

## **PLANNING COMMITTEE – 27 APRIL 2021**

<b>Application No:</b>	<b>20/02508/FULM</b>		
<b>Proposal:</b>	<b>Replacing existing racing surface material, with associated works to sub surface arrangement (using existing drainage system).</b>		
<b>Location:</b>	<b>Southwell Racecourse, Station Road, Rolleston, NG25 OTS</b>		
<b>Applicant:</b>	<b>Arena Racing (Southwell) Limited</b>		
<b>Agent:</b>	<b>Moorside Planning - Mr Matthew Pardoe</b>		
<b>Registered:</b>	<b>22.12.2020</b>	<b>Target Date:</b>	<b>23.03.2021</b>
		<b>Extension agreed to:</b>	<b>30.04.2021</b>
<b>Link to Application Documents:</b>	<b><a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QLP5VKLBL1E00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QLP5VKLBL1E00</a></b>		

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the application is a major planning application and the Officer recommendation is contrary to the response received from the Parish Council.**

### The Site

Southwell Racecourse is a horse-racing venue located to the west of the village of Rolleston, with the villages of Fiskerton and Upton to the south and north respectively and the town of Southwell to the west. The wider site area equates to 64 hectares in area. The River Greet runs to the north of the site and is linked to various surrounding dykes, most notably the Greenfield Drain and Beck Dyke which run to the south of the site, and as such is located within Flood Zones 2 and 3 of the Environment Agency's flood maps. The Site Location Plan is restricted to just the course of the racetrack (which is c. 42,000m<sup>2</sup>) within which is a biological Local Wildlife Site. A public right of way runs along the western and northern boundaries of the racecourse site. The wider site lies within the Parish of Rolleston although it is close to Southwell, Fiskerton and Upton. One of the closest properties to the site is the Grade II Listed Mill Farm as well as a scheduled monument close to Rolleston Manor which lies approximately 200m to the east of the site.

### Relevant Planning History

**19/01824/S73M** - Application to vary conditions 4 and 5 attached to planning permission 17/01268/FULM to exclude the six lights serving the circulation areas that replaces the lights previously in place – Permitted 06.02.2020

**17/01268/FULM** - Erection of directional lighting [55 columns] – Permitted 07.11.2017

**15/01292/FULM** - Flood alleviation scheme – Permitted 13.06.2016

In addition to this, there are approximately 60 planning applications associated with the site, most of which relate to the erection of new buildings or extensions of existing buildings within the site

and the variation of conditions to allow Sunday racing to take place under temporary permissions between 1997 and 2006. Planning permission was granted under 07/01125/FUL to permanently vary condition 11 of Planning Permission 54890792 to allow a maximum of 12 Sunday races per year (within the 80 races per year limit permitted in 1989).

### The Proposal

The application seeks full planning permission for the replacement of the existing fibersand racing surface at the Southwell Racecourse with a modern-day equivalent known as Tapeta-12.

Tapeta-12 is a microfiber-reinforced material with a binder comprising a blend of silica sand, wax and fibres. The works include a revision to the sub-surface arrangement, replacing the existing impermeable membrane with a porous macadam (which is the technical term for crushed aggregate) layer and a replacement of the racing surface. The application advances that the associate drainage system will remain unchanged. The location and overall appearance of the track would not be altered as part of this proposal and ground levels are not proposed to be increased.

The sub-surface arrangement would comprise a 185mm Tapeta layer on top of a 65 mm thickness of 20mm porous base course macadam (which is the technical term for crushed aggregate) which would be on top of a 150 mm layer of compacted 40 mm clean rectangular washed stone over a 300mm layer of hard limestone or granite (40mm) to dust. Below these layers are lateral drains set into the ground.

The area of the racing surface is 42,000m<sup>2</sup>. It is anticipated that bringing in this new surface and aggregate layer and removing the existing fibre sand from site would amount to approx. 2,000 HGV movements over a 10-12 week construction period. Upon request, the applicant has submitted a HGV Travel plan which shows HGVs would enter via Occupation Lane (avoiding the level crossing) and exit down Racecourse Road. The wider Travel Plan shows vehicles accessing the site from the A1 at the Winthorpe junction, along the A46 to the cattle market roundabout, along the A617 through Kelham and Averham, along the A612 through Upton to Easthorpe, and then along Fiskerton Road through Brinkley to Occupation Lane. A signage scheme has also been put forward showing temporary signage at 6 points along Racecourse Rd/Occupation Lane to direct HGVs and warn pedestrians of construction traffic. It is anticipated that deliveries will take place between the hours of 8:30 and 16:30 six days per week.

