description of the relevant Effects Levels identified within the NPPF and NPSE and this is reproduced in Table 2.1.

Perception	Examples of Outcomes	Increasing Effect Level	Action
Not noticeable	No Effect	No Observed Effect (NOEL)	No specific measures required
Noticeable and not intrusive	Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed Adverse Effect	No specific measures required
		Lowest Observed Adverse Effect Level (LOAEL)	
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a 'perceived' change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
		Significant Observed Adverse Effect Level (SOAEL)	
Noticeable and disruptive	The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory	Unacceptable Adverse Effect	Prevent

Table 2.1 Significance Criteria

The NPPF advises that development should seek to ensure that noise from proposed developments does not give rise to significant impacts, i.e. a level identified as a Significant Observed Adverse Effect (SOAEL), which is at a level where the noise would cause a material change in behaviour.

2.3. Code of Practice on Noise from Organised Off-Road Motor Cycle Sport

Specific guidance on noise from organised off-road motor cycling was developed by the Noise Council together with representatives of the sports' governing bodies [3].

The guidance recommends a range of measures aimed at reducing noise and potential disturbance associated with motocross activities, with particular attention to providing noise reduction at source and restricting the operating times for courses.

The main guidance given is to reduce noise at source by imposing maximum noise limits for the bikes in use. It recommends that random checks be carried out on bikes before an event to ensure that they are below the specified limits.

The noise limits specified in Table 2.1 below are the maximum levels measured at 0.5m from the tailpipe of a bike, at an angle of 45° to the tailpipe and at least 0.2m above ground level.

Event	Machine	Mean Piston Speed	Maximum Sound Level
Motocross	2 Stroke	13 m/s	100 dB(A)
	4 Stroke	11 m/s	100 dB(A)

Table 2.1 Maximum Permitted Sound Pressure Levels in the Code of Practice

2.4. British Standard BS 8233

British Standard BS 8233 [4] provides design aims for new properties. With regards residential premises, the guidance advises the following daytime design aims associated with anonymous noise sources, such as those associated with road traffic:

- 35 dB $L_{Aeq,T}$ within living rooms and bedrooms used for resting purposes;
- 50 dB $L_{Aeq,T}$ within gardens is considered to be a desirable level, with an upper guideline value of 55 dB $L_{Aeq,T}$.

2.5. General Standards of Daytime Noise

The World Health Organisation Guidelines' [5] advise that:

- few people are seriously annoyed by daytime activities with L_{Aeq} levels below 55 dB(A); and
- few people are moderately annoyed by activities with L_{Aeq} levels below 50 dB(A).

3. Current and Proposed Operating Proposals

3.1. Current Consent

As indicated previously, planning consent was granted in 1995 to enable the track to operate up to 7 days per week between 1st April – 30th September in any calendar year.

Further restrictions have been imposed on operating hours and number of bikes, as follows:

- to operate the track only between the hours of 10:00 – 12:30 and 14:30 – 17:00 hours Mondays to Saturdays and between 10:00 – 14:00 on Sundays and Bank Holidays; and
- a restriction of no more than 7 bikes on the track at any one time.

The current planning consent therefore enables the track to operate for up to 183 days per year over a 6 month period, equating to a maximum of 6405 on track bike hours, on the basis of a maximum of 7 bikes on track at any one time.

As mentioned earlier, Mr Brooks took over the operation of the track approximately 3 years ago. During this time, he has improved the standard of the track considerably, by altering the layout and improving the overall surface of the track.

The new layout of the track has sought to ensure that the main jumps are located furthest from the surrounding properties, with the section of track running closest to the nearest property running parallel to the existing bunding to reduce noise.

Bunding was constructed around the track by the land owner, who previously operated the track. Over time, the overall height of the bund has reduced as it has slumped and there are presently a number of gaps within it and where it was never fully completed. In addition, the improvements to the track have effectively raised the height by approximately 1 metre compared to the original track. The effect of the bund slumping and the increase in track height has effectively reduced the overall mitigation height by approximately 2 metres. In fact, at present, the tops of the two main jumps are above the height of the bund, thus negating any effect in reducing noise levels.

3.2. Proposed Operating Regime

Following a number of complaints relating to the summer operation of the site, Mr Brooks has considered options for the future viability of the facility.

He is seeking consent to vary the operating conditions, to move the operating period from the summer months to the winter months, which he considers would be less likely to be potentially disturbing to the surrounding residents.

He has therefore submitted a planning application (Application Ref. CB/14/03678/VOC) to vary Conditions 3 – 5 of the current consent for the motocross track to the following periods:

- Operate between 1st October to 30th April in any calendar year;
- Operate the track on these days between 10:00 – 13:00 and 13:30 – 16:00 on Fridays, Saturdays and Sundays only, and between 10:00 – 14:00 hours on Bank Holidays; and
- To increase the maximum number of bikes on track from 7 to 18.

The proposed operating days see a reduction from the 183 days presently permitted to a maximum of 90 days per calendar year, albeit over a 7 month period, rather than the 6 month period presently permitted.

With regards operational hours, Mr Brooks considers that an earlier finish on Fridays and Saturdays would provide a benefit to the residents, utilising a shorter lunch period to provide a broadly equivalent operating period each day. On Sundays, whilst longer hours are proposed than at present, he considers that this is offset by the winter operating and the fact that the track could not operate for 4 days during the week.

It is understood that the increase in the number of bikes is being sought to ensure that the operation of the track can remain financially viable, with the reduced operating period.

The changes to the operating hours would equate to an overall increase in the potential bike track hours over the year up to 8910 hours. However, it should be noted that it is unlikely that the track would operate every weekend, as there would be a number of times where it would need to be closed for inclement weather and in addition, it is highly unlikely that the track would be operational at Christmas. On this basis, we would not anticipate that the overall bike track hours would differ significantly to those present permitted.

4. Noise Monitoring

4.1. Introduction

In order to evaluate the noise levels associated with the bikes using the track, an event was organised for 29th November 2014 during the track's closed period.

Following recent heavy rains, it is understood that a large amount of new track base had to be laid to ensure that the track was dry and suitable for use.

Mr Brooks arrange for between 30 – 50 riders to attend the meeting. The riders were split into groups of either 7 or 18 riders upon arrival, to enable a comparison of the current and proposed numbers of riders on track to be made. The groups were sent out onto the track alternatively throughout the test, with each ground running for between 10 – 20 minutes. It is understood that due to the difficulty of the track, it is physically difficult for the riders to remain on track for longer periods and this was observed throughout the day, as riders would tend to leave the track after 5 – 10 minutes.

The track in its current configuration is approximately 1 mile long with riders taking around 1½ minutes to complete a circuit. It was observed with the smaller groups, that they would tend to stick together around the track giving rise to periods of higher and then lower noise levels. With a larger number on track, they tended to spread out, leading to a more continuous noise.

In order to establish the noise levels associated with the use of the track, noise measurements were carried at two positions adjacent to the track, with further measurements taken at the closest property, Mead House to the west and at Rye Farm in Eaton Bray to the south.

Weather conditions throughout the monitoring period were fine and dry, with easterly winds, generally very light (<1 m/s), increasing to around 2 m/s for a short period around midday.

The measurements were all taken using four Rion NL-52 Class 1 Sound Level Meters, which were calibrated before and after the exercise using a Rion NC-74 Class 1 Acoustic Calibrator, with each meter reading 94.0 dB on each occasion. At each position, the microphones were set at a height of between 1.2 – 1.3 metres above the ground and at a freefield position (i.e. away from a building facade).

The meters were configured to record the noise levels over 1 second periods throughout the survey, which enabled individual events to be identified during the analysis. Each meter was additionally fitted with a waveform recording card, with the audio captured alongside the measured level data.

4.2. Identification of Potentially Affected Noise Sensitive Receptors

There are relatively few dwellings within close proximity to the track.

Mead House is the closest property, located to the west of the track, approximately 400 metres from the closest point on the track. This property is along Stanbridge Road, adjacent to Mead Open Farm.

Dwellings in Eaton Bray to the south are located beyond 900 metres to the south of the track, with the closest dwellings along The Rye.

To the north, the dwellings are all beyond the A505, with the closest properties at Stanbridgeford, approximately 1.1km to the east of the track.

The properties are shown on Figure 1.

4.3. On site Noise Monitoring

In order to evaluate the noise levels associated with the bikes on track, noise measurements were taken at two positions on the boundary of the track:

- Position 1 – on the south eastern boundary adjacent to the booking in cabin, on top of the bund at a distance of 10 metres from the track; and
- Position 2 – on the south western boundary on top of the bund 10m from the track.

The monitoring positions are indicated on Figure 2.

The measurements on track were all attended, which enabled the number of bikes to be counted within each group and to evaluate subjectively differences between the groups.

The results of the monitoring at these locations have been analysed using the Rion AS-60 Data Management Software and have been summarised into 1 minute periods for reporting purposes. The results are provided graphically within Appendix A.

L_{Aeq} noise levels associated with each group of bikes have been evaluated from the results. Given that the bikes took longer than 1 minute to complete a circuit, with bikes from each group tending to leave the circuit after 5 – 10 minutes, it has been considered appropriate to evaluate the noise levels over the first five minute period whilst each group was on track. The results obtained are presented in Table 4.1.

Time Period	Number of Bikes on Track	Measured $L_{Aeq, 5 \text{ minute}}$ [dB]	
		Position 1	Position 2
11:05 - 11:10	16	75.1	78.1
11:20 - 11:25	15	80.2	83.5
11:31 - 11:36	7	74.5	78.3
11:43 - 11:48	8	73.6	76.7
11:52 - 11:57	7	74.6	76.1
12:01 - 12:06	6	71.5	75.0
12:12 - 12:17	7	67.5	74.1
12:32 - 12:37	7	74.5	76.3
12:40 - 12:45	9	77.1	80.3
12:50 - 12:55	8	73.8	76.6
13:38 - 13:43	7	79.0	81.2
13:50 - 13:55	18	77.4	79.1

Table 4.1 Summary Results of On-Site Noise Monitoring



Considering the smaller numbers of bikes initially, the results indicate a large variation in noise levels, which were principally attributable to the mix of ranges of abilities of the riders using the track, with the most experienced making the most use out of their bike and thus generating higher noise levels.

It was only possible to get large numbers of riders onto track on three occasions during the test, as the riders would tend to take a break after one or two rides for rest or bike maintenance. It is also understood that the less experienced riders tend to use the track less later in each session, as the track quality degrades after around 30 minutes. The lunchtime break period is primarily there to enable the track to be re-graded for the afternoon session, and during the measurements, this took around 40 minutes to complete and is understood at times could take up to 1 hour to complete.

With larger numbers of riders on track, the noise levels tended to increase by around 3 dB(A), which would be anticipated; however, the maximum noise levels were not dissimilar to those generated by 7 experienced riders.

4.4. Noise Measurements at Mead House

The measurements taken at Mead House were principally made unattended, with a period of attendance after 14:00 hours, where the overall audibility of the bikes was established.

The meter was positioned at the front gate to the property, approximately 30 metres from the property, which is approximately 400 metres from the closest corner of the track. There was a good line of sight over onto the track from the monitoring position. The monitoring position is indicated on Figure 1.

Noise monitoring was carried out at this location between 09:40 – 14:00 hours, which enabled the noise levels to be established when the majority of the bikes were on track, as identified in Table 4.1 and associated with the general noise environment.

As with the on track monitoring, the results obtained at this location have been summarised into 1 minute periods and are presented graphically in Appendix B.

Ambient Noise Environment

The noise levels obtained during the periods when there were no bikes on track were as follows.

Time Period	Measured Noise Levels [dB]		
	L _{Aeq}	L _{Amax,F}	L _{A90}
09:40 - 09:45	49.4	63.3	46.3
09:45 - 09:50	52.1	64.6	46.0
09:50 - 09:55	51.7	65.0	44.9
13:05 - 13:10	48.9	57.4	45.7
13:10 - 13:15	48.8	56.3	45.9
13:15 - 13:20	53.2	62.6	47.2
13:20 - 13:25	53.8	63.5	46.0
13:25 - 13:30	50.8	61.6	44.3
13:30 - 13:35	50.1	61.6	44.4

Table 4.2 Ambient Noise Levels Monitored at Mead House

The general ambient noise environment at this location was attributable to vehicles travelling along the A505 to the north, which was audible throughout, regular vehicle movements along Stanbridge Road, aircraft movements overhead, flying into Luton Airport and occasional light aircraft. There were also chickens within the farm yard clucking at times, which influenced the measured noise levels.

Noise from Motocross Track

In order to assess the noise levels associated with the operation of the motocross track, the L_{Aeq} noise levels have been evaluated over the same periods as those measured on track. The results of this analysis are provided in Table 4.3.

Time Period	Number of Bikes on Track	Measured $L_{Aeq, 5\text{ minute}}$ [dB]	Comments
11:05 - 11:10	16	53.3	Road traffic / Birdsong / Bikes just audible
11:20 - 11:25	15	57.2	Birds Clucking in yard. Bikes more audible at times, with occasional bike clearly audible (max up to 64 dB(A))
11:31 - 11:36	7	56.9	Birds Clucking in yard, aircraft overhead. Bikes more audible at times, with occasional bike clearly audible (max up to 64 dB(A))
11:43 - 11:48	8	50.1	Road Traffic Main source / Bikes just audible
11:52 - 11:57	7	51.4	Road Traffic Main source / Bikes just audible
12:01 - 12:06	6	54.2	Road Traffic Main source / Light aircraft overhead / Bikes just audible
12:12 - 12:17	7	56.8	Hens clucking during measurement main source / Bikes audible
12:32 - 12:37	7	54.2	Hens clucking during measurement main source / Bikes audible (Cockerill calling excluded from measurement)
12:40 - 12:45	9	54.9	Road Traffic Main source / Bikes just audible
12:50 - 12:55	8	54.4	Road Traffic Main source / Bikes just audible
13:38 - 13:43	7	50.6	Road Traffic Main source / Bikes just audible / Aircraft at end of monitoring period excluded from measurement (max 60 dB(A))
13:50 - 13:55	18	49.6	Road Traffic Main source / Bikes just audible

Table 4.3 Summary Results of Noise Levels at Mead House During Activity on Motocross Track

Observations made whilst at the property and from an analysis of the audio recordings indicated that the bikes using the track were generally just audible, with the more experienced riders, who tended to get more air over the jumps more audible.

Noise from the bikes became inaudible whenever a vehicle passed along Stanbridge Road or there was an aircraft overhead.

As the L_{Aeq} noise levels measured were principally associated with other noise sources, principally road traffic, the results indicate that there was little variation in the noise levels at the property with either 7 or up to 18 bikes using the track. It is noted that the lowest noise level measured was obtained during the period when the maximum number of bikes were on the track, with the highest levels obtained from either 7 or 15 bikes on track.

4.5. Noise Measurements at Rye Farm

The meter at this location was positioned within the garden area to the side of the property at a position where there was a line of sight toward the track. The measurements at this property were all made unattended, although there was a period of attendance whilst the bikes were still running prior to the equipment being retrieved during the afternoon.

Noise levels monitored throughout the day at this location were principally influenced by distant road traffic, birdsong and the periodic aircraft flying overhead.

The summary results obtained from these measurements are presented graphically in Appendix C.

Ambient, L_{Aeq} noise levels measured at this location were principally attributable to birdsong, with levels ranging from 47 – 50 dB L_{Aeq} during the survey period.

Background noise levels, which were principally attributable to distant road traffic were typically in the range of 37 – 39 dB L_{A90} .

An analysis of the audio files and during the period of attendance indicated that the bike using the track were not audible at this position, indicating that the levels of noise associated with their use were at least 10 dB(A) below the noise levels measured.

The results of the survey at this location would indicate that noise from the operation of the motocross track were acceptable.

5. Assessment

The results of the noise measurements taken at Mead House and Rye Farm on 29th November 2014 indicated acceptable noise levels associated with the operation of the motocross track.

Whilst the bikes were audible at Mead House, the level of noise associated with their use was very low, with the bikes becoming inaudible as either a vehicle passed along Stanbridge Road or an aircraft flew overhead.

During the measurements, winds were light although in a slight positive direction towards Mead House. With a slightly stronger wind, given the distances between the property and the track, it is likely that noise levels could increase marginally, but would reduce when winds were blowing in a direction away from the house.

Similarly, at Rye Farm, it is considered that the use of the bikes could be audible when the winds were from a north westerly direction. However, it is also likely that the noise associated with distant road traffic using the A505 would also increase on these occasions.

The results of the monitoring indicated that there was little variation in the noise levels at the dwellings when 18 bikes were using the track, compared to the presently permitted 7. As discussed earlier, with a larger number of bikes on track, the noise generated tends to be more continuous, as the bikes spread around the course, whereas with a smaller number of bikes, the riders tend to bunch up creating periodic highs and lows in the noise.

Based upon the measured noise levels, allowing 18 bikes to use the track would make no significant increase in noise levels at the surrounding properties.

Consideration has been given to the changes in operating days and times during the year. The change from summer to winter operation would be very subjective. The majority would tend to spend less time outdoors over the winter months and hence the bikes operating would be less noticeable. However, a few people who make use of the daylight hours within the winter months, may notice the bikes more, as they would be operating for a longer period, although stopping an hour earlier in the day on Fridays and Saturdays. With regards Sundays, a 16:00 finish would make little difference objectively in noise terms, as the general background noise environment will be very similar at 14:00 and 16:00 hours.

Furthermore, whilst a longer operating period of 7 months a year is being sought, in reality it is unlikely that the track would be fully operational during this period, as there would be times when the track would have to be close due to poor weather, which is more likely than when operating during the summer months.

On balance, it is not considered that the proposed variations to the operational times nor increasing the number of bikes from 7 to 18 would result in a noticeable change in the noise environment at the surrounding properties. Furthermore, the results obtained from the noise monitoring indicated that whilst the bikes were audible, the level of noise generated was below that associated with other surrounding noise sources.

An assessment against the NPPF guidelines would therefore indicate that the operation of the track does not result in a significant adverse effect at the surrounding properties. The assessment would conclude that the operation has the potential to generate an Observed Adverse Effect under certain weather conditions and under these situations the NPPG guidelines advised that the noise from the operation should be mitigated and reduced to a minimum.

Recommendations for additional mitigation and control measures are therefore discussed in the following section.

