

Environmental Health

The Environmental Protection Officer has been consulted regarding the pre-application enquiry and made the following comments:

“Thank you for the consultation in respect of this pre-app.

Firstly I will comment upon the foul drainage proposals. I note the preferred option is Private treatment plant to watercourse, which I would have no objection to subject to consent being sort from NRW. The secondary option of collecting waste and tankering from site, would be unlikely to be acceptable as we would consenting a cess pit onsite which is would not be acceptable.

In terms of noise I note that the applicant has asked a large number of questions of me including those which explore policy. Not all of the questions appear to be appropriate for me to comment upon through a pre-app consultation.

In response to the questions posed I would like to provide the following response:-

As previously indicated to the applicant the noise survey which was undertaken was not deemed to deficient and could again be used to support any application submitted, providing that the detail remains relevant to what is being proposed. Our previous objection which the applicant would need to overcome is that extensive use of the site for moto-x activity under pd rights already exists. Intensifying the use of the site with further noise making activity (all be it quieter noise making activity) is unlikely to gain positive comments from this department.

Our advice to the applicant from a noise point of view is to put forward a proposal which includes suitable assessment and controls over noise for the whole of the operation of the site (ie. Operation under pd rights and the new proposal). A cumulative assessment for all noise from the site is required, as is suitable mitigation to control the impact of that noise on nearby dwellings.

The issue of quad bikes onsite does not need to treated separately from other petrol bikes. All motorcycles with traditional petrol engines are likely to have a higher noise impact than electric bikes.”

With regard to foul drainage please also note the Ecologist’s comments below.

Contaminated Land

The Contaminated Land Officer has been consulted regarding the pre-application enquiry and made the following comments:

“In relation to pre-planning application enquiry, there would be no requirements in respect of land contamination.”

Biodiversity

In accordance with TAN 5: Nature, Conservation and Planning, and Powys LDP Policy DM2: The Natural Environment, as part of the planning process Powys LPA should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature and under Part 1

Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to maintain and enhance biodiversity so any subsequent submission should incorporate enhancement proposals.

The Ecologist has been consulted and made the following comments:

“Thank you for the opportunity to comment on pre-planning application 21/0107/PRE in relation to Pre application to extend hours of operation of existing motorcycle scramble track, erection of ancillary building and holiday lodges, installation of foul water drainage, and improvements to existing highways infrastructure at Land At Rhydblwd Farm, Disserth, Builth Wells, Powys LD2 3TL.

The following comments are based on the submitted information.

Ecological surveys

The pre-application request relates to proposed resubmission of application 19/0643/FUL. The applicant is advised that sufficient up-to-date ecological information should accompany any future application in order that potential impact on biodiversity, including protected and priority species and sites, can be assessed. It would be helpful for information addressing all previously raised ecology concerns to be included with the application. Ecological surveys undertaken to inform the previous application may require updating. The supplementary preliminary ecological appraisal on which subsequent reports were based is over two years old and is not considered acceptable. It is advised that an updated ecological statement is provided to confirm that there has been no change in the baseline condition of the site. Should any previous ecological reports be re-submitted in support of an application it should be confirmed that these remain valid in light of updated baseline ecological information and any design changes.

Foul drainage and phosphorous mitigation

Regarding the Foul Water Drainage Strategy by GeoSmart and proposed foul drainage for the site, the applicant is advised that the proposal will be subject to a Habitat Regulations Appropriate Assessment in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The LPA may request information from the applicant reasonably required by the LPA to undertake the assessment. The following information should be provided with an application as a minimum:

- A copy of the Foul Water Drainage Strategy by GeoSmart
- A detailed plan showing the location of the private sewage treatment plants and discharge locations
- Details confirming the removal and disposal of the existing system, including any contained waste/sludge, in accordance with relevant waste regulations
- Calculations demonstrating the current daily discharge rate (m³) from the site
- Calculations demonstrating the proposed total daily discharge rate (m³) from the site following development
- Details of the proposed private sewage treatment systems plus evidence of the effectiveness of phosphate reduction measures and how these will be implemented
- Details of how the system will be maintained and by whom during the lifetime of the development.

If reed-beds are required to be relied upon to achieve further reduction in phosphate, the following information should be provided:

- Details of the reed-bed design
- Evidence of the effectiveness of the chosen reed-bed systems in reduction of phosphorous, that is, the additional reduction that can be achieved above that provided by the package treatment plants.
- Details confirming who will be responsible for short, medium and long-term maintenance of the system
- A management plan for the reed-bed systems

It should be noted that costs for installation and long-term maintenance of reed-bed systems can be considerable, and the applicant is advised to consider the costs that will be incurred through the lifetime of the development and confirm that proposed maintenance can be achieved.