### Documents Assessed as part of this Application

#### Plans:

- Site Location Red Line Plan – deposited 23.12.2020
- All Weather Track Plan – deposited 23.12.2020
- Replacement Racing Surface Plan – deposited 23.12.2020
- Drainage Layout Sheets 1-3 – Ref. 101D, 102D and 103C
- Amended Travel Plan – deposited 09.04.2021
- HGV Signage Plan – deposited 09.04.2021
- Proposed Tapeta Surface Detail Section – Ref. 2005890/003 deposited 10.03.2021
- HGV Temporary Signage Details – deposited 09.04.2021

#### Reports/Letters:

- Flood Risk Assessment (FRA) – dated February 2021 by Ardent

- FRA and drainage Strategy Addendum and Appendices A & B (permeability testing) – dated February 2021 by Ardent
- Cover Email to Amended FRA – 02.03.2021
- Tapeta 12 Surface Description – 02.03.2021
- Tapeta Newcastle Testing Summary and Data
- Environmental & Toxicity Testing Summary Letter - dated 28.02.2021 by Jenkins Environmental
- Chemical Testing and Bioassay of Tapeta - dated March 2020 by Jenkins Environmental
- Cover Email to Ecological and Testing Data – 04.03.2021
- Ecological Appraisal File Note – dated 02.03.2021 by BJ Collins

### Public Advertisement Procedure

Occupiers of 13 neighbours have been individually notified by letter, a site notice has been displayed close to the site and an advert has been placed in the local press. Re-consultation has also been undertaken throughout the lifetime of this application.

### Planning Policy Framework

#### **The Development Plan**

*Newark and Sherwood Amended Core Strategy (Adopted March 2019)*

Spatial Policy 7: Sustainable Transport

Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities

Core Policy 6: Shaping our Employment Profile

Core Policy 7: Tourism Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

#### *Allocations & Development Management DPD*

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM8: Development in the Open Countryside

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

#### **Other Material Planning Considerations**

National Planning Policy Framework 2019

Planning Practice Guidance 2014

Landscape Character Assessment SPD 2013

### Consultation Responses

#### **Rolleston Parish Council – Object – Concerns raised:**

- Construction traffic routing and highways safety concerns
- Potential increase in flooding and water run-off
- Pollution risks/leaching of chemicals into watercourses and farmland
- Inadequate supporting documents – FRA, cross section plans, number of lorry movements

- Concerns that past flood mitigation works have failed
- Lack of comments from LLFA, EA and TVIDB
- Works will result in more race meetings during the year which would need planning permission
- The travel plan does not include any provision for the removal of the existing surface material from the site

**Southwell Town Council – Object – Concerns raised:**

- Ecology impacts – Polyethylene is toxic to the environment and could leach into watercourses

15.03.21

- Flooding and Flood Risk - The latest information shows that the Tapeta12 compound is 6 times less porous than the current surface and therefore there is going to be much greater surface water runoff than at present. The Water Act of 2012 specifically prohibits any increase in surface water runoff which creates a worse flood risk downstream than existed prior to any planned changes.
- There is insufficient information on the composition of Tapeta12 to ascertain whether it would be toxic or harmful to the environment.
- The plan to use Fiskerton Rd as a return route for HGV traffic is completely unacceptable. Southwell as a town has a 7.5 ton limitation, and the junction of Fiskerton Rd and Easthorpe is already a point of significant congestion in normal circumstances so with the increase in traffic caused by this plan, the levels of congestion would become unacceptable. A few parked vehicles should not be a bar to using the Racecourse Rd for inbound and outbound traffic.

**Fiskerton-cum-Morton Parish Council – Object - Concerns raised:**

- Increased flood risk as a result of the proposal
- There is no independent analysis of the composition of the materials being used for the replacement of the track materials and their impact on the environment.
- Concerns over the plan to remove the existing surface from the site

**Averham, Kelham & Staythorpe Parish Council – Object – Concerns raised:**

- Increased flood risk as a result of the proposal
- Increased traffic movements and implications for surrounding villages
- Amenity implications through noise, dust, disturbance etc.

**North Muskham Parish Council and South Muskham & Little Carlton Parish Council – Support –**  
No comments on the application regarding the replacement of the racing surface material, however support the amended travel plan and are pleased to note that the concerns of the Parish Council have been taken into account.

Initial concerns raised:

- Increased traffic movements and implications for surrounding villages - 2,000 30T HGVs will be travelling through Little Carlton and South Muskham to access the A1 at North Muskham. The condition of the B6325 is poor and this will only compound the problem with the surface.

**Upton Parish Council – Object – Concerns raised:**

- Disappointed that there was no formal consultation as the village will be directly affected by vehicle routing and noise pollution
- Highways safety risks - Vehicle Movements on the road will potentially cause serious issues both from increased vehicle emission pollution, noise pollution, traffic congestion – parts of Main Street are sufficiently narrow that two lorries cannot pass simultaneously.