6. Recommendations for Additional Mitigation and Control

Whilst it is considered that the operation of the track over the winter months and with up to 18 bikes on track is unlikely to generate significant adverse effects, additional noise mitigation and control measures have been identified, which would further seek to reduce noise levels and potential adverse impacts.

6.1. Perimeter Bunding

As discussed previously, the mitigating effect of the perimeter bunding has deteriorated over time, as a result of the bund slumping, small sections of the bund having been removed or incomplete and the increase in track level. These changes have resulted in the overall effective height reducing and in some areas to a level which is now below the track level.

It is recommended that the bund is reinstated correctly, ideally to a minimum height of 2 metres above the track at any point (i.e. increasing in overall height adjacent to jumps), which is understood to have been its original height.

With the bund reinstated to its correct height, noise levels associated with the bikes generally would be reduced. However, more effectively, the bund would seek to reduce the occasional peaks which are presently heard as the more experienced riders take air over the jumps.

It is also suggested that a planning condition be imposed, if possible, which seeks to ensure that the bund is constructed to a minimum height of 2 metres above track level and that it is inspected / maintained at regular intervals (e.g. at the end of each season) to ensure that the effective height is maintained and does not slump again, which has happened at the present time.

6.2. Control of Noise Levels from Bikes on Track

At present, it is understood that Mr Brooks undertakes a subjective assessment of the noise levels from the bikes using the track and will pull any off which appear to be generating higher than expected levels of noise. These bikes are then subject to a noise test and if found to fail, either offered packing for the exhaust silencer or the rider is asked to leave the circuit.

Whilst this assessment is considered a satisfactory approach for this type of facility, it is recommended that the procedure be fully documented and extended (if not already implemented) to allow the track marshals' the ability to identify and remove any offending bikes.

7. Summary and Conclusions

LF Acoustics Limited have been appointed by Central Bedfordshire Council to undertake an assessment of the noise levels associated with the use of the existing motocross track located on land off Billington Road, Stanbridge, Leighton Buzzard.

Planning consent for the operation of the track was granted in 1995 (Application Ref. SB/95/00176/FULL). The application was subject to conditions, which limited the operation of the site to:

- between 1st April and 30th September in any calendar year;
- to operate the track only between the hours of 10:00 – 12:30 and 14:30 – 17:00 hours Mondays to Saturdays and between 10:00 – 14:00 on Sundays and Bank Holidays; and
- a restriction of no more than 7 bikes on the track at any one time.

Mr Brooks, a new operator, took over control of the track approximately 3 years ago and has renovated the track and layout such that it is now one of the most demanding in the country. Following a number of recent complaints, he is seeking to vary the conditions of the current planning consent to operate during the winter months, with variations to the number of operating dates, times and number of bikes allowable on the track as follows:

- Operate between 1st October to 30th April in any calendar year;
- between 10:00 – 13:00 and 13:30 – 16:00 on Fridays, Saturdays and Sundays only, and between 10:00 – 14:00 hours on Bank Holidays; and
- To increase the maximum number of bikes on track from 7 to 18.

In order to evaluate any potential additional adverse impacts upon surrounding residents from the proposals, a noise monitoring exercise was carried out during a test event, where combinations of up to 7 and up to 18 bikes were used on track.

The assessment indicated that whilst noise levels generally increased at the track with the additional bikes, there was no noticeable increase in noise levels at the surrounding properties, with the noise generated by the bikes remaining below that which would be considered to represent a significant adverse effect as described in the NPPF planning guidance.

The operation of the track could, however, generate an observed adverse effect during certain weather conditions, with winds blowing towards the surrounding properties. In this situation the NPPF guidance recommends that the noise should be mitigated and minimised. It was noted that the existing bund has become ineffective and this should be reinstated, should consent be granted, which would reduce noise levels at the properties and a recommendation is made to ensure that this is constructed to a minimum height of 2 metres relative to the adjacent track level. With regards noise levels associated with the bikes, there is some control on the noise levels at present, however, it is recommended that the procedure for removing bikes for testing, should they be identified as generating high levels of noise, is formalised.

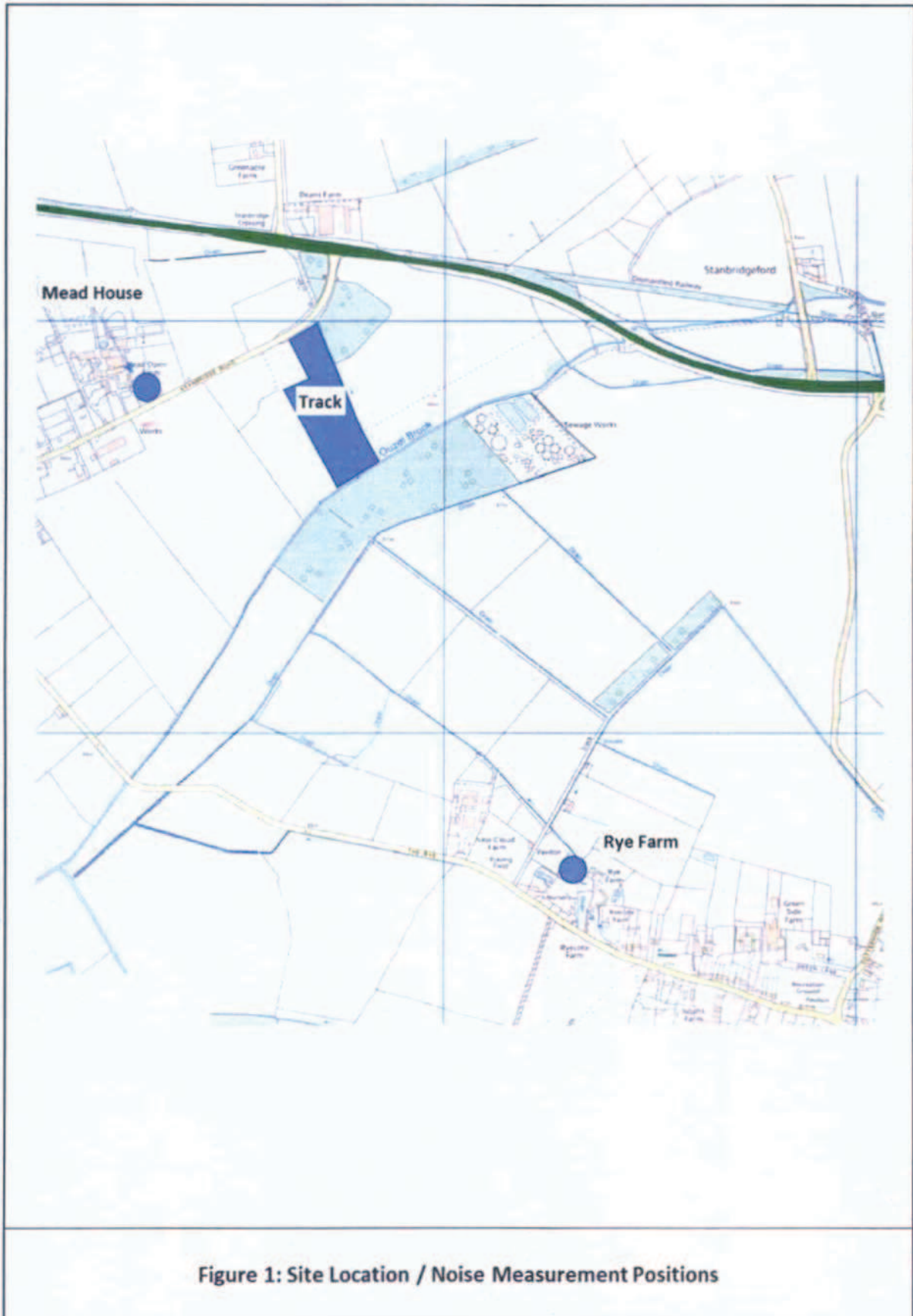
The proposed winter operating over a seven month period, rather than the presently permitted 6 months and additional bikes permitted on track, would give rise to an overall increase in bike hours permissible over the operating period. As indicated within this report, the additional bikes would be unlikely to result in a significant impact at the surrounding dwellings. The overall increase in operating hours is not anticipated to be as high as anticipated, as the track would be closed for a number of days within the 7 month period due to poor weather, which is more likely over winter than summer months.

In summary, with appropriate control and reinstated boundary mitigation, it considered that the proposed winter operating would not result in any additional impacts upon occupants of surrounding properties.

References

1. Department for Communities and Local Government. National Planning Policy Framework. March 2012.
2. Department for Communities and Local Government. Noise Policy Statement for England. 2010.
3. Code of Practice on Noise from Organised Off-road Motor Cycle Sport. 1994. The Noise Council.
4. British Standards Institute. Guidance on Sound Insulation and Noise Reduction in Buildings. BS 8233: 2014.
5. World Health Organisation. Guidelines for Community Noise. 1999. WHO Geneva.

Figures



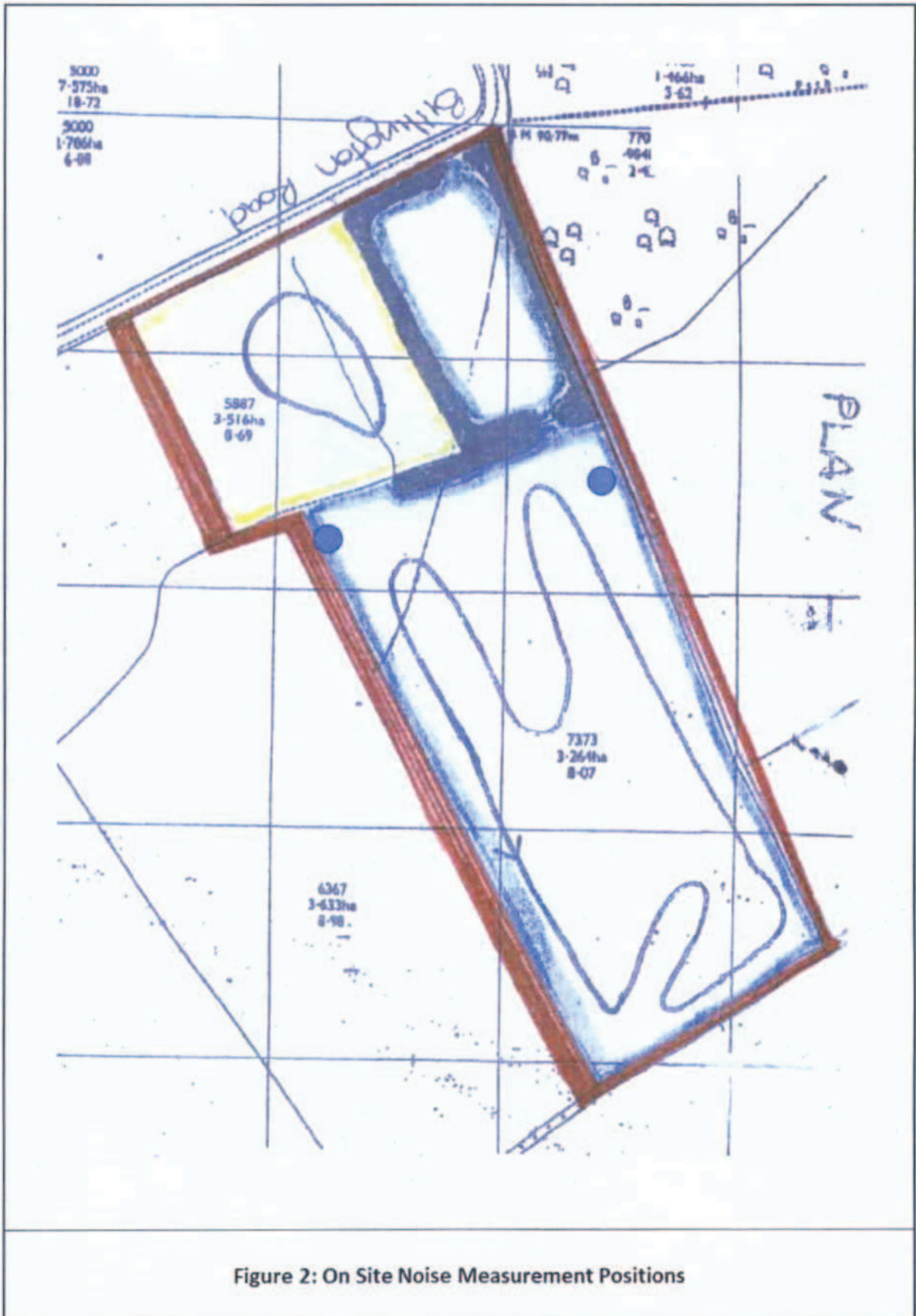


Figure 2: On Site Noise Measurement Positions



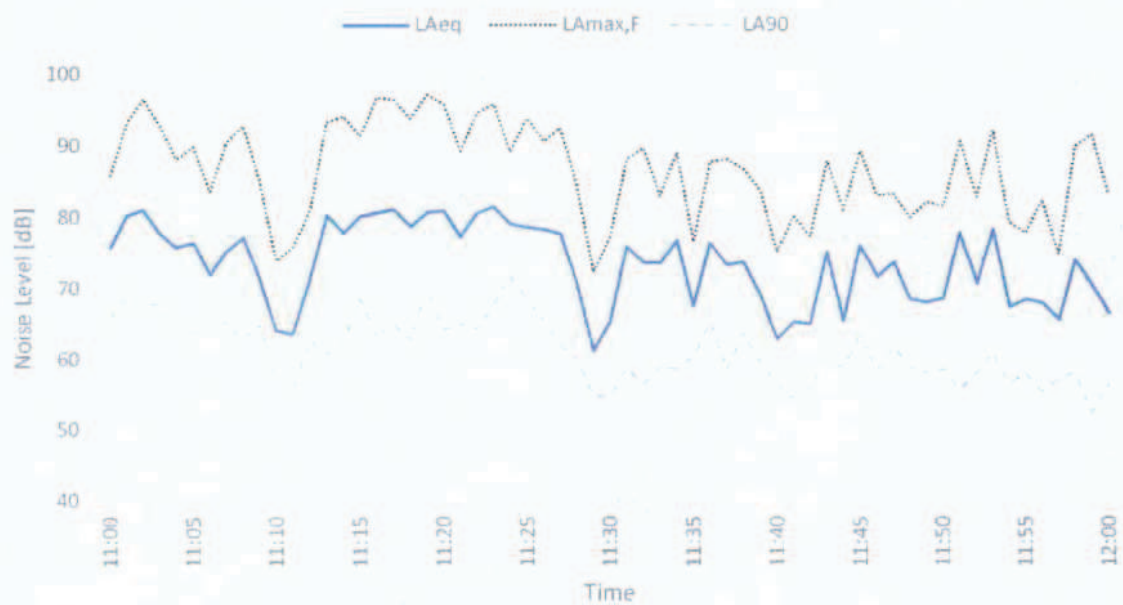
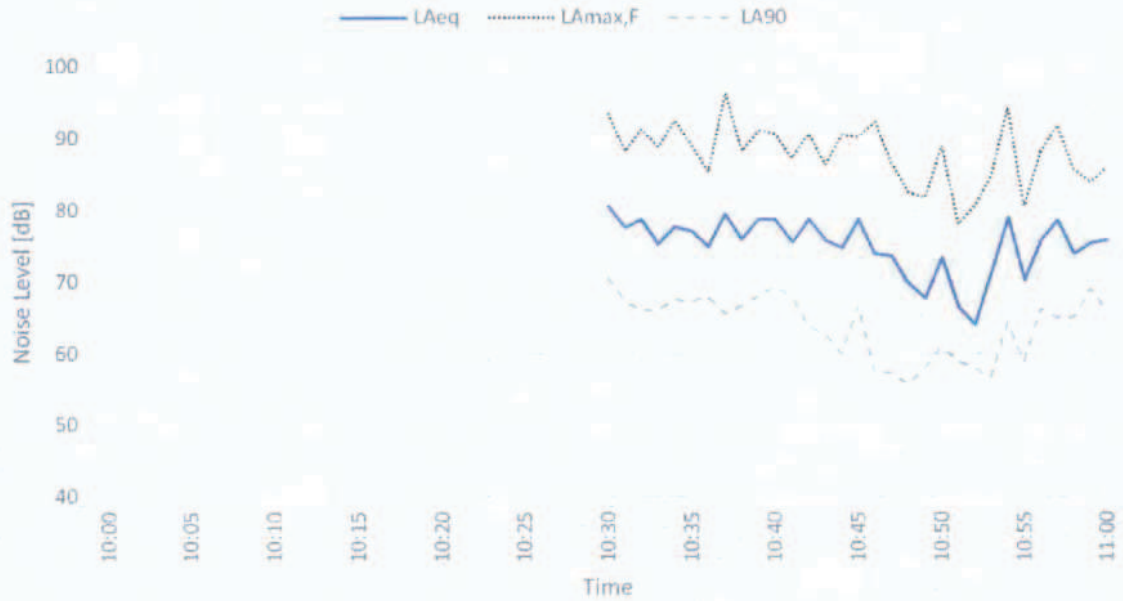
Appendix A
Summary Results of On Track Noise Monitoring



Central Bedfordshire Council - Dunstable Motocross Track
Results of Noise Monitoring Undertaken on 29 November 2014

Location: On Site North Eastern Position By Control Cabin
10m from Track

Instrumentation: Rion NL-52 Class 1 Sound Level Meter (Serial No. 00231656)
Mic Height 1.3m Freefield