It is considered that an Environmental Permit from Natural Resources Wales will almost certainly be required given the proximity of the development to the River Wye SAC and that two discharges to the SAC are proposed. The applicant is strongly advised to consult with NRW via its environmental permitting pre-application advice service at the earliest opportunity. Information is available at <https://naturalresources.wales/permits-and-permissions/environmental-permits/pre-application-advice-for-environmental-permits/?lang=en> . Please be aware that the issue of planning consent does not guarantee that an environmental permit will be issued by NRW or vice versa.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting of the proposed development. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area or woodland. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

A wildlife sensitive lighting plan could be secured through a planning condition. However, the provision of sufficient details submitted with a planning application would avoid the need for a pre-commencement condition requiring this information.

Biodiversity Enhancements

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, local authorities are required to maintain and enhance biodiversity, including through the planning process. Planning Policy Wales 10 states '*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*'. The Chief Planning Officer for Wales in his letter of 23/10/2019 confirms that '*where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.*' Therefore, it is recommended that consideration is given to opportunities to incorporate features to enhance biodiversity at an early stage and ensure the development provides a net benefit for biodiversity.

Examples of suitable features could include:

- Provision of bird and bat boxes. The proposal should include details of the number, type

- and location of boxes,
- Creation and management of a wildlife buffer strip. Hedgerows should be retained within buffer strips and left unlit, or with lighting directed away to create dark corridors for nocturnal wildlife moving through the site,
- Provision of wildlife-friendly landscape planting.

Features of wildlife enhancement measures proposed as part of the development should be clearly identified and detailed on submitted plans (i.e. locations, dimensions and numbers included) and be achievable. A number of biodiversity enhancement measures were proposed with the previous application plus a five-year Habitat Management Plan and it is recommended that similar information is submitted with an application.

SuDs approval

It should be noted that in addition to planning approval, management of surface waters from proposed developments requires approval from the Sustainable Drainage System Approval Body (SAB), prior to any construction works commencing on site, where there are new developments of more than 1 house or where the area of the project proposals with drainage implications is likely to exceed 100m² (including access tracks, areas of hard standing etc.). Standard 5 of the SAB seeks to ensure that, wherever possible the identified SUDs scheme makes the best use of the site to maximise benefits for biodiversity (as well as for amenity, water quantity and water quality). Early consideration of SUDs design is strongly recommended to avoid the potential for costly redesigns at a later stage. Furthermore, a well-designed SUDs scheme can provide opportunities to incorporate required biodiversity enhancements. Further information on the requirements of SAB can be found at:

<https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

In summary, it is recommended that the following information should be submitted to support a full planning application:

- **Updated Ecological Appraisal**
- **Detailed Foul Drainage Scheme**
- **Updated Construction and Environmental Management Plan**
- **Updated Pollution Prevention Plan**
- **External Lighting Plan**
- **Biodiversity Enhancement Plan”**

Documents and Evidence required for a subsequent planning application to be made valid

- The completed application form
- The correct fee – this will vary according to the type of application submitted. Please see <https://en.powys.gov.uk/article/6040/Planning-permission-fees>
- Location plan – 1:1250 or 1:2500, standard red and blue outlining the site and land in the applicant’s ownership, respectively. The direction of north must also be shown.
- Block plan – 1:500 or 1:200
- Appropriate detailed drawings to accurately show the proposed development.
- Any additional documents/information to support the application – e.g. ecological information, tree information etc.

The local planning authority will not be able to process your application unless the mandatory supporting documentation has been provided. You can also attach any other relevant

documentation which you think will help the local authority determine the application.

The relevant forms and guidance for submitting a full application are given below;

https://ecab.planningportal.co.uk/uploads/appPDF/T6850Form001_wales_en.pdf

https://ecab.planningportal.co.uk/uploads/appPDF/Help001_wales_en.pdf

Conclusion

Having carefully considered the proposed development, it is considered that the principle of the proposed development, that is, the erection of an ancillary building and six holiday lodges, installation of foul water drainage, and improvements to existing highways infrastructure at an existing motorcycle track may be acceptable site and would be supported subject to all material planning considerations as outlined above. It is likely however, that the proposed extension to the operating hours of the existing motorcycle would not be supported as it would be considered contrary to policy DM13 unless sufficient evidence is submitted to demonstrate there will be no adverse impact on residential and local amenity. However, this is subject to compliance with all the recommendations and criteria set out above. I would ask that consideration is also given to the consultee responses received as highlighted above prior to the submission of any formal planning application.