- Road and footpath surfaces will be damaged as a result of the increased traffic flow
- A restriction should be imposed on the times when vehicles are able to operate and travel to the Race Course – suggested Monday to Friday 7.00am to 5.00pm only and no access at weekends
- An assurance should be given that the road and footpath condition will be inspected and necessary repairs undertaken when the works are completed.
- The Village regularly suffers with noise pollution on Race Days with the Loudspeaker system audible throughout the village. To prevent unacceptable noise pollution construction works should be restricted to the hours set out above.
- Concerns noted with regards potential leeching of the make-up material into the environment and watercourses
- Regarding the potential impact these further works will have on the natural drainage in the area and associated impact on further flooding.

**The Environment Agency – Support –** The Flood Risk Assessment states that the permeability of the surface will be equivalent to that of the existing surface. The drainage arrangements will also remain as existing. The FRA also states that the proposals do not change the flood defences already approved at the racecourse, the relationship with the River Greet, or the run-off regime of the track. The proposed works therefore have no wider implications for the site, properties adjoining it, or downstream receptors. However, as the site is in the functional floodplain, the ground surface must not be raised by the works above existing levels - this is to maintain the current level of floodplain storage on site.

31.03.2021 – Support – No objection raised by various specialist team responses:

- Flood Risk Team: no objection subject to ground surface levels not being raised as a result of the works.
- Biodiversity and Geomorphology Team: the risk of pollution from the new surface material is low. Based on the testing data the use of a wax coating will further reduce any pollution risk.
- Land and Water Team: the proposed material may be superior in terms of hydrocarbon/micro-plastic leaching (than the existing fibre sand) as it doesn't contain polypropylene. The material is to be laid down in the same track bed as the old Fibre sand with a porous layer of macadam and stones beneath. These layers are effective at ensuring material does not wash away into the under track drainage. Additionally the track drainage passes through catch pits before discharge to the watercourse which will assist in retaining any larger particles that may escape. Water sampling data of the surface water runoff from a track in Newcastle that uses a similar Tapeta surface and drainage system shows no significant discharge of suspended solids or dissolved hydrocarbons. Overall the risk of pollution arising from the new track material is low and potentially an improvement on the old material currently in situ.
- Groundwater and Contaminated Land Team: We are now satisfied with the proposed use of Tapeta 12 at Southwell racecourse. However, we would like to request that some environmental monitoring is carried out (surface water sampling) to ensure that there is no ongoing risk to the environment as a further safeguarding measure.
- Fisheries Team: The risk to fish is low. However, due to the sensitive nature of the works we would recommend installing a physical temporary barrier to stop any material being washed or blown into the stream (e.g. installing a temporary silt fence barrier that is trenched into the ground to provide lateral resistance). In addition, there should be a method of safe delivery and storage of the dedicated materials to prevent ingress back into the river (e.g. Secure with geotextiles). It is recommended that a watching brief is put in place to ensure site workers are briefed to be constantly visual for any signs of potential ecological impacts arising from the

works. As a minimum, we would suggest checking the working area every hour for signs of spills, pollution and during all operations regarded as high risk of potential harm to the environment. We would also like the applicant to ensure there is a Spill kit available on site.”

Following discussions the EA have confirmed that the recommendation for environmental monitoring from the Groundwater and Contaminated Land Team is an advisory note to the applicant.

**NCC Lead Local Flood Authority** – No comments to make. General standing advice given.

**Trent Valley Internal Drainage Board** – No objection - General standing advice given.

**Network Rail** – Support - No objection in principle to the development subject to a condition requiring the agreement of a suitable Construction Management Plan with Network Rail to ensure that potentially damaging construction traffic is restricted over the railway crossings or if they must be routed over the crossings, that sufficient protections are in place to ensure that the track and crossing deck etc. is not damaged.

23.3.21 - Support - No objection in principle to the development, based on the revised travel plan submitted by the developer we are able to withdraw our previous request for a planning condition in relation to HGV traffic on the basis that the developer liaise with our Asset Protection Team ([assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk)) should there be any further revisions to the haulage routes for the development. The developer should remain mindful of traffic parked along Occupation Lane and give consideration to putting appropriate measures in place (for example parking restrictions or signage providing a contact telephone number) should damage occur to any parked vehicles caused by HGV traffic.

**NCC Highways Authority** – Support – The Construction Management Plan and Signage Proposal submitted are acceptable. Due to concerns about the potential damage to the narrow lanes leading to this site a condition is required to ascertain the existing condition of the surface so the Highways Authority can later secure an undertaking to put right any defects which occur as a result of the works. In the absence of any certainty of how, when and how much fibre sand material will be leaving the site a condition is also required to ensure we have the means of enforcement and opportunity to ensure the relevant safe guards (including signage and condition surveys etc) are in place. A condition should be imposed to secure a formal plan for the disposal of the material prior to exportation from site. An informative note is also required to agree temporary signage for the A617 at Averham with the Highways Authority. Overall no objection subject to conditions.