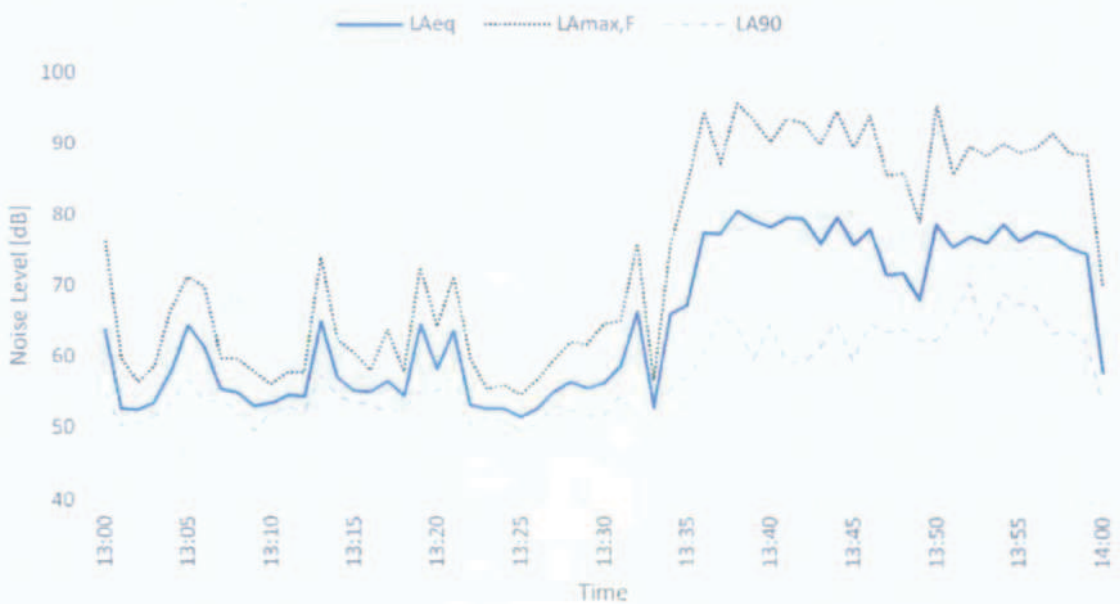
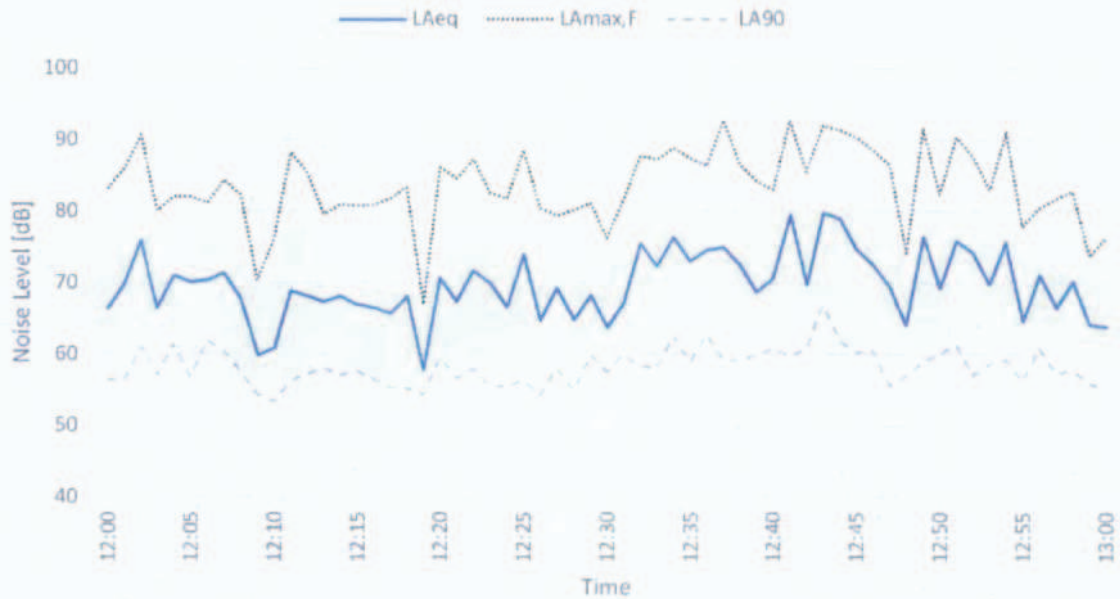




Central Bedfordshire Council - Dunstable Motocross Track
Results of Noise Monitoring Undertaken on 29 November 2014

Location: On Site North Eastern Position By Control Cabin
10m from Track

Instrumentation: Rion NL-52 Class 1 Sound Level Meter (Serial No. 00231656)
Mic Height 1.3m Freefield





Central Bedfordshire Council - Dunstable Motocross Track
Results of Noise Monitoring Undertaken on 29 November 2014

Location: On Site North Western Boundary on Top of Bund
10m from Track

Instrumentation: Rion NL-52 Class 1 Sound Level Meter (Serial No. 00231657)
Mic Height 1.3m Freefield

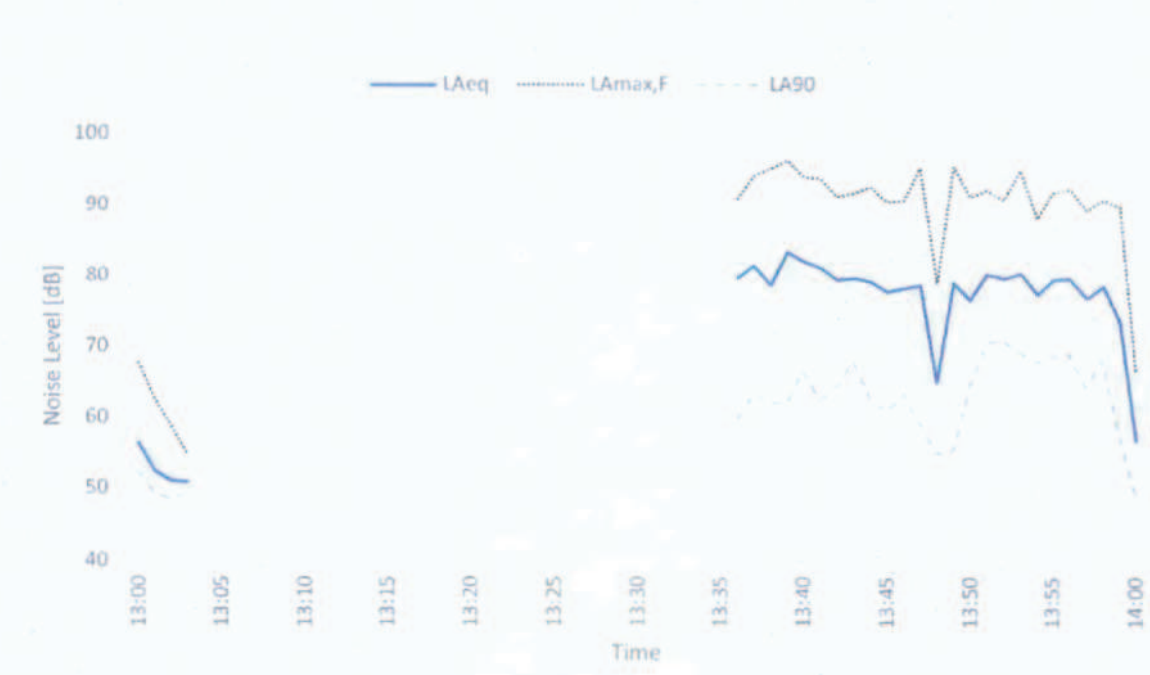
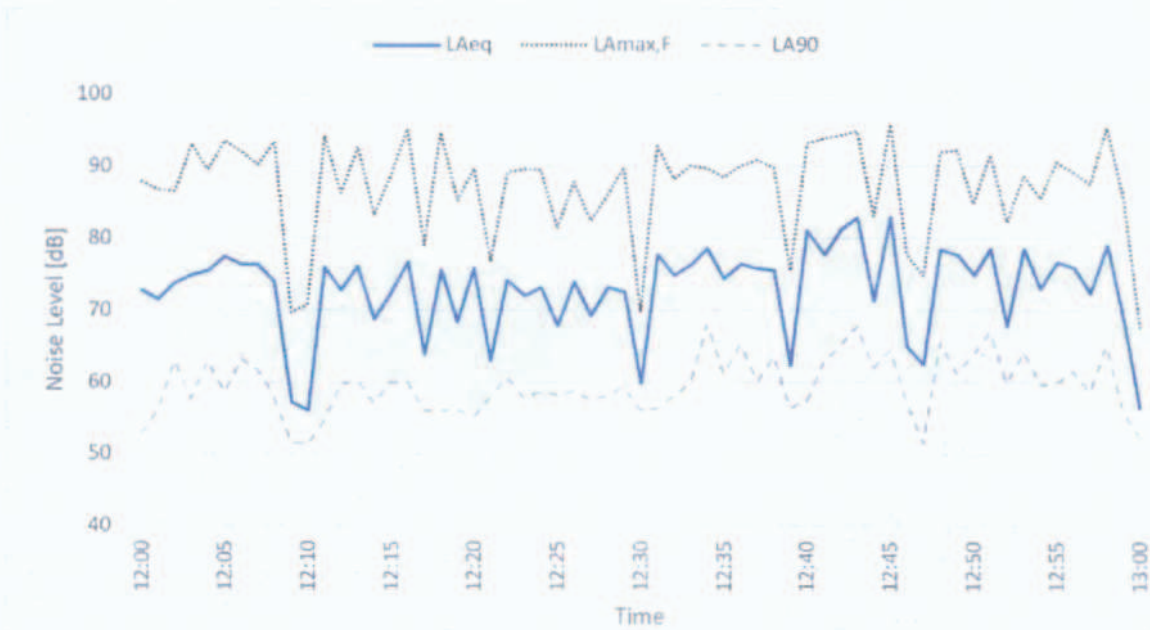




Central Bedfordshire Council - Dunstable Motocross Track
Results of Noise Monitoring Undertaken on 29 November 2014

Location: On Site North Western Boundary on Top of Bund
10m from Track

Instrumentation: Rion NL-52 Class 1 Sound Level Meter (Serial No. 00231657)
Mic Height 1.3m Freefield



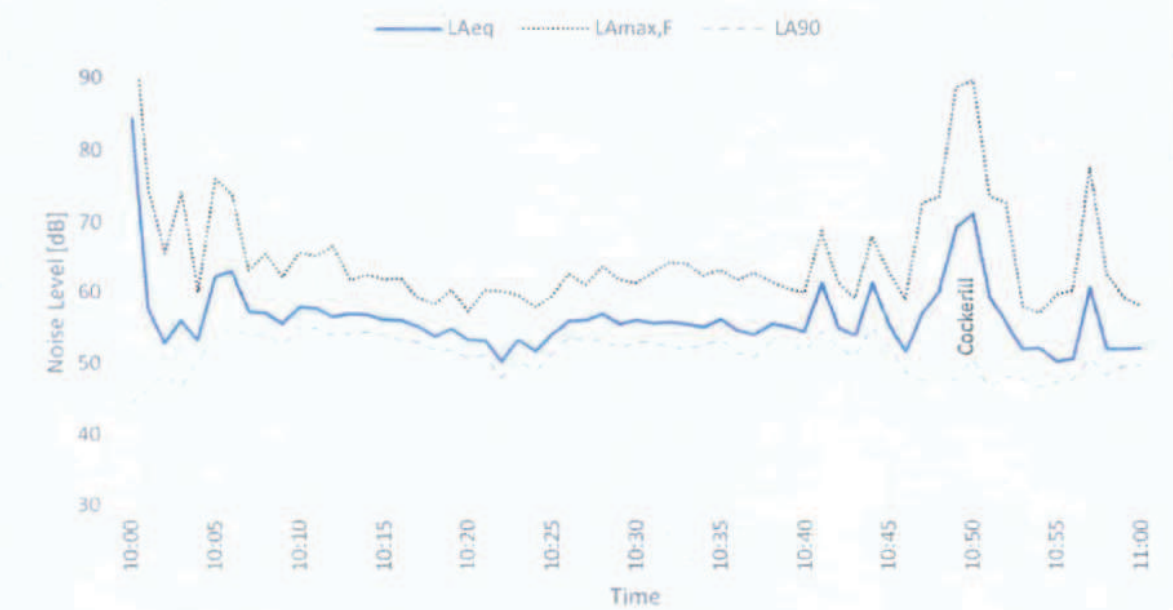
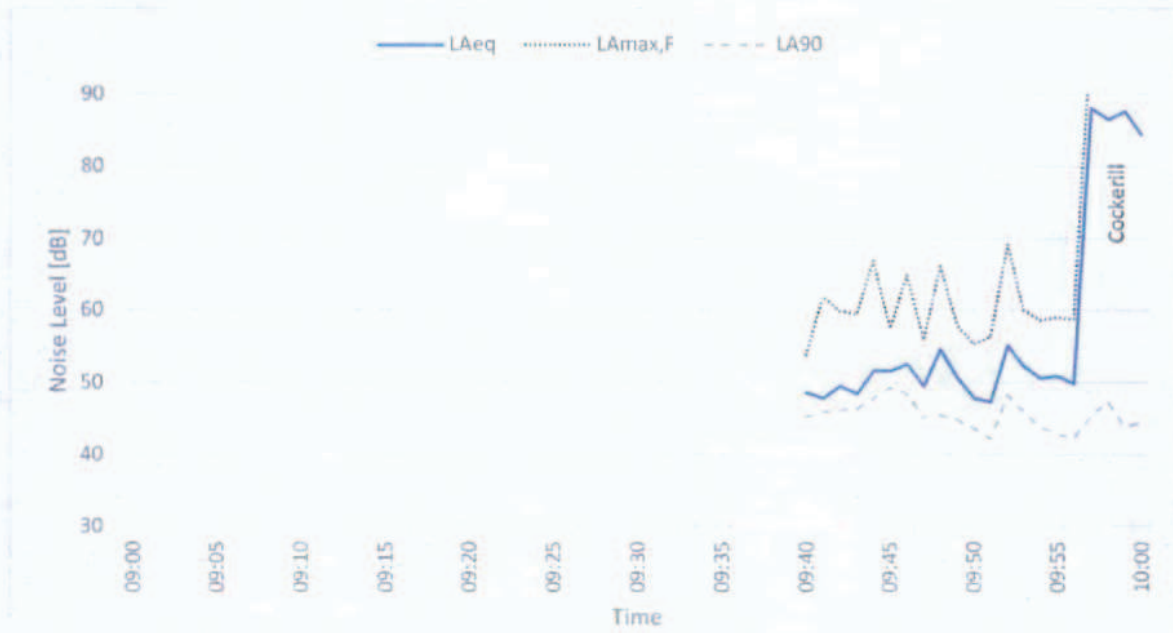


Appendix B
Summary Results of Noise Monitoring at Mead House

Central Bedfordshire Council - Dunstable Motocross Track
Results of Noise Monitoring Undertaken on 29 November 2014

Location: Rye Farm
Within Garden to Side of Dwelling

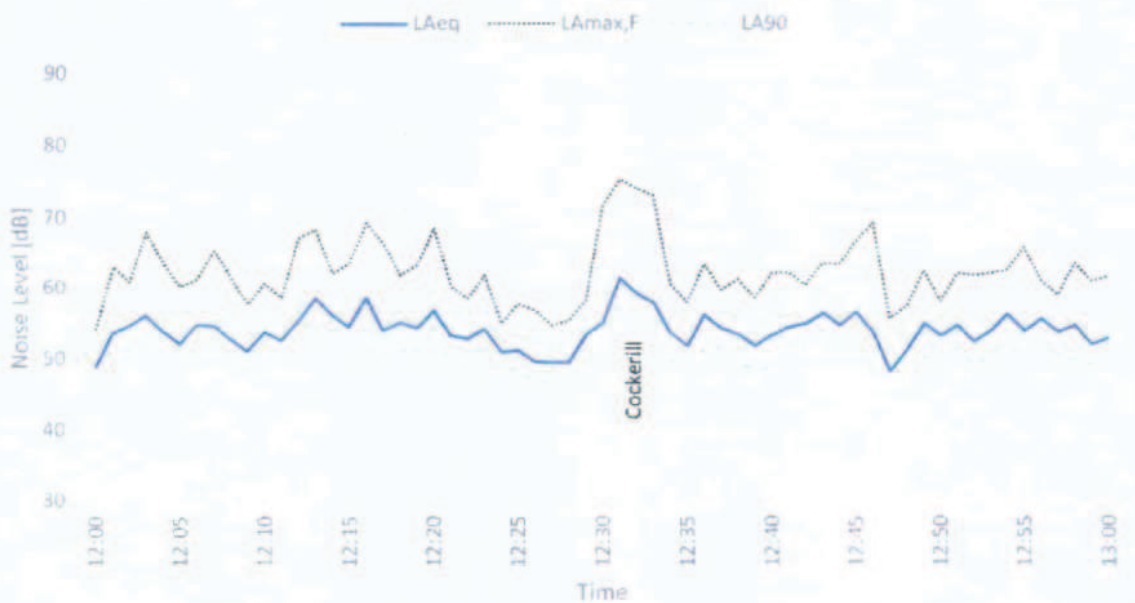
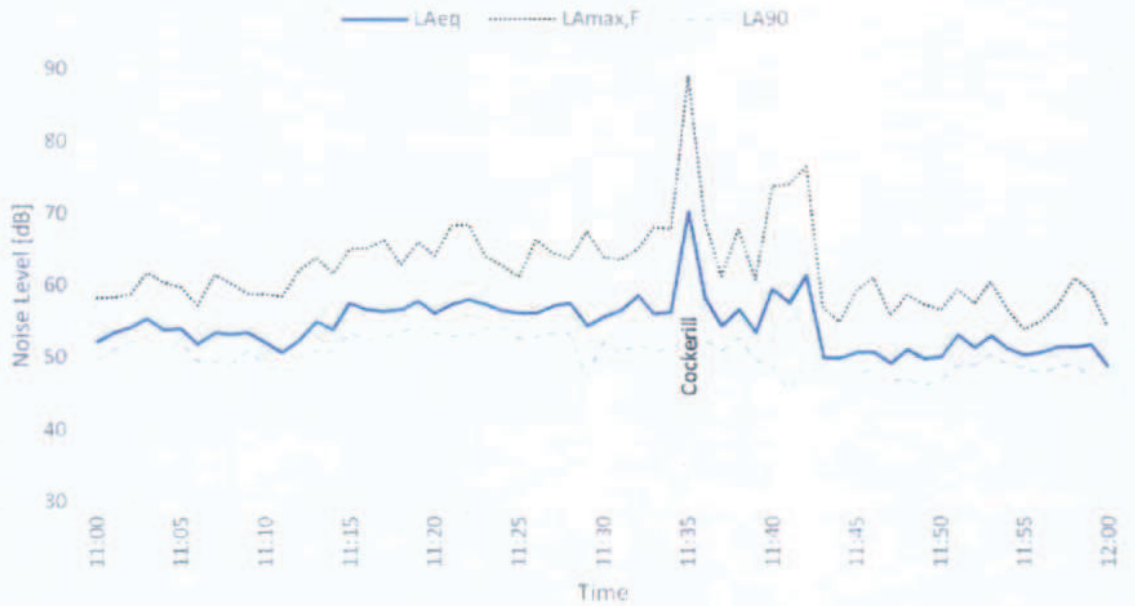
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Central Bedfordshire Council - Dunstable Motocross Track
Results of Noise Monitoring Undertaken on 29 November 2014