I trust the above is of assistance. Should you require any further information, please do not hesitate to contact me.

Yours faithfully,

Catherine James
Senior Planning Officer

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg/Correspondence welcomed in Welsh and English

Data Protection and Privacy / Diogelu Data a Chyfrinachedd

In order to deliver the Planning Service (applications, complaints and appeals etc.) it is necessary for the council to process personal data, in accordance with relevant planning legislation, as listed on the Welsh Governments planning website (<https://gov.wales/topics/planning/?lang=en>). Information held by the Planning Service will be retained in accordance with the legislation and the Councils retention schedule. If you have any concerns regarding the use of your personal data please contact the Data Protection Officer by email at Information.Compliance@powys.gov.uk or by phone at 01597 826400. Please note that further information on the Data Protection and Privacy can be found at the following address: <https://en.powys.gov.uk/privacy>.

Er mwyn cyflawni ceisiadau, cwynion ac apeliadau'r Gwasanaeth Cynllunio mae angen i'r cyngor brosesu data personol yn unol â'r ddeddfwriaeth gynllunio berthnasol, sydd i'w weld ar wefan gynllunio

Llywodraeth Cymru (<https://gov.wales/topics/planning/?skip=1&lang=cy>. Bydd y Gwasanaeth Cynllunio'n cadw Gwybodaeth yn unol â'r ddeddfwriaeth ac amserlen cadw'r Cyngor. Os oes gennych bryderon am sut rydym yn defnyddio'ch data personol cysylltwch â'r Swyddog Diogelu Data trwy e-bost Information.Compliance@powys.gov.uk neu drwy ffonio 01597 826400. Cofiwch y gallwch gael hyd i fwy o wybodaeth am Ddiogelu Data a Chyfrinachedd trwy fynd i: <https://cy.powys.gov.uk/article/653/Defnyddio-Cwciis>.

Hayes McKenzie — Consultants in Acoustics

Future Moto - Rhydblwd Farm, Disserth, Powys

Noise Management Plan

Report HM: 3291_R03_INT1-0

14 February 2022

DRAFT - For Discussion

Future Moto - Rhydblwd Farm, Dissserth, Powys
Noise Management Plan
Report HM: 3291_R03_INT1-0,
14 February 2022

Prepared for: Future Moto
Rhydblwd Farm
Dissserth
Powys

Report prepared by: Malcolm Hayes BSc, MIOA
Director and Principal Acoustic Consultant

Hayes McKenzie Partnership Ltd (HMPL) has prepared this report for the sole use of the client. The report may not be relied upon by any other party, without prior and express agreement of HMPL. Where findings are based on information provided by third parties, this information has not been independently verified by HMPL, unless otherwise stated.

Lodge Park, Tre'r Ddol, Machynlleth, Powys SY20 8PL, UK
+44 (0)1654 781400, machynlleth@hayesmckenzie.co.uk

1. INTRODUCTION

- 1.1 The Noise Management Plan (NMP) has been developed to provide a framework and mechanism for the management of noise relating to site operations at Rhydblwd Farm, Dissersh, Powys for Future Moto.
- 1.2 The NMP covers all activities that fall outside the existing permitted development rights associated with the development.
- 1.3 The development is proposed to incorporate the use of electrically powered bikes during these activities with the addition of a number of petrol driven bikes which are associated with Instructors and Guides to the Circuit.

2. ACTIVITY PERIODS

Hours of Operation

- 2.1 The times of site activity are as set out in Schedule 1 attached to the Consent (Planning Permission) Planning Conditions.

Number of Vehicles

- 2.2 The number of vehicles on site and on track are as set out in Schedule 1 attached to the Consent (Planning Permission) Planning Conditions.
-

3. NOISE LIMIT

- 3.1 No current standards exist for the control of noise from Electrical Bikes due to source noise levels being low as compared to internal combustion engine driven vehicles. As such, control of this source of potential noise is through limiting the number of active electric bikes on site.
- 3.2 Petrol Bikes will meet the legal requirements of the road as set out in the table below. Measurements will be undertaken in accordance with 78/1015/EEC: *COUNCIL DIRECTIVE of 23 November 1978 on the approximation of the laws of the Member States on the permissible sound level and exhaust system of motorcycles* or an agreed methodology with the Local Planning Authority following consultation with the Environmental Health Department.