**NCC Rights of Way** – Support - Subject to agreeing a suitable Construction Management Plan and clarification that the footpath crossing within the site will remain as existing.

**Ramblers Association** – Object – Concerns Raised:

- Lack of information about how the crossing point with Southwell Footpath 3 is to be managed for walkers. It appears this is being raised by 0.4m.
- Concerns about the potential ecological implications from contamination risks of the new surface material
- A condition should be imposed to prevent the raising of the race track to ensure the existing footpath crossing is maintained as existing.

- Safety reports have been submitted in review of the Tapeta12 material, however it is not clear that these have been independently assessed or not.

**Nottinghamshire Wildlife Trust** – No comments received.

**Nottingham Piscatorial Society** – Concerns raised:

- The river Greet flows very close to this project and could be adversely affected by any material that finds its way into the watercourse, which ultimately flows into the River Trent.
- Members that fish in the river would like to see it and the habitat it supports protected.
- More information regarding the potential harmful effects that the suggested track surfacing material would have, should be made available and the EA should be consulted further on this.

**Comments have been received from 35 interested parties that can be summarised as follows:**

*Flood Risk*

- When this work is to be carried out the existing impermeable membrane will be removed and replaced with a macadam surface which will allow penetration of any substance into the subsoil and watercourse
- The site has been subject to an improved drainage system where surface water and other drainage is channelled directly into surrounding ditches, watercourses, streams and rivers – this application will increase water run off rates into receiving watercourses and result in increased flooding
- The replacement surfacing will raise the racetrack out of the ground significantly
- The comments from NCC and the EA do not ask for evidence that the drainage of the new surface is comparable with the old one
- The whole area is in the flood zone
- The improved drainage works undertaken have proven inadequate to protect adjacent landowners. Drainage has been an ongoing problem here.
- Since the improved drainage works were undertaken, adjacent properties have been a substantial increase in water flowing through overflow ditches
- The current all-weather track is sand based, and will absorb a degree of water. The composition of the proposed track (gel and wax) is going to exacerbate a pooling of water of which the current surface accounts for
- The Flood Risk Assessment submitted is inadequate
- No decision should be made until a proper, thorough, professional flood risk assessment is made by the Environment Agency, the Flood Management Team at NCC, and the Trent Valley internal drainage board.
- Roads leading from the village towards Fiskerton and Staythorpe are regularly closed due to flooding and there is a danger that any further flooding on Station Road, the one remaining route out of the village, could result in the village being cut-off.
- The comments from the Environment Agency are incorrect and based upon wrong assumptions and misinformation.

*Highways Safety*

- The proposed routing includes access via Occupation Lane – this is a single track road unsuitable for HGV use
- HGV traffic will pose a highways safety risk to road users
- The private roadway serving the site (Racecourse Road) would be the best and most obvious route for construction traffic

- Either route used traffic will have to travel through small villages which is unacceptable and a highways safety risk
- The amount of surfacing to be brought to and removed from the site will result in excessive HGV loads using the highway network and routing through small villages which is unsafe
- The roads are not suitable for this amount of traffic as they are all in poor quality
- HGVs should not be allowed to wait or park on surrounding roads as they are too narrow
- Occupation lane has a heavy footfall of pedestrians, cyclists, horse riders etc and it is not a wide road, using it for HGV should be seen as hazardous
- We have no confidence in the Racecourse managing vehicle movements along the proposed route, as they have demonstrably failed to prevent horsebox traffic routinely using roads through Rolleston on race days
- Bridges under the roads are already in disrepair and could collapse with additional HGV movements
- The riding centre on Occupation Lane move horses along the road daily and any HGV movements could pose a severe safety risk

#### *Ecology Impact*

- This proposal will result in polyethylene and other chemicals leaching into the water systems resulting in serious and direct consequences on the local and eventually national aquatic environment
- Nothing in the application details how plastic material will be contained adequately within the site
- The environmental and ecological damage which would result from the material being washed into any watercourse would be catastrophic. One of the reasons that the racecourse are considering changing the surface is because the current surface had to be replaced after being washed away in previous floods and is consequently uninsurable.
- Great Crested Newts will be in great danger from this new material
- The pollutants from the new surface could have catastrophic effects on farmland and crop harvesting
- Water from the site must be filtered before it discharges into watercourses to prevent pollution
- If works are undertaken in summertime they will be during the Great Crested Newt (GCN) breeding season
- Prior to any works being undertaken a GCN survey should be carried out.