Location: Rye Farm
Within Garden to Side of Dwelling

Instrumentation: Rion NL-52 Class 1 Sound Level Meter (Serial No. 00231655)
Mic Height 1.3m Freefield

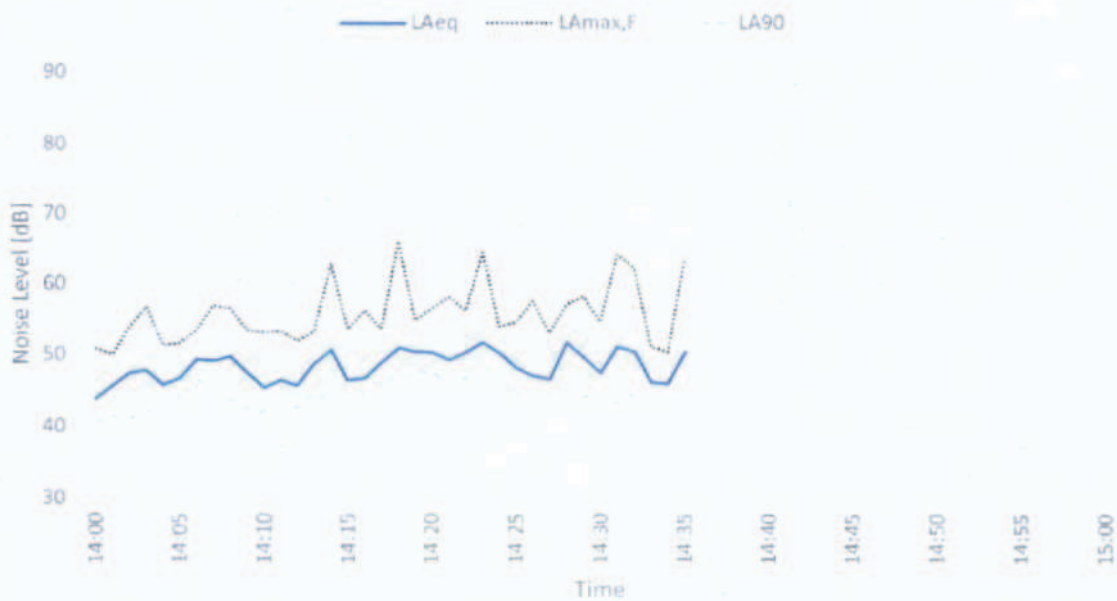
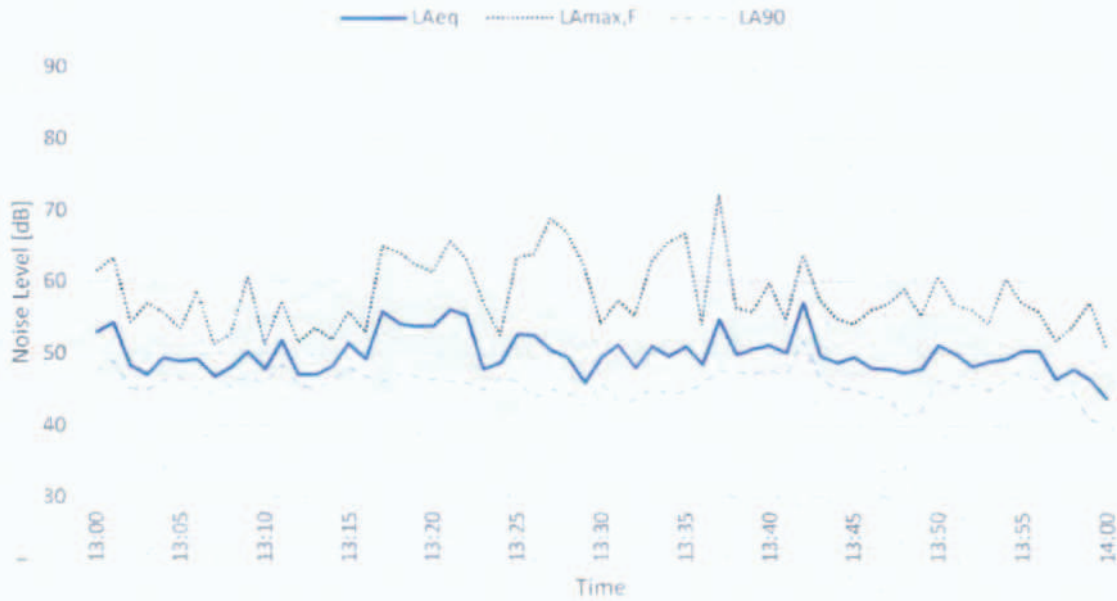




Central Bedfordshire Council - Dunstable Motocross Track
Results of Noise Monitoring Undertaken on 29 November 2014

Location: Rye Farm
Within Garden to Side of Dwelling

Instrumentation: Rion NL-52 Class 1 Sound Level Meter (Serial No. 00231655)
Mic Height 1.3m Freefield





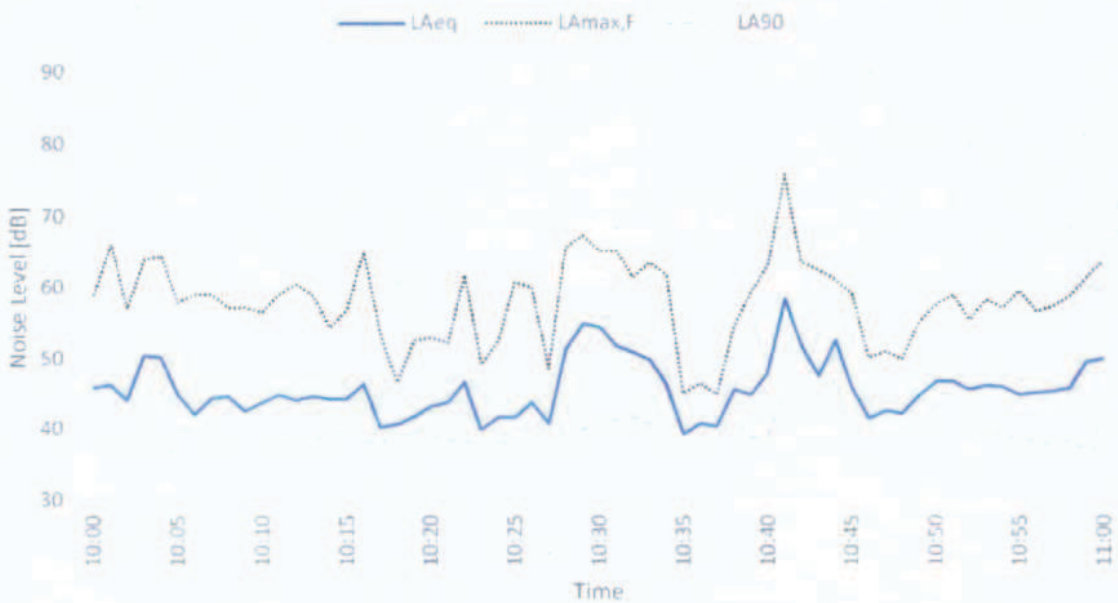
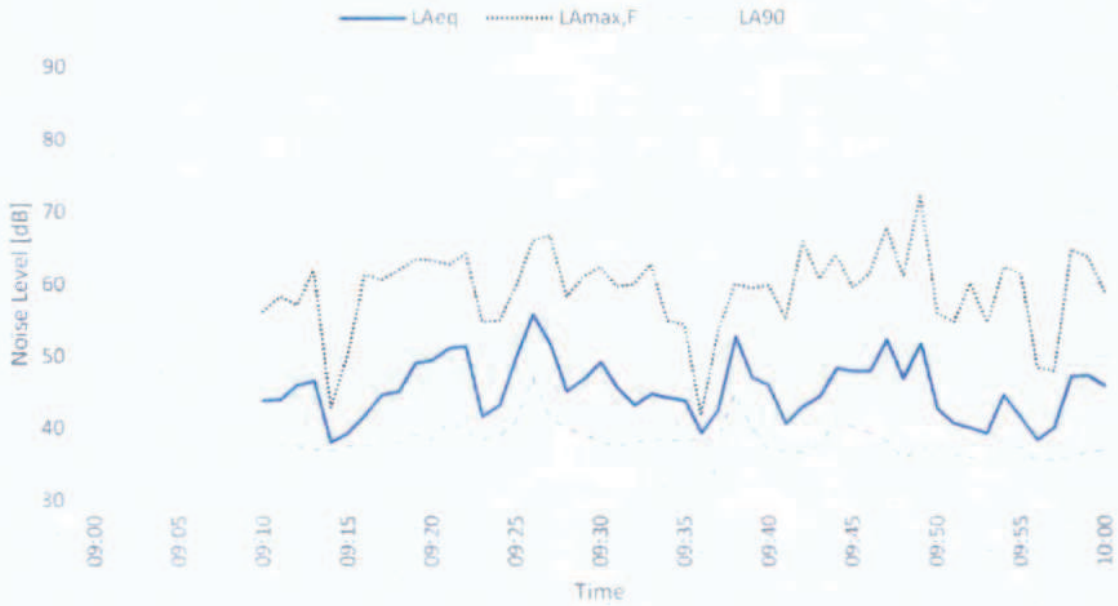
Appendix C
Summary Results of Noise Monitoring at Rye Farm



Central Bedfordshire Council - Dunstable Motocross Track
Results of Noise Monitoring Undertaken on 29 November 2014

Location: Rye Farm
Within Garden to Side of Dwelling

Instrumentation: Rion NL-52 Class 1 Sound Level Meter (Serial No. 00610177)
Mic Height 1.3m Freefield

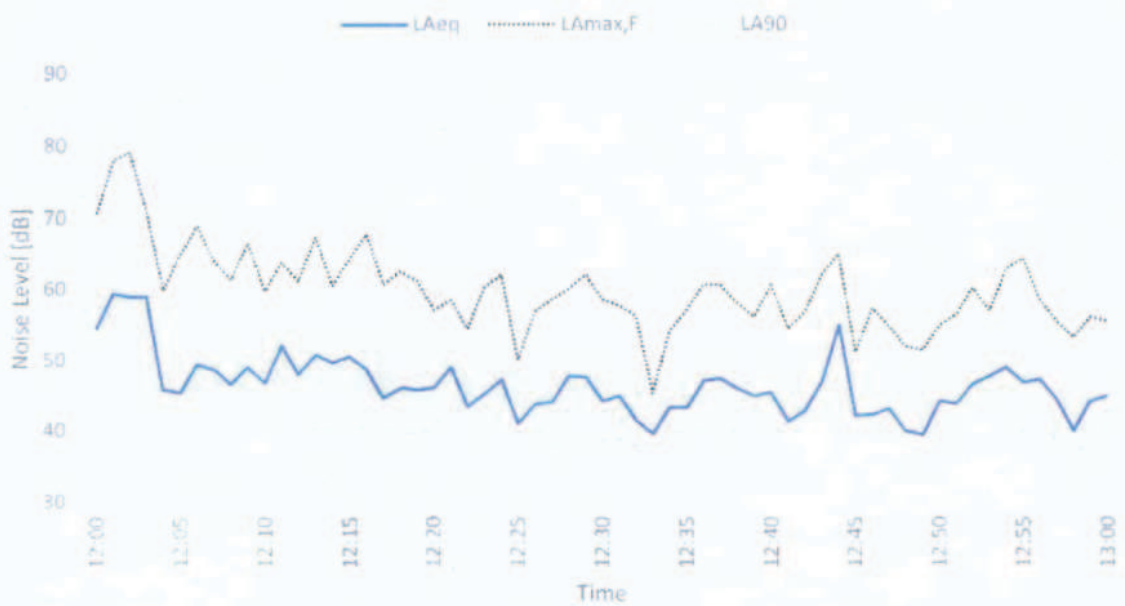
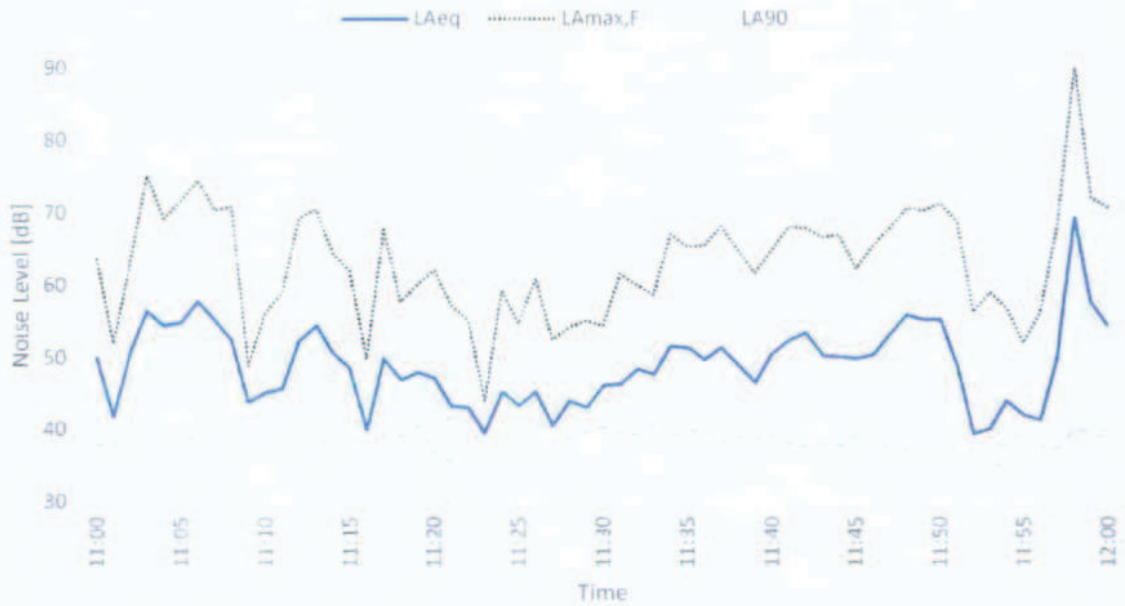




Central Bedfordshire Council - Dunstable Motocross Track
Results of Noise Monitoring Undertaken on 29 November 2014

Location: Rye Farm
Within Garden to Side of Dwelling

Instrumentation: Rion NL-52 Class 1 Sound Level Meter (Serial No. 00610177)
Mic Height 1.3m Freefield

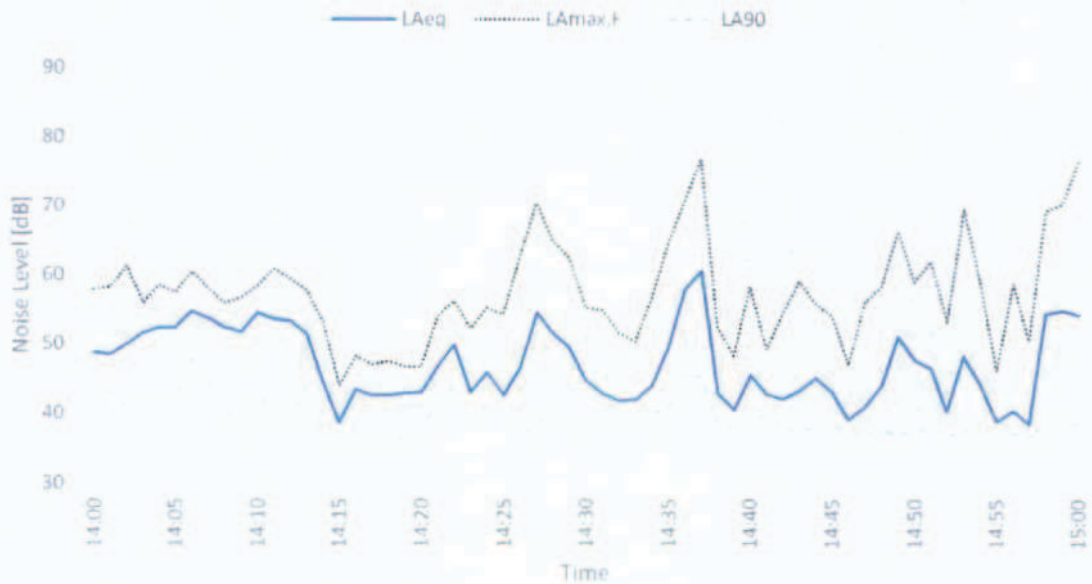
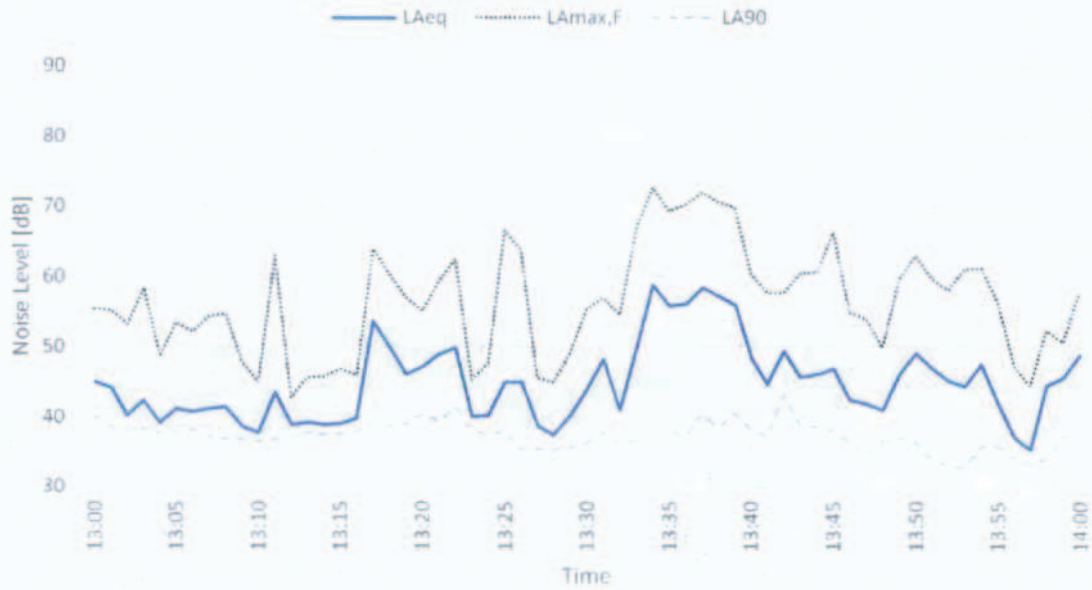




Central Bedfordshire Council - Dunstable Motocross Track
Results of Noise Monitoring Undertaken on 29 November 2014

Location: Rye Farm
Within Garden to Side of Dwelling

Instrumentation: Rion NL-52 Class 1 Sound Level Meter (Serial No. 00610177)
Mic Height 1.3m Freefield



Development Committee Meeting 14 January 2015
Item 6 - Planning Application CB/14/03678

Purpose of this paper

To question the basis of the conclusion outlined on page 25 of the Officers Report that:

“Whilst it is correct that Breach of Condition Notices have been served on the applicant, these have since been complied with and as such do not constitute a material planning consideration.....Furthermore this demonstrates that the local Planning Authority is capable of enforcing its own planning conditions”

Background Information.