Item	Class of vehicle	Maximum permitted sound level in dB(A)
1	Motor cycle of which the cylinder capacity of the engine does not exceed 50 cc	77
2	Motor cycle of which the cylinder capacity of the engine exceeds 50 cc but does not exceed 125 cc	82
3	Motor cycle of which the cylinder capacity of the engine exceeds 125 cc	86

- 3.3 All vehicles which are not supplied by Future Moto for use at the site will be subject to a noise test which will be undertaken in accordance with 78/1015/EEC or any agreed methodology with the Local Planning Authority.
- 3.4 All noise tests for visitor petrol engine bikes will be logged and held for a minimum 24 month period and provided following a reasonable request by the Local Planning Authority.
- 3.5 Measurements of visitor bikes will be required prior to access to the site being granted by the site operator.

CLEUD, Events and Permitted Development Operations

- 3.6 All vehicles which are not supplied by Future Moto for use at the site will be subject to a noise test.
- 3.7 All noise test results for visitor petrol engine bikes will be logged and held for a minimum

24 month period and provided following a reasonable request by the Local Planning Authority.

- 3.8 Such measurements will inform any revisions proposed to the NMP during the review process as set out in Section 5.

4. NOTIFICATION & COMPLAINTS MANAGEMENT

- 4.1 Future Moto will ensure that neighbours to the development are provided with a copy of this NMP.
- 4.2 Future Moto shall retain noise records for a minimum of 12 months, unless there is any live query or a complaint in which case records shall be retained for up to two years if so requested by the Local Authority.
- 4.3 Future Moto shall keep a record of all noise complaints received (whether from the Council or otherwise) for a minimum period of 24 months and shall use reasonable endeavours to respond to noise complaints within 72 hours of receipt, explaining the activity and any relevant circumstances that may have led to the reason for the complaint.
- 4.4 Future Moto shall provide the Local Planning Authority with relevant details of any complaints they receive directly from local residents, ensuring compliance with Data Protection regulations.

5. REVIEW AND COMMUNITY LIAISON

- 5.1 This Noise Management Plan will be reviewed on a 12/24 month basis in consultation with the Local Planning Authority.

COMPARISON BETWEEN THE CLEUD/PERMITTED DEVELOPMENT, HISTORICAL USE AND THE PROPOSED USE OF THE TRACK WITH SUGGESTED CONTROLS

1. The purpose of this document is to show a comparison between what is currently permitted on the site, how the site has been used and how it is intended that those same activities will be undertaken in accordance with this application and the controls being proposed over the site.
2. This document uses the definitions as set out in the Glossary [**IDENTIFY WHERE IN THE APPLICATION THE GLOSSARY APPEARS**] with some of those summarised below for ease of reference.
3. The current permitted existing use of the site is as follows:
 - 3.1. “CLEUD” - a motocross scrambling track for practising on Sunday and Wednesday afternoons and for three motorcycle scrambling events per annum.
 - 3.2. “Permitted Development” – 14 days per annum for motorcycle events.
4. The current permitted existing use of the track is unrestricted in terms of the times of operation, types of bikes being used, length of events and controls on the activities whilst on site such as there is no requirement for any noise management plan.
5. The proposed development offers a clear plan for the site that will provide control and certainty to the operation and activities on the site including restrictions on the time of day the track can be used, the types of bikes, the length of events and a noise management plan.
6. The development intends that the site be used as set out in the application and the table at paragraph 6.2 of the Sound Assessment. The proposed use is summarised below:
 - 6.1. “Practice Days” – Motocross practice sessions on Wednesday 12:00 – 17:00 and Sunday 09:00 – 17:00.
 - 6.2. “Race Events” – 3 motocross events per year (1 electric bike event and 2 petrol bike events), across 3 days each with time on the track limited to 09:00 – 17:00 each day.
 - 6.3. “Scrambling Events” – Motocross activity on 14 days to be used throughout the year with time on the track limited to 09:00 – 17:00 each day.
 - 6.4. “Electric Bike Experience Days” – Electric bike experience days on Monday, Tuesday, Thursday, Friday and Saturday with time on the track between 10:00 – 12:00 and 14:00 – 16:00 and Wednesday morning between 10:00 – 12:00.
7. The below tables provide a comparison between the current permitted use under the CLEUD and Permitted Development, the Historical Use (this being how the site would be operated without planning permission being granted) and the Proposed Use.
8. The controls being proposed apply to all the Proposed Uses including the times of the day the track can be used, the types of bike in use and a noise management plan.