#### *Other*

- Neither NSDC nor NCC have the expertise required to make a professional judgment of this application
- All of the submitted documents need to be independently assessed
- The works are not necessary for any economic reason for the owners of the site, as is recognised within the racing press, the present system, if maintained properly, gives a proper and adequate surface to race upon, as shown by the popularity of and continued success of the site.
- Assumptions regarding the disposal of the old racecourse surfacing
- Whilst understanding the desire of the racecourse to be more financially viable this planning application should be deferred until further information is given on the surface rates of drainage, chemicals escaping into water courses and removal and transporting of materials
- The website states that Tapeta is a sand and rubber fibre mixture which is covered in wax and is installed on top of a porous ashfelt membrane, which is not as stated in the application. The

Council needs to check if it is as permeable as the existing fibrous sand, and also the effect of what appears to be the raising of the track from its present level.

- Concerns that an inadequate amount of neighbour notification letters were sent
- The proposed surface is not environmentally friendly
- The only benefit of this proposal is the slight increased protection of the horses and jockeys from a Tapeta surface compared to fibre sand with reduced kick back and an easier to run on surface putting less strain on the horse and therefore less injuries.
- The Racecourse's sole intention at a later date is to apply for increased numbers of race meetings to counter balance their investment on a new Tapeta track. This surface allows for racing to take place almost continually due to the product being capable of operating in all types of weather conditions from very low to high temperatures as well as heavy rainfall and snow. This will raise the game with higher standards of races and prize money which in turn will attract more horses per race and more races, more paying punters, more horse boxers, owners, trainers and staff.
- On race days people park on Occupation Lane to fly drones over the racecourse. It is assumed this is to operate an online betting system and concerns whether this is legal/licensed.
- Drones shouldn't be allowed to fly over local residents properties
- The proposal will devalue local house prices and raise insurance costs
- What is the Council's position on Biodiversity Net Gain as this application does not have any proposal of what Biodiversity Net Gain they plan to submit as part of the work.
- The old surfacing will end up in landfill
- Material should not be stockpiled on the site as this will raise ground levels.
- The porosity testing submitted is incorrect and means rainwater will flow off the raised surface.
- The material contains Lead at a concentration of 100mg/kg. The 'safe' level for drinking water for Lead is 10 micrograms/litre. The sample tested had 100,000 micrograms/kg.
- The DETS and Jenkins Environmental Testing Data is inaccurate and didn't test for the relevant components.

### **Comments of the Business Manager**

#### *Principle of Development*

Southwell Racecourse is an established horseracing facility located within the open countryside outside the villages of Fiskerton and Rolleston, as well as close to the town of Southwell. The site is located adjacent to the River Greet which runs to the north of the racecourse and is considered an existing commercial and tourism enterprise which is a considerable contributor to the local economy.

Core Policy 7 of the Core Strategy and Policy DM8 of the DPD support development to existing tourist attractions providing they are proportionate to the existing business and the surrounding area. As mentioned above, the racecourse is considered to be a contributor to the local economy – the works proposed are to improve the existing facilities on the site to bring the facility up to modern horseracing standards. The TAPETA surfacing is cited as a thoroughbred racing and training surface comprised of a mixture of silica sand, wax and fibres that have been extensively researched, simulates the root structure of turf and overall provides a safer racing surface for users.

The horseracing industry cites Tapeta as representing the next generation of artificial all-weather racing surface, in terms of its appeal to both trainers and jockeys, as it offers a number of benefits

regarding its safety record, relative lack of kickback and fairness for horses. In addition, it has the ability to handle very low temperatures and significant rainfall. The installation of a Tapeta surface at this site would allow for greater diversity within the racing programme at Southwell which is likely to increase visitor numbers/retain people within the local area for longer. The works are considered to be necessary to bring the track up to modern standards (noting the existing fibre sand is considered to be at the end of its lifespan) and meet changing visitor expectations to prevent the number of fixtures per year declining. Nevertheless, noting comments raised by local residents, this application does not seek to increase or alter the permitted amount of fixtures at the site.

Overall, the principle of the development would align with the intentions of CP7 and DM8, which support the development of existing tourist attractions; however, careful consideration of the potential impact of this development is required to ensure that there is no adverse impact upon the character of the area, residential amenity, environment or highway safety.

### *Impact on Visual Amenity, Landscape Character and Heritage Assets*

Core Policy 9 and Policy DM5 of the DPD require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Core Policy 13 relates to Landscape Character refers to the District's Landscape Character Assessment and expects development proposals to positively address the implications of the Landscape Policy Zones. Policy DM5 in the



Allocations and Development Management DPD relates to design and states the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The site is located within policy zone Trent Washlands TW PZ 10: River Greet Meadowlands as defined by the Council's adopted Landscape Character Assessment

SPD. This states "Southwell Racecourse dominates the landscape to the centre of the area, with associated car parking, hotel and a training centre etc. These are large scale features, not in keeping with the local character." The landscape condition is defined as moderate with the racecourse providing a large scale development which is not in keeping with local character. The landscape is considered within the Policy to have moderate sensitivity.