2012 :

The applicant began operating the site in April. Immediately he operated outside the permitted hours and put more than the 7 permitted bikes on the track. Local residents complained but no Planning Enforcement action was taken throughout the six month summer period.

In September the operator made a Planning Application for more hours, more bikes and winter usage (CB/12/03419). This application was refused in November but he continued to operate although clearly knowing he was operating illegally.

Eventually after more complaints from local residents a Breach of Condition notice, regarding not operating in the winter period October/March, was issued in January. The track eventually stopped operating in February

2013:

The track began its permitted summer (April through September) operation on 1 April and immediately there were more than 7 bikes on the track operating outside the permitted hours.

A CBC Public Protection Officer witnessed this but was refused entry to the site.

As CBC Planning Enforcement records show, local residents complained throughout the summer, provided pictorial evidence of more than 7 bikes on the track but Planning Enforcement took no action.

The site continued to operate into October in contravention to the Breach of Condition notice issued nine months earlier.

Eventually after numerous complaints by local residents CBC warned the operator, he would be taken to the Magistrates Court. He continued to operate.

CBC made the same threat again and but motocross continued.

Eventually CBC threatened a High Court Injunction and the track closed for the winter.

2014:

The track opened for business in April and immediately operated outside its permitted hours and with more than 7 bikes. Local residents complained and CBC acted and issued two further Breach of Condition notices during that month.

The site generally complied with its planning conditions during the summer. There were some days when noise levels indicated there were more than 7 bikes on the track. Hence there were fewer noise complaints to CBC.

On 21 September I witnessed more than 7 bikes on the track and informed CBC Planning (Messrs Andrew Davie, Michael Bailey and Ms Sue Cawthra).

None of the recipients responded or acknowledged the complaint and no action was taken even though it contravened the Breach of Condition Notice.

Conclusion

An impartial observer might conclude:

1. The applicant has a long history of ignoring his planning conditions right up to 21 September 2014
Similarly he has a long record of ignoring CBC warnings.
2. Whilst CBC Planning Enforcement is clearly capable of acting to enforce conditions – it has a statutory duty to do so – the above evidence would suggest it is certainly not proactive and has an unfortunate habit of ignoring local residents complaints despite relying on their input.

Relevance of the above history

Given the past behaviour of the applicant outlined above and the difficulties CBC Planning Enforcement and CBC Public Protection historically have had in monitoring the track, it is essential that whatever planning conditions are approved, they are capable of being monitored, be it noise, opening hours, days or months.

Noise, however remains a key issue. If local residents could not hear the bikes there would be no issue with motocross. But it is common knowledge that motocross and noise nuisance go hand-in-hand. That is why many Councils are restricting or closing motocross tracks.

The Officers Report contains the outline of a draft Noise Management Plan.

It is essential that this Plan includes **Boundary Noise Levels**.

These should be set for nearby residential properties (those most effected by the noise) and would enable CBC Public Protection to monitor noise levels over a realistic period without having to warn the track operator or seek his permission to enter the track.

The actual Boundary Noise Levels should be taken from the listed readings recorded at nearby residential properties and contained in the independent Noise Report conducted by CBC. This report is the foundation for CBC Plannings' contention that 18 bikes are no nosier than 7.

CBC Planning claim the report provided scientific and objective measurements of the normal operation of the track with up to 18 bikes being ridden.

To set Boundary Levels other than those detailed in the Noise Report would question the validity of the report and therefore the basis of CBC Plannings' contention that 18 bikes are no nosier than 7.

Dr Richard Brewer
Rye Farm
Eaton Bray

Motocross History

In **1994** Mr George Bunker the owner of the site started to run large meetings on the site. The noise from this activity was very disturbing to the people living in the locality. There was no planning permission for motocross on this site.

The local residents together with South Beds District Council sought a **Noise Abatement Notice**. This was based on readings of noise levels and was granted in **1995**. Mr Bunker appealed against the notice but the magistrates upheld the notice considering it to be reasonable. **The Noise Abatement Notice** was subsequently withdrawn by the Council in **November 2001**. CBC have claimed that the notice was unenforceable and that they had found no evidence of noise nuisance. It has proved impossible to discover the nature of the evidence cited to support this claim.

In **1995** Mr Bunker sought and was given planning permission. This was granted on the basis that Mr Bunker claimed that he had been using the track for motocross without permission for many years. Mr Bunker claimed that he wanted to keep the track open as a facility to be used by local children.

The planning permission made very specific directions about the layout of the track and the height of the bunds and the landscaping that was to be put into place.

The permission limited the hours of operation and the number of bikes on the track to a maximum of 7 and restricted the use of the track to **April 1st to September 30th**.

The restrictions were put in place to enable the local authority to “exercise proper control over the development in the interests of general amenity”

The intention clearly was to minimise the nuisance to local people from the track and to restrict the track to its former use as a small track for local lads to practice on.

The restrictions on number of bikes and the hours of operation were intended to prevent it from becoming a commercial track able to be used for large meetings.

This restricted planning consent worked well and only an occasional complaint was made about the track.

In **March 2012** the current operator, Mr Brooks took over the management of the track. He had been running a motocross track in Essex that was closed down by the local Council. Mr Brooks had been operating the Essex track illegally without permission for almost 10 years before the local council were able to close it down.

During **2012** Mr Brooks ran large race meetings at the Stanbridge Road track with no regard to the number of bikes on the track or the hours of operation allowed by the current planning permission.

Complaints were made to CBC Public Protection and Planning Enforcement about the noise nuisance and the hours of operation. Other than “having a word” with Mr Brooks no action was taken by Planning Enforcement. No noise testing was done by Public Protection.

In **September 2012** Mr Brooks applied for a variation of planning permission. He was allowed by CBC Planning to continue operating after the end of September whilst the application was considered. Permission was refused in **November 2012** but Mr Brooks continued to operate after this refusal. CBC issued a Breach of Condition notice in **January 2013**. He then operated until **February 2013** taking full advantage of the 28-day notice period.

On **21st February 2013** Mr Brooks submitted an application for a Certificate of Lawfulness stating that as the track had been used for 10 years through the winter he should be allowed to continue. Many local people wrote to confirm that this was not the case. CBC refused the application. On **April 18th, 2013** Mr Brooks appealed against this refusal. The appeal was turned down, as a Certificate of Lawfulness

Appendix C for Item No. 6 application no. CB/14/03678/VOC

cannot be considered if a Breach of Condition notice is in place. The conclusion was that CBC should not have considered the application in the first place.

On **1st April 2013, Easter Monday**, Mr Brooks restarted operating with more than 7 bikes on the track and outside of permitted hours. Complaints continued on a regular basis to CBC about the breaches of the current planning permission and the noise nuisance.

A CBC Public Protection officer, Mr John Eden, visited the area and himself witnessed bikes racing after 2pm on a Sunday afternoon at the beginning of April. He spoke to the operator but was refused permission to enter the site.

Throughout 2013 Mr Brooks continued to operate outside of permitted hours and with more than 7 bikes on the track. In spite of being continuously advised by local people about these breaches and evidence being sent no action was taken by CBC Planning Enforcement. No noise tests were conducted by CBC Public Protection.

In September 2013 Mr Brooks made another application to vary the planning conditions. This was also refused.

Mr Brooks continued to operate after the **30th September 2013** in spite of there being a Breach of Condition notice in place. Mr Brooks ignored warnings from CBC that they would take the matter to the Magistrates Court. The winter activity only stopped when Mr Brooks and the site owner Mr Bunker were threatened with a High Court Injunction.

Motocross activity began again in **April 2014**. Again Mr Brooks had more than 7 bikes on the track and ignored the permitted hours of operation. After many complaints by local people two further Breach of Condition Notices were issued with regard to the hours of operation and the number of bikes on the track.

For the remainder of **2014** Mr Brooks has more or less kept to the Planning Permission.

It is significant to note that this resulted in considerably less complaints to CBC.

The **current Planning Application** was submitted on **3rd October 2014**, Mr Brooks then set up and ran "Enduro" meetings using the woods at the rear of the track.

A meeting was arranged by Mr David Hale with local councillors. At this meeting Mr Brooks made a threat that if he did not secure the current planning permission applied for he would run the track all summer and then run "Enduro" in the woods with up to **300** bikes during the winter. The same threat has been repeated on Mr Brooks' Facebook page.

Date: 8th January 2015

Ref: 14081/001/js

DUNSTABLE MOTOCROSS TRACK

REVIEW OF L F ACOUSTICS

NOISE ASSESSMENT

Re VARIATIONS to PLANNING CONDITIONS

Client: Residents Group

Presented by: 
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Associate

Approved by: 
A V H Holdich
Executive Consultant

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Figure 1: Location of Residential Monitoring Positions

Figure 2: Location of Trackside Monitoring Position

Figure 3: Glossary of Acoustic Terms

Preface

This report has been prepared by John Sim who is a member of the Institute of Acoustics and a qualified Environmental Health Officer. John is an Associate with Applied Acoustic Design Limited (AAD) where he has been employed since June 2003. In addition to his qualifications as an Environmental Health Officer he holds the Institute of Acoustics Diploma and the Scottish Institute of Environmental Health Certificate in Noise and Vibration Control.

John has 26 years experience of providing acoustic consultancy services in private practice with a further 8 years as a specialist pollution control officer in local government. He has given acoustic evidence in both Magistrates Courts and the High Court and has provided expert witness evidence to a number of Public Inquiries. John is a registered expert witness under the Sweet & Maxwell checked Expert Witness scheme.

The report is approved by Tony Holdich who is a member of the Institute of Acoustics and a Fellow Member of the Chartered Management Institute. Tony has been a director of Acoustic Practices for 28 years, was a founder of AAD of which he was a director from 1990 to 2013. In 2013 became an Executive Consultant and Quality Control Manager at AAD leading AADs BS EN ISO 9001:2008 Quality Management qualification and Lloyds Register audits.

1.0 Information

- 1.1 A planning application has been received by Central Bedfordshire Council (the Council), reference CB/14/03678/VOC, for the variation of Conditions 3, 4 and 5 of the extant planning consent reference SB/TP/95/0176. The variation to the conditions relate to an increase in the maximum number of motorcycles allowed on the track at any one time and changes to the operating days and hours of the track.
- 1.2 L F Acoustic Ltd (LFA) were employed by the Council to assess the noise implications of the proposed variation of conditions with respect of the likely effect on residential amenity. A group of local residents have instructed Applied Acoustic Design (AAD) to review the report and provide a critique where necessary.

2.0 The Proposed Variations to Conditions

- 2.1 The three conditions for which variations are sought are as set out below;

Condition 3:

This permission shall only extend the use of the site for the purpose of motor cycle training and practice between 1st April and 30th September in any calendar year.

Condition 4:

The site shall be used for the purpose hereby permitted only between the hours of 10.00am to 12.30pm and 2.30pm to 5.00pm Mondays to Saturdays and between the hours of 10.00am to 2.00pm on Sundays or Public Holidays.

Condition 5:

No more than 7 motor cycles shall use the track at any one time.

- 2.2 The proposed variations to these conditions are set out below;

Condition 3:

Change operation from the summer months to the winter months i.e. only operate from 1st October in one calendar year to 30th April in the following calendar year.

Condition 4:

Reduce the days of operation from seven days a week to nominally three days a week i.e. only operate on Fridays, Saturdays, Sundays and Bank Holidays. (Note: by the inclusion of Bank Holidays, a number of which fall on a Monday will give rise to weeks with four days of operation i.e. Monday, Friday, Saturday and Sunday). The variation to this condition includes a change to operating hours as shown below;

Friday and Saturday	10.00am to 1.00pm and 1.30pm to 3.30pm
Sunday	10.00am to 1.00pm and 1.30pm to 3.30pm
Bank Holidays	10.00am to 2.00pm

Condition 5:

Increase the number of bikes on the track at any one time to 18.

3.0 Discussion of the Proposed Variations

- 3.1 On the face of it the proposed variations to the conditions will provide a reduction in the number of days and operating hours of the track and thereby reduce noise disturbance and impact on local residents.
- 3.2 A calculation of the likely activity at the track, taking 2015/16 as an example;
- The current conditions allows 183 days of track use over which up to 7 motorcycles could use the track for 915 hours; a total of 6405 track motorcycle hours.
- The proposed conditions would allow 92 days of track use (including the bank holidays New Years and April bank holiday) over which up to 18 motorcycles could use the track for 426 hours; a total of 7668 track motorcycle hours.
- 3.3 As can be seen, there is a significant increase in the number of track motorcycle hours comparing the controls provided by the conditions attached to the extant consent and the proposed variations to those conditions. The proposed variations to the conditions cannot therefore be regarded as a planning gain in terms of reduced activity levels.
- 3.4 The Council planning report contains information submitted by the applicant following the site noise measurements undertaken by LFA used as the basis of the noise impact assessment. This information includes the statements "*If we run throughout the winter we will be fighting the weather for the most of it*" and "*It is also a massive job for us to keep the track in a rideable condition and we have to continually pump out the small ponds around the track to allow for drainage and also riders will not ride if it is raining on the day as it is impossible for them to see where they are going*".
- 3.5 These statements imply that it is probable that if the variations to the conditions were granted that the track would not be used to the full extent of the revised permitted hours. There would consequently be fewer actual track motorcycle hours than the variations to the conditions would permit.
- 3.6 It is assumed that these statements are made to further re-inforce the position that the proposed variation to the conditions would result in a less intensive use of the track than at present and consequently there would be a reduced impact on residential amenity.
- 3.7 However, the planning report also contains the statement from the applicant that "*At present with the planning conditions we have in place, we don't have any of these problems and can, as we did this year, open **every day that we wanted to with ease***". (my emphasis).
- 3.8 From this statement it is taken that the track currently does not open every day permitted by the extant planning consent. It would be expected that, based on the operators experience, that the track would only operate on those days which gave rise to sufficient usage to make it viable to open. It would also be typical that these days would be at the weekend as these are the days when most people are not working.
- 3.9 In any event there is no evidence provided by the applicant to show the actual usage of the track compared with the permitted usage and therefore no basis upon which to determine if there is likely to be any significant reduction in the days of operation. The

only information that is clear is an increase in the number of motorcycles allowed on the track and the number of operational months increased from six to seven.

- 3.10 It may be that the proposed number of operational days are no fewer in number than is currently undertaken at the site and consequently the result could be the same number of actual operational days but with an increase by one hour a day Fridays, Saturdays and Sundays with noise from almost twice the number of motorcycles.
- 3.11 From the information provided it is unclear what reduction in site activity, if any, is likely to result from the proposed variations to Conditions 3, 4 and 5 of the extant planning consent.

4.0 Review of the LFA Noise Assessment

- 4.1 The occasion during which the noise measurements were made took place on 29th November 2014 which is outside the permitted operational dates of the track. It is understood that the bike riders present during the occasion were a group of bike riders invited by the applicant for the purpose.
- 4.2 Given the artificial nature of the occasion, with a group of invited bike riders, it must be assumed that the occasion would be a best case with respect of control of the noise from the operation of the track. A more rigorous approach would have been if the applicant, rather than the Council, had employed the acoustic consultant and that the noise measurements had been made during the normal operation of the track on multiple occasions.
- 4.3 This review of the noise assessment is made on the basis that the noise measurements at the site are a best case for the applicant and that there is a high probability that the level of noise from the normal operation of the track, with an ad hoc group of bike riders, will be greater than has been determined during the LFA noise survey.
- 4.4 Noise Survey and Results
 - 4.4.1 It is understood that four sound level meters were used during the survey, two located at positions 10m from the track, one in a garden adjacent to Mead House and the final meter in a garden area adjacent to Rye Farm. The measurement positions are given in two Figures attached to the LFA assessment, copies of which are appended to this review. Figure 1 shows the measurement positions at Mead House and Rye Farm and Figure two shows the measurement positions adjacent to the track.
 - 4.4.2 The meters were set up to record noise levels over 1 second time periods with audio capture being undertaken contemporaneously with the measurements. The rationale for the measurement set up being the identification of individual occasions.
 - 4.4.3 Appendices A to C of the LFA noise assessment show the measured noise levels aggregated into 1 minute time periods. Appendix A shows the aggregated noise levels for the track side positions, Appendix B shows the aggregated noise levels for Mead House (the text identifying the location at the top of the charts wrongly identify the data as being for Rye Farm) and Appendix C shows the aggregated noise levels for Rye Farm.