9. The noise management provides for:

9.1. Hours of Operation.

9.2. Levels of acceptable source noise (bike noise) in accordance with an agreed test procedure.

9.3. Complaints Notification and Management Procedure.

9.4. Review and Community Liaison.

9.5. Historical Record of activities and vehicle noise level.

10. The applicant is happy and open to discuss the proposed controls with the LPA or answer any questions the LPA may have.

Table 1.
Comparison of CLEUD Wednesday, Historical Wednesday Practice Days and Proposed Practice Days on Wednesday afternoon

	CLEUD	HISTORICAL & PROPOSED USE WITHOUT PERMISSION	USE WITH PERMISSION & CONTROLS PROPOSED
TIME	Wednesday afternoons	12:00- sunset¹ (i.e. 22:30 in June)	No use of the track outside the hours of 12:00 to 17:00
CONTROLS ON SITE	Wholly unrestricted	Unrestricted	Noise Management Plan

Table 2.
Comparison of CELUD Sunday, Historical Sunday Practice Days and Proposed Practice Days on Sunday

	CLEUD	HISTORICAL & PROPOSED USE WITHOUT PERMISSION	USE WITH PERMISSION & CONTROLS PROPOSED
TIME	Wholly unrestricted	08:00² sunset (i.e. 22:30 in June)	No use of the track outside the hours of 09:00 to 17:00
CONTROLS ON SITE	Wholly unrestricted	Unrestricted	Noise Management Plan

¹ Dictionary definition of afternoon is as follows – this applies to each table below.

Cambridge *‘the period that starts at about twelve o’clock or after the meal in the middle of the day and ends at about six o’clock or when the sun goes down’.*

Merriam Webster *‘the part of the day between noon and sunset’*

With this in mind we have used sunset as the baseline of rider activity on the track as this is how the site has historically been used.

² Historically practice sessions would on occasion start on the track at 08:00 or 09:00 – there is no restriction however on when the practice sessions could start on the track.

Table 3.
Comparison of CLEUD Events, Historical Race Events and Proposed Race Events

	CLEUD	HISTORICAL PROPOSED WITHOUT PERMISSION & USE	CONTROLS PROPOSED
TIME	Wholly unrestricted	08:00³- sunset (i.e. 22:30 in June)	No use of the track outside the hours of 09:00 to 17:00
DURATION	Wholly unrestricted	3 consecutive days⁴	3 consecutive days
TYPE OF BIKES	Wholly unrestricted	3 petrol events	1 electric event and 2 petrol events
CONTROLS ON SITE	Wholly unrestricted	Unrestricted	Noise Management Plan

Table 4.
Comparison of Permitted Development use, Historical Scrambling Events and Proposed Scrambling Events

	PERMITTED DEVELOPMENT	HISTORICAL PROPOSED WITHOUT PERMISSION & USE	CONTROLS PROPOSED
TIME	Wholly unrestricted	08:00⁵- sunset (i.e. 22:30 in June)	No use of the track outside the hours of 09:00 to 17:00
CONTROLS ON SITE	Wholly unrestricted	Unrestricted	Noise Management Plan

³ Historically these events would on occasion start on the track at 08:00 or 09:00 – there is no restriction however on when the events could start on the track.

⁴ Historically events would last for 3 consecutive days but there is no restriction on the duration of events and they could be longer – it is unrestricted,

⁵ Historically the scrambling events would on occasion start on the track at 08:00 or 09:00 – there is no restriction however on when the events could start on the track.

Table 5.

Controls proposed over Electric Bike Experience Days

	USE WITH PERMISSION & CONTROLS PROPOSED
TIME	No use of the track outside the hours of (other than as provided for elsewhere in the application): Monday: 10:00 – 12:00 and 14:00 – 16:00 Tuesday: 10:00 – 12:00 and 14:00 – 16:00 Wednesday: 10:00 – 12:00 Thursday: 10:00 – 12:00 and 14:00 – 16:00 Friday: 10:00 – 12:00 and 14:00 – 16:00 Saturday: 10:00 – 12:00 and 14:00 – 16:00
TYPE OF BIKES	Only the following bikes will be on the track at any one time during Experience Days: 16 Electric Bikes 4 Petrol Bikes⁶
CONTROLS ON SITE	Noise Management Plan

⁶ The petrol bikes will typically be used by instructors.