It is already accepted that the racecourse sits at odds with the surrounding landscape within the character zone, with large structures in situ within the site. However, the application at hand will have an almost unperceivable visual impact on the character of the existing racetrack and wider site. The replacement surface will visually look the same as the existing fibre sand and therefore will not change the character or appearance of the course, or its relationship with its surroundings. As shown on the proposed 'Replacement Racing Surface' Plan an area is identified for fibre sand storage during the construction period. Due to logistics with the Tapeta delivery being undertaken by a separate company the existing fibre sand will not be removed by the same HGV's that deliver

the Tapeta to site. During the construction period, the existing fibre sand will be removed and stored in the area indicated in yellow on the aerial photo below.

For vehicular traffic, this area is segregated from the nearest public highway (Occupation Lane), with only a glimpsed view being available to traffic crossing the level-crossing from the east, which then turns immediately south. Views for traffic travelling north along Occupation Lane are away from the racecourse (to the northeast), with a mature hedgerow adjoining the carriageway which is likely to prevent views for most vehicles. When combined with the distance, direction of travel, and the tall hedgerow that also extends along most of Racecourse Road (which is within the ownership of the applicant), the temporary fibre sand storage is unlikely to be immediately visible from the surrounding area outside the site due to the existing hedgerow along Racecourse Road. I note that within and around the site there are public rights of way and thus pedestrians may be able to glimpse views of this storage area - however, given boundary treatments around the site and the development within it, any fibre sand stored will be read in the context of this site and in my view would not be unduly harmful on the character and appearance of the area. I am also mindful that this area would not be used for fibre sand storage for a prolonged period of time and that a condition relating to the programme for removal could be imposed.

For clarity, noting comments from local residents, this application does not include any ground raising or physical alteration to the racetrack save for replacing the surface layer. On this basis I am satisfied that the proposal will not have an undue impact upon the landscape surrounding the site. The proposal is reflective of its setting and as such does not contradict the aims of the above policies.

### Heritage Matters

Turning to heritage matters, one of the closest properties to the site is the Grade II Listed Mill Farm as well as a scheduled monument close to Rolleston Manor, which lies approximately 200m to the east of the site. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8c).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

The site is well-established as a racecourse and as set out above, the proposal will have an almost unperceivable visual impact on the character of the existing racetrack and wider site. Given the

limited scope of alterations sought I am of the view that the proposal is unlikely to result in further harm to any heritage asset or its setting and on this basis I am satisfied the proposals would not be contrary to the Policy objectives set out above.

#### *Impact on Residential Amenity*

Policy DM5 advises that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

Given the limited scope of alterations proposed and separation from any residential properties I am satisfied that the proposal would not result in any unacceptable amenity impacts and therefore would be in accordance with policy DM5 of the DPD.

#### *Impact on Highway Safety*

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals that place an emphasis on non-car modes as a means of access to services and facilities. I note that a level crossing lies directly to the east of the racecourse access and that Racecourse Road (which is owned by the applicant) is also a public right of way.

The proposals do not seek to increase the number of meetings at the site per year or materially change the operation of the venue other than upgrading the facilities so that they meet modern standards. However, I note the concerns of local residents about the construction period and vehicular movements that will be associated with delivery and removal of materials to site. It is anticipated that bringing in this new surface and aggregate layer and removing the existing fibre sand from site would amount to approx. 2,000 HGV movements over a 10-12 week construction period. The application has been supported by an amended travel plan, which shows HGVs would enter via Occupation Lane (avoiding the level crossing) and exit down Racecourse Road. A signage scheme has also been put forward showing temporary signage at 6 points along Racecourse Rd/Occupation Lane to direct HGVs and warn pedestrians of construction traffic and at the A617/Staythorpe Road junction to prevent access for Racecourse construction traffic. It is anticipated that the construction period will last between 10-12 weeks and that deliveries will take place between the hours of 8:30 and 16:30 six days per week. Concerns have been raised regarding the removal of the existing fibresand from the site - due to logistics the existing fibre sand will not be removed by the same HGV's that deliver the Tapeta to site. As explained above, the fibre sand will be stockpiled within the site and the intention is to distribute it to two other racecourses for use. The agent has also explained that some fibre sand will be used within the local golf course. Given the removal programme has not been finalised, having discussed with the Highways Authority, I consider it reasonable to attach a condition to require the applicant to submit a programme for removing the material from the site so that the timescales, duration and haulage route can be agreed prior to any removal vehicles attending the site.