- 4.4.4 Given the stated intent that 1 second time periods had been chosen so as to allow for the identification of individual occasions it is not understood why the data has subsequently been provided in the form of 1 minute aggregated noise levels.
- 4.4.5 The aggregation of the 1 second noise levels to 1 minute noise levels will smooth out and mask the noise from individual occasions and prevent proper third party assessment of the conclusions reached with respect to the levels of noise from individual occasions.
- 4.4.6 It is noted that the measurement data at the track positions show fairly constant activity from around 10:30 to around 13:00 with a number of very short breaks, a break from around 13:00 to around 13:37 and then constant activity up to around 14:00 with one short break. However, it is also noted that the LFA assessment is based on only 12 five minute time periods during all of the site activity rather than assess the noise levels during the entirety of the activity.
- 4.4.7 It is understood that specific time periods may have been chosen to determine the effect of the number of motor cycles on the track at any given time might have on the measured noise levels. However, there should be no reason why the assessment should not also have considered the levels of noise during the entirety of the track activity so as to provide a comprehensive view of the track noise rather than a snapshot view.
- 4.4.8 It is considered that the best use has not been made of the data obtained from the noise measurement exercise and as a consequence the LFA noise assessment may not reveal the entirety of the noise impact on residents.
- 4.5 Noise Criterion
 - 4.5.1 Consideration of a noise criterion against which noise from the track may be assessed is based on the guidance and advice contained in the National Planning Policy Framework (NPPF). The NPPF advises that local planning authorities should aim to “Avoid noise from giving rise to significant adverse impacts on health and quality of life from new development”.
 - 4.5.2 Reference is then made to the Noise Policy Statement for England (NPSE) and in particular to the relevant effect levels identified in this and the NPPF. These effect levels being as given below;

No Observed Adverse Effect (NOEL)	noticeable not intrusive
Lowest Observed Adverse Effect Level (LAOEL)	noticeable and intrusive
Significant Observed Adverse Effect Level (SOAEL)	noticeable and disruptive
Unacceptable Adverse Effect	noticeable and very disruptive
 - 4.5.3 Reference is also made to the “Code of Practice on Noise from Organised Off-Road Motor Cycle Sport”, British Standard BS8233:2014 and the 1999 World Health Organisation Guidelines.
 - 4.5.4 It is noted that in particular the guideline noise level values from BS8233 and the WHO document are given but that the assessment, although stating that “*The results of the noise measurements taken at Mead House and Rye Farm on 29th November 2014 indicate acceptable noise levels associated with the operation of the motocross track*”, the assessment at no point makes comment as to what an “acceptable noise level” would be.

- 4.5.5 Reference has been made in the LFA assessment to BS8233 and WHO guidelines with 55 dB $L_{Aeq, t}$ being identified in BS8233 as being the “upper guideline value” for gardens and being identified in the WHO guidance as being the noise control level required “To protect the majority of people from being seriously annoyed during the daytime.....”.
- 4.5.6 The LFA noise assessment, although referencing these objective noise criteria, does not then comment on or recommend a testable, measureable objective noise criterion at residential properties against which the proposed development can be assessed.
- 4.5.7 It is not understood why there has been no consideration with respect of relating the 55 dB $L_{Aeq, t}$ in gardens as a maximum guideline noise level to prevent serious annoyance to the SOAEL definition of noise being noticeable and disruptive.
- 4.5.8 There must be reasonable correlation between noise causing serious annoyance and noise causing a material change in behaviour and/or attitude and consequently an objective noise criterion related to the 55 dB $L_{Aeq, t}$ noise criterion should have been recommended.
- 4.5.9 Such a noise criterion would give certainty to the applicant as to what needs to be achieved and gives transparency to residents as to the basis of an assessment that noise from the proposed development is acceptable and will not give rise to serious detriment to their amenity.
- 4.6 Measured Noise Levels
- 4.6.1 The trackside noise measurements given in table 4.1 relate the measured noise levels at two positions 10 metres from the track with differing number of motor cycles running on the track. The LFA assessment then comments, based on these measured noise levels, “the results indicate that there was little variation in the noise level at the property (Mead House) with either 7 or up to 18 bikes using the track. It is noted that the lowest noise level measured was obtained during the period when the maximum number of bikes were on the track, with the highest levels obtained from either 7 or 15 bikes on track”.
- 4.6.2 Table 4.2 in the LFA assessment gives the measured ambient noise levels at Mead House (i.e. the noise levels with no track activity) and table 4.3 gives the measured noise levels at Mead House with bikes on the track. There is no table given which shows the calculated noise levels at Mead House due to the bikes alone i.e. disaggregating the bike noise from the measured noise levels which includes the ambient noise.
- 4.6.3 In the simplest of possible calculations the average ambient noise level is 51.3 dB $L_{Aeq, 5 \text{ min}}$ (average of all of the measured ambient noise levels) and with noise from the bikes the average noise level is 54.3 dB $L_{Aeq, 5 \text{ min}}$. By calculation, on the basis of this simple calculation, the noise level due to the bikes at Mead House is around 51 dB $L_{Aeq, 5 \text{ min}}$ i.e. the bikes on their own at Mead House are as noisy as the sum total of all other noise sources in the area.
- 4.6.4 Even this simplistic analysis of the limited data contradicts the LFA assessment in the last paragraph on page 9 where it is stated “.....the level of noise generated was below that associated with other surrounding noise sources”. Indeed, as shown below, there are periods where the noise from the bikes was around 4 dB higher than the other surrounding noise sources.

4.6.5 A more complicated process of calculation can be undertaken by assessing each of the 12 five minute periods individually against the average ambient noise level, the minimum ambient noise level and against the maximum measured ambient noise level as shown below;

Number of bikes	Ave	Min	Max
16	48.9	51.4	
15	55.9	56.5	54.5
7	55.5	56.2	54.0
8		44.2	
7	33.5	47.9	
6	51.0	52.7	43.6
7	55.4	56.1	53.8
7	51.0	52.7	43.6
9	52.4	53.7	48.4
8	51.5	53.0	45.5
7		45.9	
18		41.9	

4.6.6 The first column refers to the number of bikes on the track, the second to fourth columns being the calculated noise levels due to the bikes alone corrected for the average, minimum and maximum ambient noise levels as indicated by the titles. The blank cells indicate periods where the measured noise levels with the bikes were lower than the ambient noise levels as indicated by the column titles i.e. average, minimum and maximum.

4.6.7 The rows marked in red are periods where the measured noise levels with the bikes were clearly higher than any of the measured ambient noise levels. The average noise level for the bikes alone in these three time periods is 55.4 dB $L_{Aeq, 5 min}$.

4.6.8 It is clear therefore from analysis of the limited data provided that, even in the best case with an invited group of bikers, that noise from the bikes at the Mead House position can be in excess of the WHO guideline value of 55 dB $L_{Aeq, t}$ required to prevent serious annoyance.

4.6.9 It is also clear from the analysis of the limited data provided that, in direct contradiction with a statement in the LFA assessment, noise from the bikes was on average at least as high as other surrounding noise sources and at worst case around 4 dB higher.

4.6.10 It is noted that two of the time periods when the noise from the bikes were in excess of 55 dB $L_{Aeq, 5 min}$ were with the currently permitted number of bikes on the track.

5.0 Mitigation

5.1 The LFA assessment suggests mitigation in the form of perimeter bunds to a minimum height of 2 metres above the track i.e. where there are jumps in the track the bund would be at least 2 metres above the height of the top of the jump.

- 5.2 A bund designed to reduce noise levels is at its most effective when either the source or receiver is close to it. The further away the source and receiver from the bund the less effective it becomes. A 2 metre high bund may therefore be effective for noise sources close to it but would be less effective with respect of bikes on the opposite side of the track.

- 5.3 Taking Mead House as an example, the closest part of the track is around 460 metres from the property and the farthest part of the track around 630 metres. The calculated distance reduction in noise from 460 metres to 630 metres is around 2.7 dB. If, due to increased bike distance from the bund, the reduction in acoustic performance of the bund is more than 2.7 dB then noise from bikes on the far side of the track would give rise to higher noise levels than bikes on the nearest part of the track.

- 5.4 On this basis there could be a requirement for bunding within the track area as well as around the perimeter. To determine the effectiveness of any bunding there should be a comprehensive assessment of actual bund designs based on achieving a set noise level at residential properties.

- 5.5 Such an assessment is not part of the LFA noise assessment report and, it is understood, no scheme of mitigation has been put forward by the applicant. Before any decision can be made on the likely effectiveness or otherwise of a mitigation scheme full details must be provided.

- 5.6 It is considered that any decision to grant consent for the proposed development on the basis of noise mitigation providing an acceptable level of noise at residential properties an actual mitigation scheme must be submitted for consideration.

- 5.7 To grant planning consent on the basis of the information currently provided would be premature.

6.0 Trackside Measurements

- 6.1 It is understood that the trackside measurement data has been referenced at a meeting between Glenn Wigley and David Hale on behalf of the residents with Marion Mustoe, Martin Crosby and Elaine Sutton of Stanbridge Parish Council and Alan Stone an environmental health/acoustic expert.

- 6.2 Reference was made at this meeting to the trackside measurement data in particular with respect of measured noise levels of around 79 dB $L_{Aeq, 5 \text{ min}}$ with 7 bikes and around 80 dB $L_{Aeq, 5 \text{ min}}$ with 15 bikes. The inference being that 15 bikes are no noisier than 7 bikes.

- 6.3 The trackside measurement data in this respect must be treated with caution. The $L_{Aeq, t}$ is an average measured value over the given period of time, in this case 5 minutes, and, as the averaging is logarithmic, is biased towards the higher noise levels experienced during the time period. The result of logarithmic averaging is that noise levels which are 10 dB or more below the highest noise levels contribute little or nothing to the overall period $L_{Aeq, t}$ value.

- 6.4 The trackside measurements were made at positions 10 metres from the track and based on distance reduction, for any given noise source, at around 32 metres distance the noise level would be 10 dB lower than at 10 metres. The consequence of distance

- noise reduction is that the noise from bikes more than around 32 metres from the measurement positions would contribute nothing to the measured period $L_{Aeq, t}$ value.
- 6.5 With bikes spread around the track only the noise from bikes within the 32 metre distance will be contributing to the measured noise level and therefore it is not unexpected that there is little variation in the trackside measurements for 7 bikes and 15 bikes. The fact is that no matter how many bikes were on the track, given that the bikes are spread around the track and not racing as a group, a similar number would be within the 32 metre distance whether there was a total of 7 or 15 running on the track.
 - 6.6 It should be noted that this effect does not occur at the houses. As discussed above, the difference in noise levels between the closest part of the track and Mead House and the farthest part of the track is around 2.7 dB and consequently the noise from all of the track will contribute to the $L_{Aeq, t}$ at the houses.
 - 6.7 It is further understood that there was some discussion at this meeting with respect of a noise control criterion for the track operations and that Alan Stone suggested 83 dB $L_{Aeq, 5 \text{ minute}}$. The measurements to be made on top of a bund; this is assumed to be measurement position 2.
 - 6.8 It is also understood that the rationale behind this suggested limit is the measured noise level of 80 dB $L_{Aeq, 5 \text{ min}}$ with 15 bikes on the track with an increase to allow for more aggressive riding.
 - 6.9 It is interesting to note that there was a suggestion that the 15 bikes may not have been driven as aggressively as normal during the measurement exercise undertaken on 29th November 2014.
 - 6.10 It is also interesting that the suggestion is that rather than control the noise to that measured and hence limit aggressive riding the suggestion is that the noise from bikes be allowed to be 3 dB higher to allow aggressive riding. It is understood that the noise control limit was also suggested on the basis of minimising the effect on the operation of the track rather than any consideration for the protection of residential amenity.
 - 6.10 As noted in 4.6.7 above even with less aggressive riding there were three time periods when the bike noise was over the 55 dB $L_{Aeq, t}$ guideline value given in the WHO guidance as being required to prevent serious annoyance.
 - 6.11 If anything, consideration should be given to setting a noise control limit lower than the 79 dB $L_{Aeq, 5 \text{ min}}$ measured with 7 bikes rather than any increase in noise level.
 - 6.12 As discussed above a trackside noise monitoring position would only control noise over a very small part of the track and is not appropriate should proper control of the noise from the track be exercised. The position of the noise monitor should be inside the track as far as possible equidistant from all parts of the track with measurement data being recorded, archived and available for inspection by the Council should complaint be made.
 - 6.13 The appropriate noise control limit for such a system would be based on achieving a noise control level at the houses of no more than 46 dB $L_{Aeq, 5 \text{ min}}$. This level being 5 dB below the average ambient noise level in the area.
 - 6.14 Two noise control levels would be set at the monitoring position an $L_{Aeq, 5 \text{ min}}$ and an overall $L_{Aeq, 1 \text{ sec}}$ limit to control particularly noisy bikes. Such a system of monitoring is

already in use at Croft Circuit see details at <http://www.aad.co.uk/misc/croft-motor-racing-circuit.pdf>.

7.0 Summary

- 7.1 Based on the information provided it is unclear what reduction in site activity might result from the proposed variations to the conditions.
- 7.2 Noise data has been obtained at four positions in the form of 1 second data which has then been aggregated to 1 minute and 5 minute data. It is considered that as a consequence the best use has not been made of the measurement data and as a result the entirety of the noise impact on residents may not have been determined and assessed.
- 7.3 Noise criteria have been discussed in the LFA noise assessment and although it is concluded that *"The results of the noise measurements taken at Mead House and Rye Farm on 29th November 2014 indicate acceptable noise levels associated with the operation of the motocross track"* there is no objective noise criterion given against which such a statement can be judged.
- 7.4 It is also stated in the LFA noise assessment that *".....the level of noise generated was below that associated with other surrounding noise sources"* whereas even a simplistic analysis shows that noise levels from the track are as high as the noise level from all other sources in the area put together. Further, more detailed analysis shows that noise levels from the bikes are up to 4 dB higher than the typical ambient noise level in the area. The LFA statement is in error.
- 7.5 A more detailed analysis showed that there were three out of the twelve measurement time periods where noise from the bikes alone was in excess of the 55 dB $L_{Aeq, t}$ noise control guideline limit given by WHO as protecting *"the majority of people from being seriously annoyed during the daytime"*.
- 7.6 The mitigation suggested by LFA is simplistic in its approach and takes no account of noise from bikes when on the far side of the track and at distance from the suggested perimeter bunds. To assess whether a mitigation scheme is likely to reduce noise levels, such that there should be no serious detriment to residential amenity, would require significant detail and which should be provided by the applicant as part of the application. Such a scheme can then be assessed as part of the planning process before consideration is given to the grant or otherwise of planning consent.
- 7.7 It is understood discussions have taken place with the Central Bedfordshire Council where the matter of a noise control criterion was introduced. It is further understood that the suggestion was for a noise control criterion of 83 dB $L_{Aeq, 5 \text{ min}}$, a noise control criterion 3 dB higher than the measured noise level with 15 bikes on the track. The reason given for a higher than measured noise criterion is understood to be that during the noise measurement exercise the bikes may not have been ridden as aggressively as they normally would be.
- 7.8 This approach seems somewhat weighted towards the track operator rather than considering the amenity of local residents. Rather than setting a noise control limit at the track to ensure little interference with the operation of the track with little concern

for residential amenity it is suggested that a noise control limit be set at the houses and then calculated back to a noise control limit at the track.

- 7.9 A noise control limit of 46 dB $L_{Aeq, 5 \text{ min}}$ at the houses, this being a noise level 5 dB below the typical ambient noise level in the area.

8.0 Conclusions

- 8.1 It is concluded that the LFA noise assessment is lacking in proper analysis of the measurement data and consequently contains conclusions which even a cursory analysis of the limited data given are shown to be wrong.
- 8.2 It is concluded that the consideration of mitigation measures is superficial and a more detailed scheme is required with a proper technical assessment of the likely levels of sound reduction that may be achieved.
- 8.3 It is concluded that the only consideration in setting a measureable noise control limit appears to be weighted towards the track operator with no apparent consideration for residential amenity.
- 8.4 It is further concluded that the approach to assessing the likely noise impact from the track is to start from a noise criterion at the houses and calculated back to the track noise sources thereby arriving at the necessary noise reduction required of any submitted scheme of noise mitigation.

