

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

### 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 **The Noise Abatement Notice** was subsequently withdrawn by the Council in **November 2001**.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 30<sup>th</sup>**.

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 **21<sup>st</sup> 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 18<sup>th</sup>, 2013** Mr Brooks appealed against this refusal. The appeal was turned down, as a Certificate of Lawfulness

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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 **1<sup>st</sup> 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 **30<sup>th</sup> 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 **3<sup>rd</sup> 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.