Whilst the concerns of local residents are noted and duly taken on board I note the comments from Network Rail, the Rights of Way Officer and Highway Authority, which raise no objection to the proposal subject to conditions regarding compliance with the travel plan, the installation of

temporary signage along Racecourse Road (to alert HGV and pedestrians using the right of way) and a record of the highway surface before and after construction to assess damages. Due to concerns raised by local residents regarding the potential damage to the narrow lanes leading to this site, a condition has been recommended by the Highways Authority to ascertain the existing condition of the surface so the Highways Authority can later secure an undertaking to put right any defects which occur as a result of the works. I consider the requirement to survey the roads before and after the construction period to be reasonable in this case given the HGV movements proposed and the nature of the surrounding roads. Disruption from construction traffic will only be for a finite period and subject to ensuring the routing plan is complied with (both during the delivery of new material and removal of the old from site) and signage installed, it is considered that there would be no undue highways safety impact as a result of this proposal.

In addition, the public footpath crossing at the western end of the racecourse, along with its arrangement, will also be maintained as existing, meaning that there will be no discernible difference once the works are completed. There will also be no change in how the new Tapeta surface is managed, meaning that the access across the footpath will be maintained as existing.

Comments have been received from an interested party raising concerns about weight limit restrictions on surrounding roads that are shown to be used as part of the HGV route – the Highways Authority have advised that the wider Southwell area is covered by a 7.5 tonne weight, however vehicles serving existing business within the area are excluded from the weight limit. As the Racecourse sits within the limit area, vehicles associated with the development are excluded from the limit. Having discussed with the Highways Authority Network Manager and Abnormal Loads Officer the Highways Officer considers the proposed route to be the most appropriate to serve the development.

Overall, in the absence of any objection from the Highway Authority, Rights of Way Officer or Network Rail I am satisfied that, subject to conditions, the application would comply with Policy objectives set out above.

#### *Impact on Flood Risk*

The application site lies within Flood Zones 2 and 3 as defined by the Environment Agency's Flood Mapping, which means it is at medium and high risk of flooding. The National Planning Policy Framework (NPPF) provides guidance on dealing with development where all or part of the application site falls within Flood Zone 2. Chapter 14 of the NPPF outlines that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere – themes which are reflected within policies DM5, CP9 and 10 of the Council's development plan.

The works proposed include a revision to the sub-surface arrangement of the racetrack, replacing the existing impermeable membrane with a porous macadam layer (no increase in hardstanding areas of the Site) and replacement of the top surface layer. The application advances that the associated drainage system will remain unchanged and the submitted FRA and Drainage Addendum explains that the filtration characteristics of Tapeta compared to the existing fibre sand surfacing are comparable. Additional permeability testing undertaken has evidenced that the top surface has greater permeability properties than that of the existing fibre sand (to ensure no waterlogging) but once collected beneath the surface, surface water would percolate at a marginally lower rate through the track's base course, before being collected by the existing sub-

surface drainage. This would result in betterment as there would be a marginally slower release of surface water from the site as a result of the proposed new surfacing works.

The Tapeta website explains that due to the special composition of Tapeta it allows for good vertical drainage and is specially designed as an all-weather surface to ensure no waterlogging. The site is considered to be a water compatible development type in Flood Risk terms and therefore the Environment Agency's Flood Risk Standing advice is applicable. Nevertheless, following concerns raised by local residents the EA have chosen to review the proposal (noting their comments that state they would not routinely provide comments of this nature). Five specialist teams within the EA have reviewed the proposal (a summary of their comments can be found in the consultation section above and in full on the application file online) and all have raised no objection to the works proposed on the grounds of flood risk, biodiversity, land, water and ground water contamination or fishery impact.

I note comments from local residents and the Parish Council which reference past flood events and alleged increased flooding of land adjacent to the Racecourse. These matters are not directly related to the application at hand and it is alleged that additional works have been undertaken at the site outside of those approved under reference 15/01282/FULM. Concerns about alleged unauthorised groundworks in the flood zone are being investigated by our Planning Enforcement team and will be considered separately from the application at hand.