Figure 1: Location of Residential Monitoring Positions



Figure 2: Location of Trackside Monitoring Positions

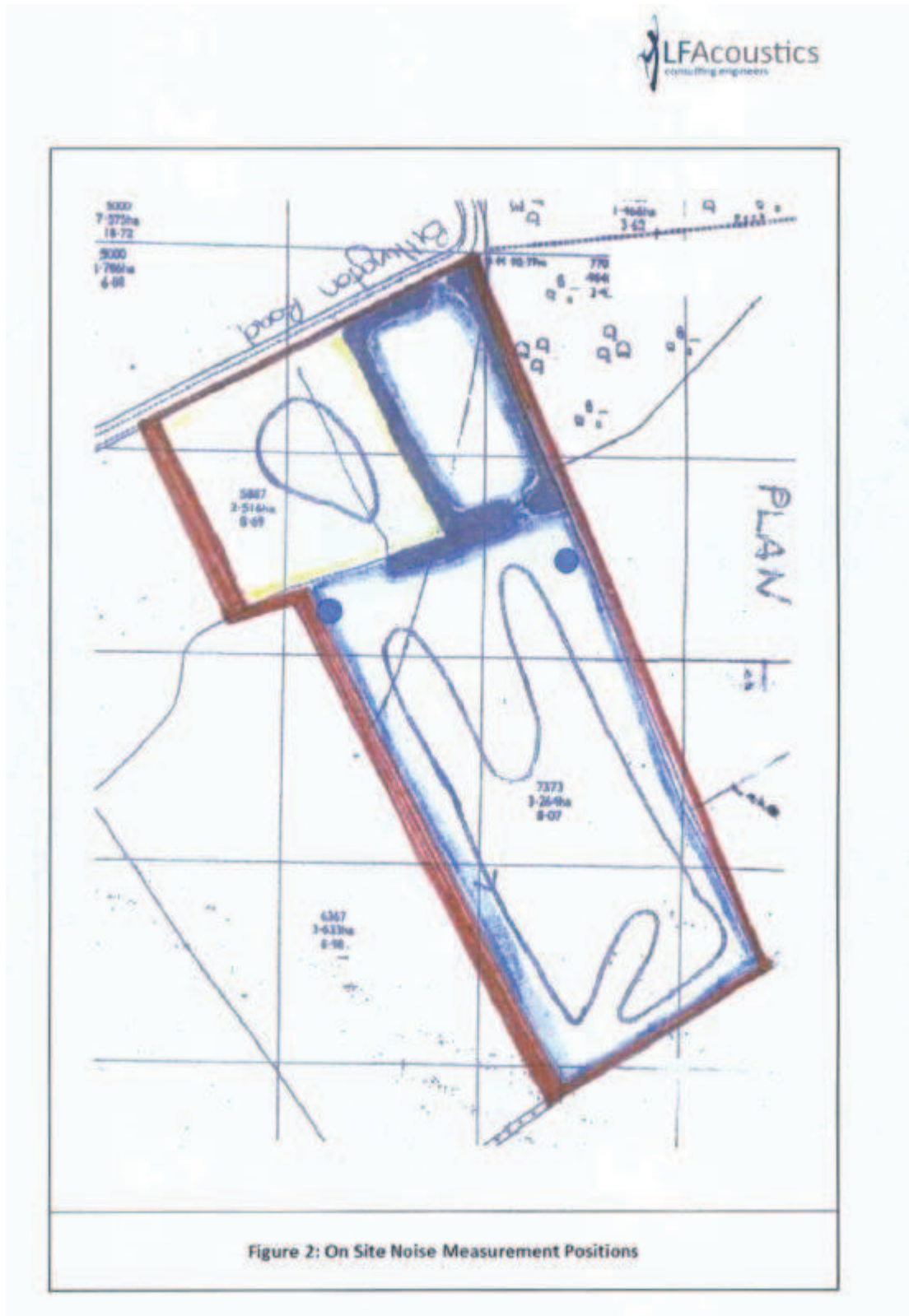
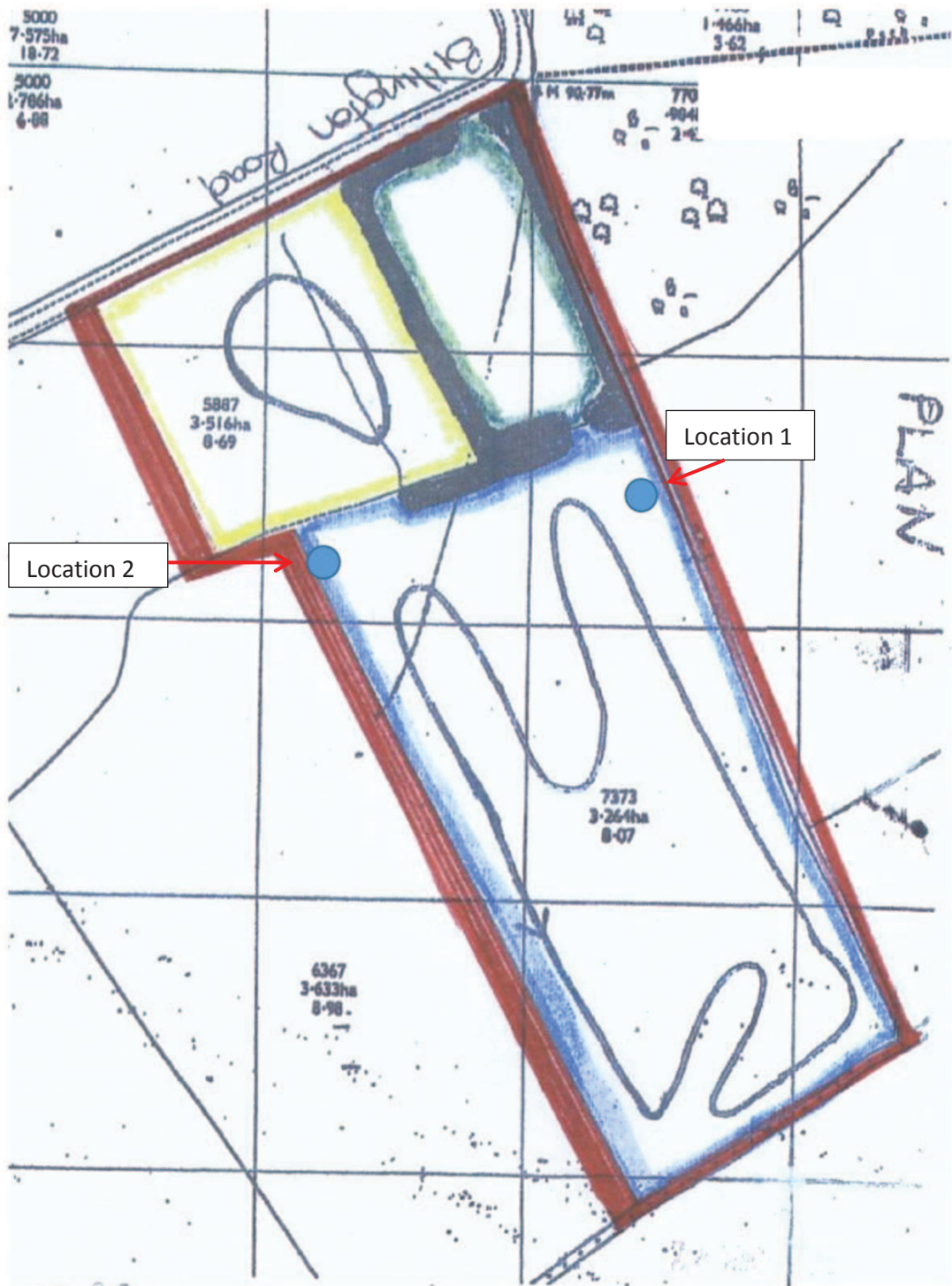


Figure 3: Glossary of Terms.

Decibel, dB	A unit of level derived from the logarithm of the ratio between the value of a quantity and a reference value. For sound pressure level (L_p) the reference quantity is $2 \times 10^{-5} \text{ N/m}^2$. The sound pressure level existing when microphone measured pressure is $2 \times 10^{-5} \text{ N/m}^2$ is 0 dB, the threshold of hearing.
L	Instantaneous value of Sound Pressure Level (L_p) or Sound Power Level (L_w).
Frequency	Number of cycles per second, measured in hertz (Hz), related to sound pitch.
A weighting	Arithmetic corrections applied to values of L_p according to frequency. When logarithmically summed for all frequencies, the resulting single "A weighted value" becomes comparable with other such values from which a comparative loudness judgement can be made, then, without knowledge of frequency content of the source.
$L_{eq,T}$	Equivalent continuous level of sound pressure which, if it actually existed for the integration time period T of the measurement, would possess the same energy as the constantly varying values of L_p actually measured.
$L_{Aeq,T}$	Equivalent continuous level of A weighted sound pressure which, if it actually existed for the integration time period, T, of the measurement would possess the same energy as the constantly varying values of L_p actually measured.
$L_{n,T}$	L_p which was exceeded for n% of time, T.
$L_{An,T}$	Level in dBA which was exceeded for n% of time, T.
$L_{max,T}$	The instantaneous maximum sound pressure level which occurred during time, T.
$L_{Amax,T}$	The instantaneous maximum A weighted sound pressure level which occurred during time, T.
Background Noise Level	The value of $L_{A90,T}$, ref. BS4142:1997.
Traffic Noise Level	The value of $L_{A10,T}$.
Specific Noise Level	The value of $L_{Aeq,T}$ at the assessment position produced by the specific noise source, ref. BS4142:1997.
Rating Level	The specific noise level, corrected to account for any characteristic features of the noise, by adding a 5 dBA penalty for any tonal, impulsive or irregular qualities, ref. BS4142:1997.
Specific Noise Source	The noise source under consideration when assessing the likelihood of complaint.
Assessment Position	Unless otherwise noted, is a point at 1m from the façade of the nearest affected sensitive property



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PLANNING APPLICATION: CB/14/04511/FULL

This document and illustrations is in support of our planning application at 6 Firs Path, Leighton Buzzard.

Reason for Extension.

There is a strong possibility that an aged parent will need to be accommodated by us. We also have children, their partners and grandchildren who regularly visit together from other parts of the country. The depth of the house is quite narrow and the four existing bedrooms are of modest size.

The Design

The proposed first floor extension is above the garage, solely on the existing footprint of the property. The final design, scaled back from the original, complements the property's existing lines and elevations and creates an attractive symmetry to the other side of the house. The size of the extension is quite small in the overall context of the house. It would be perfectly in keeping with the size of the other detached houses in the cul-de-sac.

When drawing up our plans we had no thought of it being resisted by local planners, nor did anyone else we shared them with. It is the sort of extension that has been common in the surrounding area. It does not impact on our neighbours and there are no objections from them.

Area of Special Character

It appears that the objection by the planners revolve around the fact that our property is located just inside what has been designated an Area of Special Character. It is puzzling why this area is such an irregular shape, including and excluding some streets and houses for no apparent reason. It tends to suggest that the boundaries were drawn up by someone afar, with little local knowledge and in a haphazard way. Residents in excluded streets would question why their streets are not considered of equal standing if they were ever made aware of these distinctions. Why for example is the area of Heath Court excluded and the area of Redwood Glade included. It is very difficult to understand why only one house in Hillside Road is included and others considerably bigger and older are not. It is another very pleasant road. This is especially puzzling as Hillside Road is on the site of an Anglo Saxon Burial Ground. Houses which perhaps may be described as less imposing, a few yards round the corner in Plantation Road down to Adams Bottom are included. To our mind this makes for unfair inconsistencies in the treatment of different householders living a few yards from each other. How can one side of Sandy Lane be included and the other side not? Parts of Plantation road and Heath road with very attractive housing are not included. Why was recent planning permission given for a very large, incongruous house to be built in the very special Knolls Woods?

The response we have had from the planners indicate that the proximity of the proposed extension to our boundary is another reason they wish to decline it. Our

proposal is actually on the footprint of our house, no more. We understand that extensions should be no closer than 3 feet from the boundary but other considerations apply within Areas of Special Character. However, these appear to be undefined as the local case officer could not tell us a distance that it should be. Therefore, the Policy is left to individual interpretation as to whether it is acceptable or not.

Immediate Neighbours

Our proposed extension will be 6 feet away from our boundary with no. 7, twice as much as the normal 3 foot policy. It will also be 25 feet away from the first floor part of no. 7.

To put this into some sort of perspective:

1. Our neighbour's house, no.7 is at the ground floor level, 4 feet away from our boundary and on the other side of their house 3 feet away from no. 8, see illustrations 1 & 2.
2. No. 8's house abuts the boundary of no.7 and is 3 feet away from the boundary of no. 9, see illustrations 2 & 3.
3. Our other neighbour's house, no. 5, and rear balcony is 3 feet away from our boundary, see illustration 4.

Other considerations in Firs Path

The Firs was a modest bungalow until a few years ago when it was given permission for an entire new frontage, a second storey and a side ground and first floor extension, substantially increasing the size and completely changing the character of the house, see illustration 6

At the same time permission was given to put a first floor on its single storey detached garage, which now contains full living accommodation and is effectively now a dwelling with its own address, Firs Lodge. This second storey has closed in the general space and dominates the entrance to our cul-de-sac and many people think the road ends there because of it, see illustration 5.

No.4 Firs Path, semi detached house, has a first floor extension over its garage and it actually abuts the boundary of no. 5, see illustration 7.

No. 1 Firs Path, also a semi detached house, but still inside the Area of Special Character, has recently completed a first storey extension above its garage (the garage being converted into living space at the same time). This is certainly a substantial percentage increase in living space, significantly more than ours would be. More importantly the side wall is a maximum of 3 feet from its neighbour's boundary in Plantation Road, see illustration 8.

Other Developments within the Area of Special Character

If you walk around the surrounding streets within the Area of Special Character, there are numerous other houses that are much closer than our proposed 25 feet at the first floor level and are built very close if not closer than the 3 feet limit. Some of these are extensions, some have been given planning permission to be that close at outset.

Attached are photographs of just a few examples:

Plantation Road

Silver Birch, see illustration 9

Houses between Hillside Road and Adams Bottom, see illustration 10.

Redwood Glade

Nos. 42 and 43, see illustration 11

First floor garage extension, see illustration 12

Taylor's Ride

Another house a bare minimum from its neighbour, see illustration 13

Oxendon Court

Two sizeable houses built very close together, see illustration 14

Robinswood Close

Two sizeable houses built very close together, see illustration 15

Knolls Woods

A massive house totally incongruous to its surroundings, see illustration 16

Heath Park Drive

First floor garage extension, see illustration 17

Heath Road

First floor garage extension that dominates the house, see illustration 18

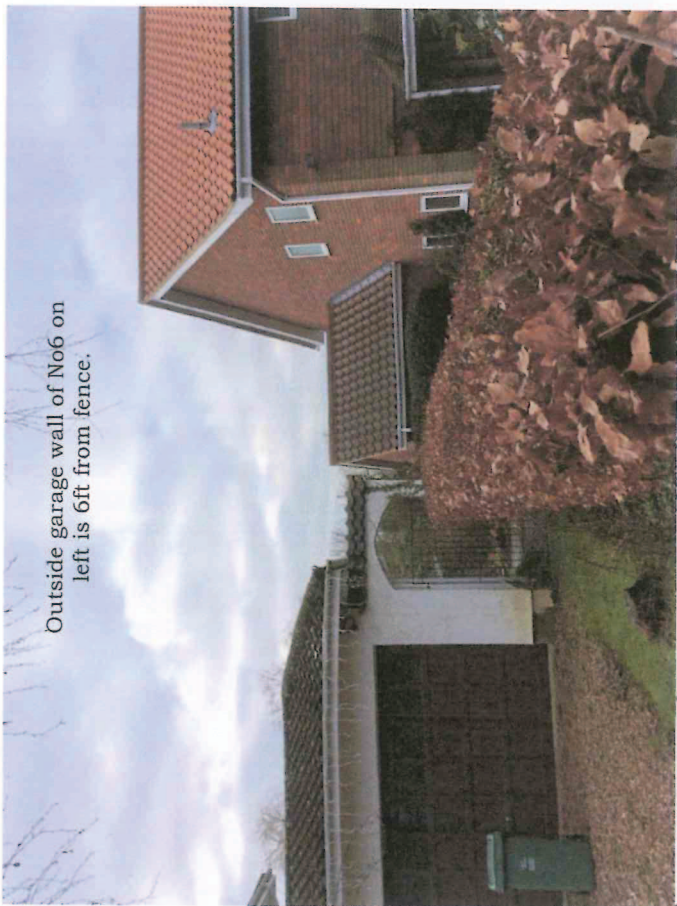
Three houses very close together, plus another first floor garage extension that dominates the house, see illustration 19

Summary

Our proposed extension is twice as far away as the “closeness” guidelines, even more so at the first floor level and will not alter the character of the house, road or general area. Even though the other houses in Firs Path are closer together, there is a feeling of spaciousness in Firs Path, and our proposal would in no way impact that feeling. We would be foolish if we were to do anything that changed the character of the road.

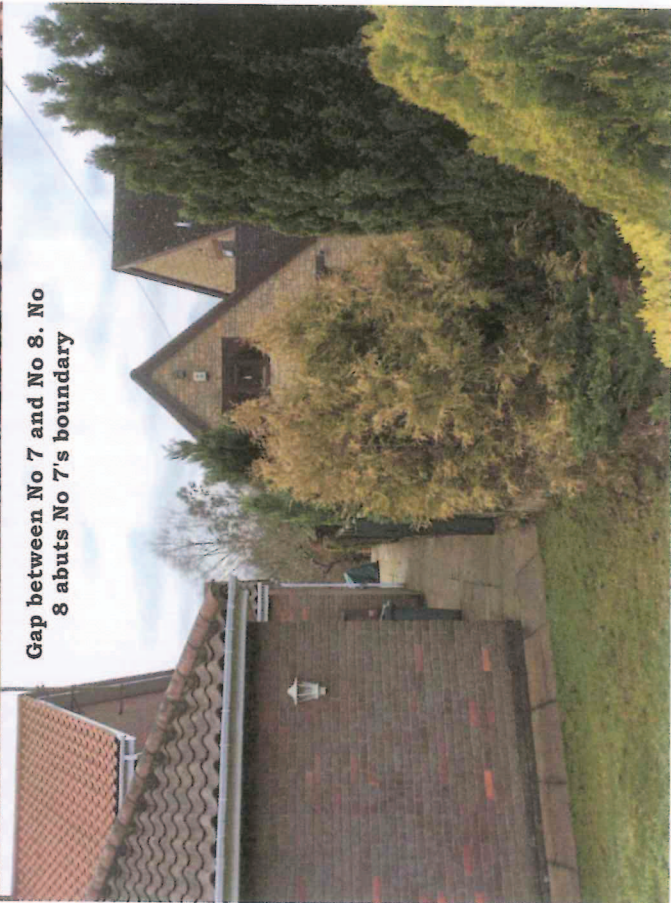
There are numerous examples of houses in the Area of Special Character that are much closer than ours will be. Recent examples of development within a few hundred yards of our property yet just outside this arbitrary Area of Special Character leave a lot more pertinent questions to be asked. We see no reason why we should be treated any differently from our neighbours and surrounding householders and be unreasonably and unjustly discriminated against. We ask that the proposal be accepted.

1.



Outside garage wall of No6 on left is 6ft from fence.

2.



Gap between No 7 and No 8. No 8 abuts No 7's boundary



No 8 just 3 ft from no. 9's wall

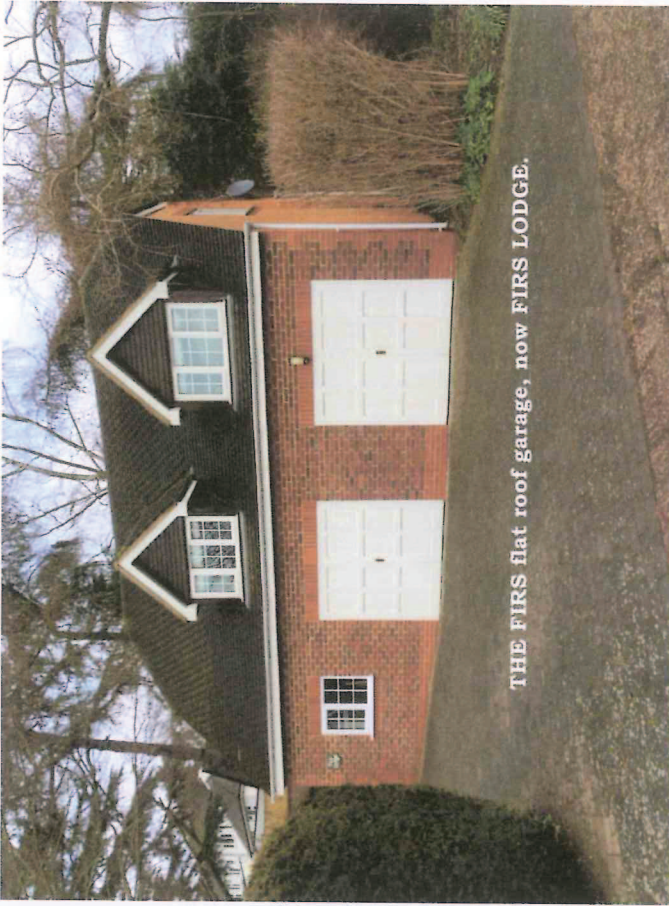


No 5 on left, just 3 feet from boundary with no. 6.

3.

4.

5



THE FIRS flat roof garage, now FIRS LODGE.

6

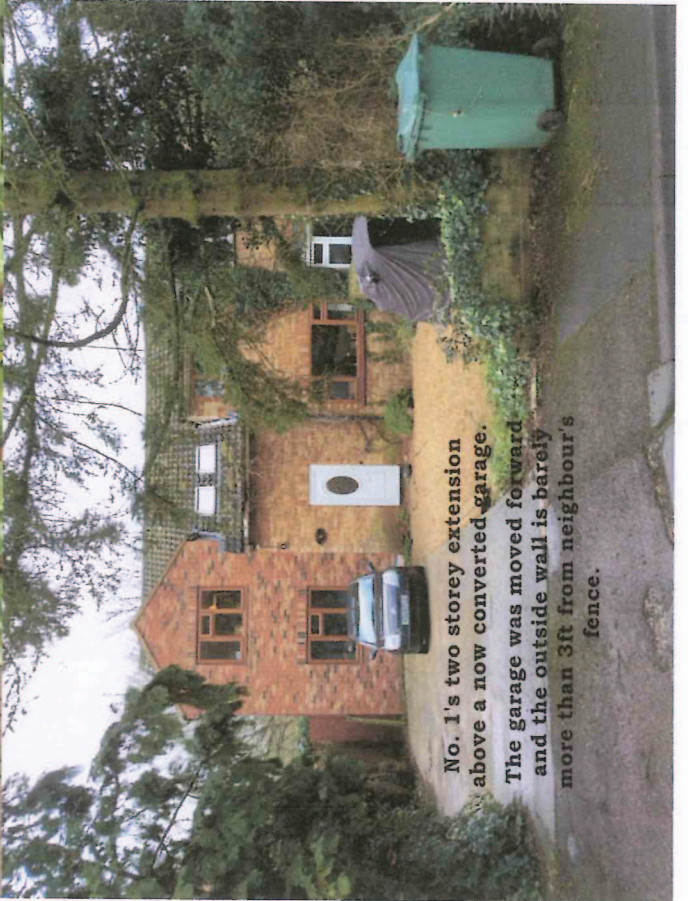


THE FIRS, once a very modest bungalow, now a new front and two storey extension.



No 4's first storey extension above garage that abuts onto no 5's boundary

7



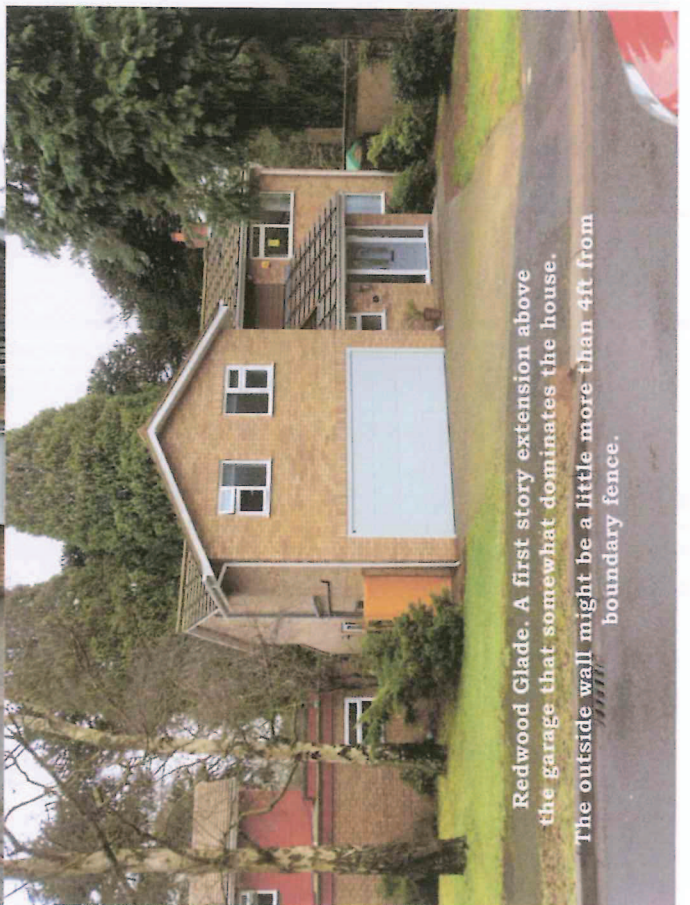
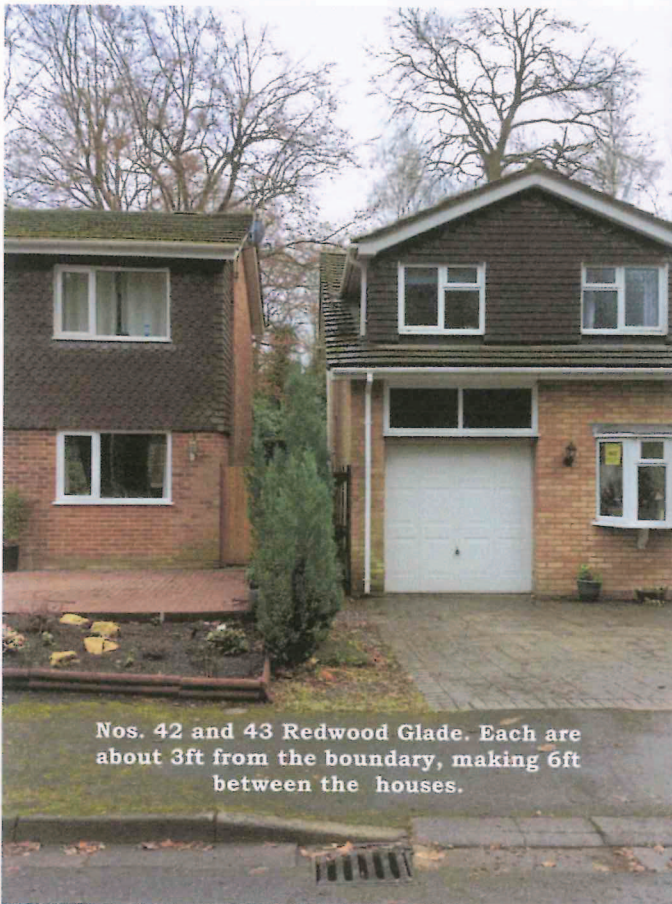
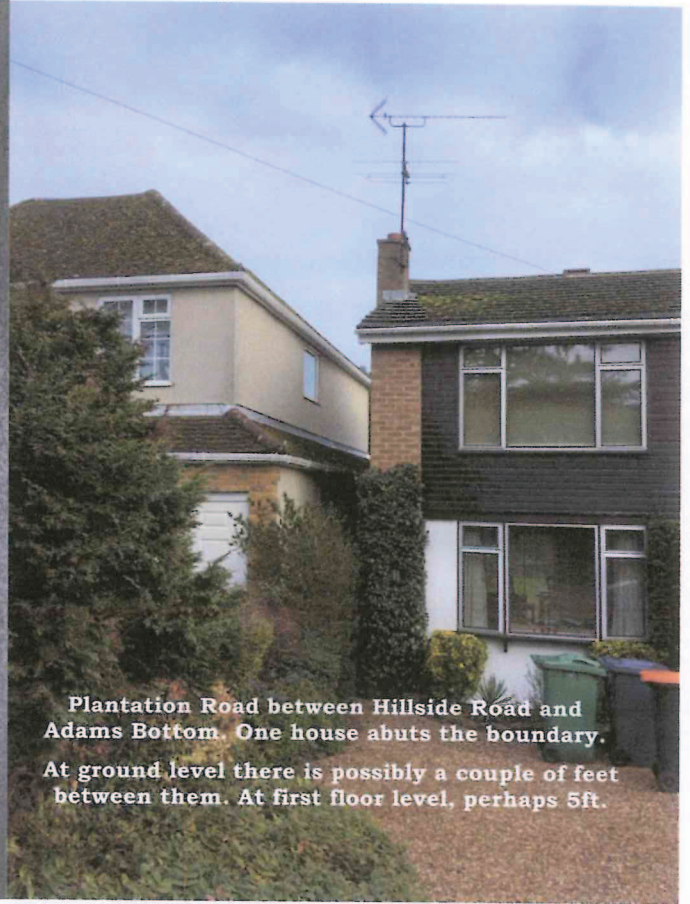
No. 1's two storey extension above a now converted garage. The garage was moved forward and the outside wall is barely more than 3ft from neighbour's fence.

8

9



10



11

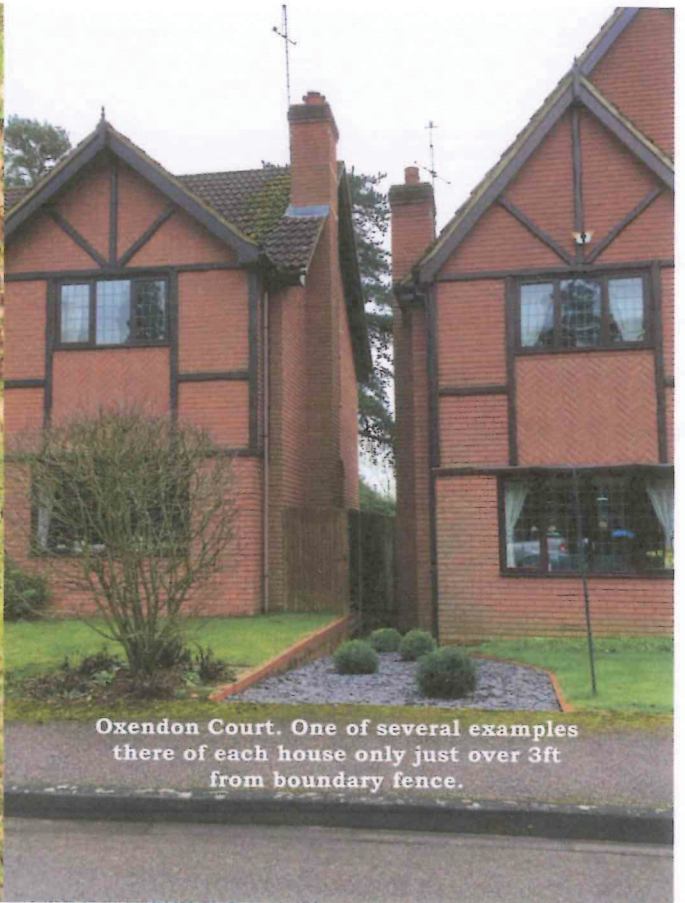
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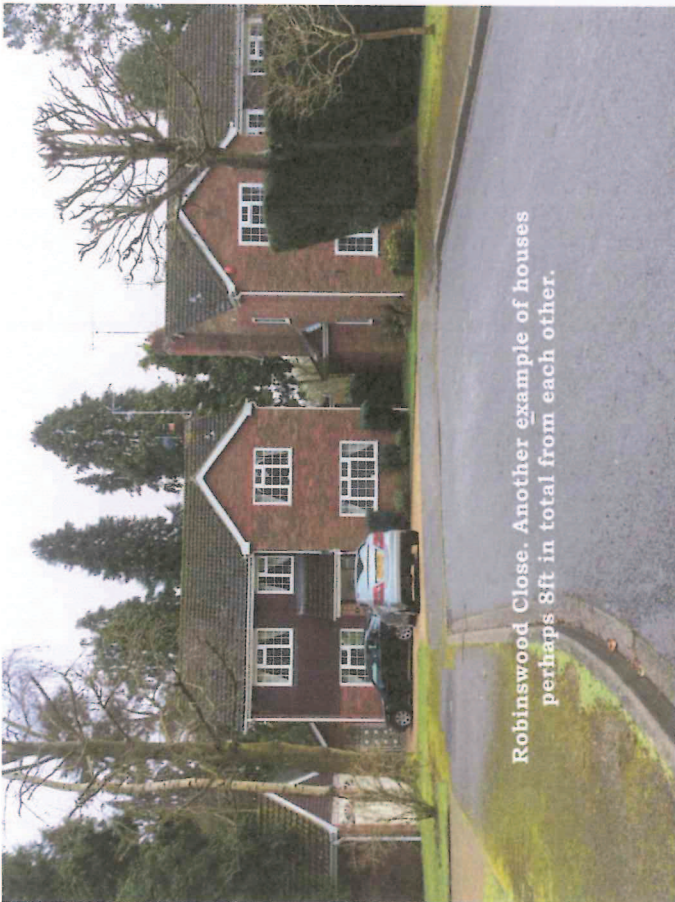


House in Taylor's Ride under renovation. The left hand side of the house is at most 3ft from fence

14

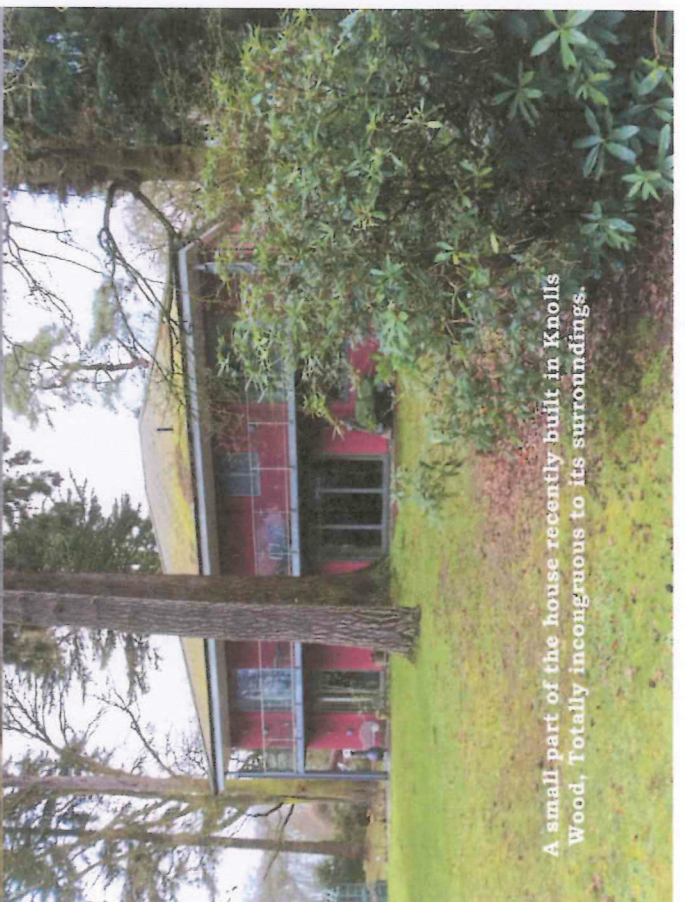


Oxendon Court. One of several examples there of each house only just over 3ft from boundary fence.



Robinswood Close. Another example of houses perhaps 8ft in total from each other.

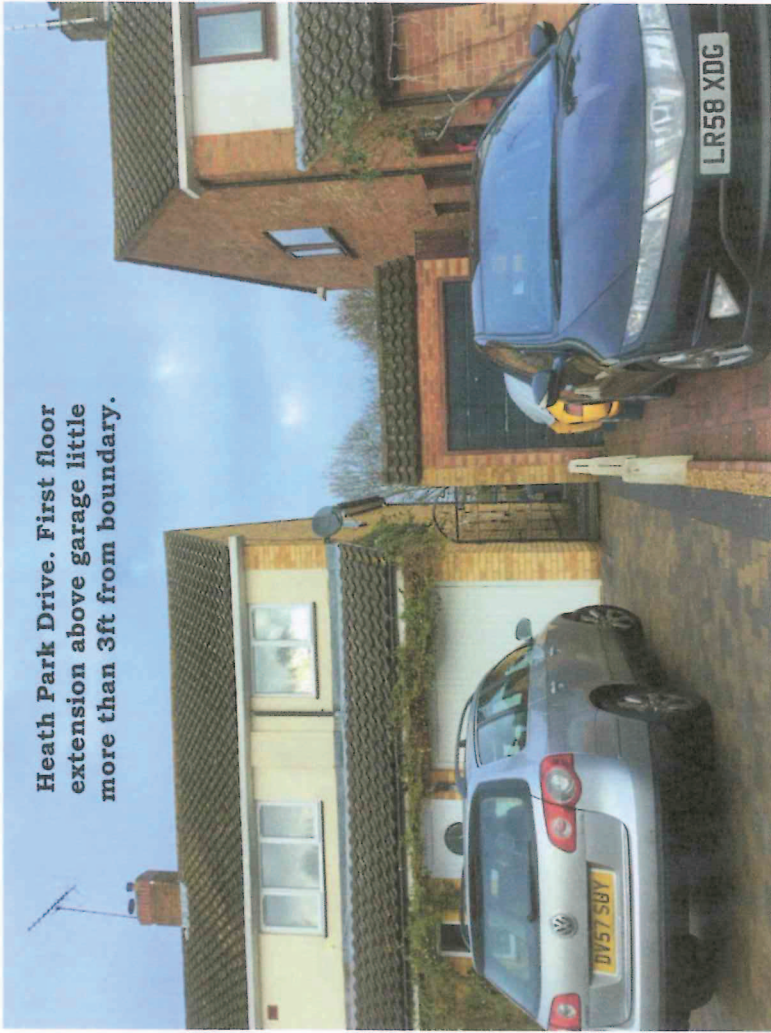
15



A small part of the house recently built in Knolls Wood, Totally incongruous to its surroundings.

16

17



Heath Park Drive. First floor extension above garage little more than 3ft from boundary.

18



Heath Road. Single story extension above garage, that rather dominates house. Outside wall is very close to neighbour's boundary.

253, 255 and 257 Heath Road. Three houses possibly 7 or 8 ft in total from each other.

The house in the middle also has a first story, somewhat dominating, extension over the garage,



19

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