I note that concerns have been raised regarding the potential risk of mobilisation of Tapeta 12 during flood events. These concerns are raised in the context of potential ecological implications (which will be explained in the section below) and risk to adjacent landowners. The existing racecourse operates as a closed system – the drainage infrastructure within the track discharges to catch-pits before out falling into ditches surrounding racecourse. Any suspended solids within surface water runoff settle within the application site prior to being discharged offsite as a result of five stages of water quality treatment currently in place. This includes sediment and pollutants being trapped by the track makeup; existing catch-pits where sediment settle out; drainage system serving the racecourse where sediments settle out naturally; and then water flowing through the ordinary watercourses within the site outside the flood defences and through the Greenfield Drain before leaving the site. The water quality measures are robust in terms of protecting the existing water environment within and around the racecourse and it has been confirmed that the Tapeta material is designed to remain in situ even during heavy rainfall events and does not float, therefore the risk of particles being washed off-site in the event of a storm/flooding is minimal. Any residual risk of release of particles will be mitigated by the onsite existing drainage system. I note the recommendation of the Groundwater and Contaminated Land Team from the EA for Environmental Monitoring to be carried out (surface water sampling) to ensure that there is no ongoing risk to the environment as a further safeguarding measure, however given the existing site is not subject to such requirements (and there is already infrastructure in place to prevent any outwash from the site) and the conclusion drawn by the EA that the risk of pollution arising from the new track material would be low (and the replacement with Tapeta 12 could potentially result in an improvement on the old material currently in situ) I do not consider it would be reasonable to require this as a condition to the permission. I also note that the EA have confirmed this is only an advisory note to the applicant given the concerns raised by local residents.

I also note the Fisheries team from the EA have requested that measures be conditioned to mitigate any risk of outwash from the site (such as: installing a physical temporary barrier to stop any material being washed or blown into the stream, a method of safe delivery and storage of the

material to prevent ingress into the river and a watching brief to ensure site workers check for signs of spills and pollution during all operations in addition to requiring a Spill kit be available on site). However, I am mindful that the site operates as a closed system with measures already in place to prevent any outwash. Having discussed this with the EA and given their conclusions regarding the risk of pollution and mobilisation (given the existing infrastructure in place throughout the site that prevents the mobilisation of the existing fibre sand) I do not consider it would be reasonable to require additional infrastructure be installed above and beyond that already in place. Particularly given the existing site infrastructure has been assessed by the EA to be adequate at retaining any mobilised material within the site. Nevertheless, I propose to attach the advice from the EA as an advisory note to the applicant in the interest of good working practice.

The positive conclusion of the Environment Agency is noted. So too is the position of the TVIDB and Nottinghamshire County Council's Flood Risk Officer who raise no objection to the proposal. In conclusion, it is not considered that the proposal at hand would result in an increased flood risk to third parties or users of the site given the level of development, site context and water compatible use. In addition, the new surfacing would result in some betterment in surface water drainage as there would be a marginally slower release of surface water from the site as a result of the works. The proposal is therefore in accordance with Policy DM5, Core Policies 9 and 10 and the aims of the NPPF in relation to flood risk.

### *Impact on Ecology*

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

I note that the racecourse sits alongside wetland and stream habitats of nature conservation value and within the race track there is a biological Local Wildlife Site (LWS). However, given the scope of alterations sought in this application and existing physical measures in place on the site, the proposed alterations are not considered to result in any ecological impact to these habitats. As explained above I note the addendum to the FRA specifies the measures for retaining material on site and chemical testing evidence submitted also confirms that Tapeta is an inert material and does not pose a threat to aquatic life. I appreciate comments made from third parties raise concerns about the potential risk of mobilisation of Tapeta 12 into surrounding watercourses and the LWS, however given the construction of the racetrack (and catch pit measures in place as explained above) the risk of run-off would be no greater than the existing situation. The track is also constructed to minimise any out-wash and it has been confirmed that the material does not float.

I note concerns from residents regarding the presence of polyethylene coating within Tapeta 10 and the consequential risks this may pose to the environment; however, in response to this the applicant has amended the scheme to propose the installation of Tapeta 12 (the latest iteration) which does not include polyethylene. The applicant has provided an ecological appraisal and testing data which has been assessed by the Environment Agencies Biodiversity team – they have advised that the risk of pollution from the new surface material is low. The sampling undertaken at a case study track (Newcastle track where Tapeta 10 is used) demonstrated a low level of suspended solids being discharged which offers further assurances that risks in this case will be low. The EA's Land and Water and Groundwater and Contaminated Land Teams have also

assessed the proposal and raise no objection to the application. I also note the conclusions of the EA that the risk of pollution arising from the new track material would be low and the replacement with Tapeta 12 could potentially result in an improvement on the old material currently in situ.

The ecological reports submitted confirm that Tapeta 12 is stable and does not break down. It also does not pose any harm to aquatic or any other life (the aquatic life test being particularly sensitive, and pertinent, in this respect given the LWS). I note concerns from local residents regarding the testing results submitted, however I am satisfied that the applicant has sufficiently demonstrated that Tapeta 12 is not toxic and is appropriate for use in this context without resulting in an adverse ecological impact. Based on the above, and in the absence of any objection from the technical experts, I therefore consider the proposal would accord with policies CP12, DM5 and the provisions of the NPPF in this regard.

### *Other Matters*

I note the concerns raised by local residents and Parish Councils and these have been duly taken on board throughout this assessment, however some concerns raised are not material to the determination of this application (such as potential future planning applications that may be submitted at this site). I do however note that concerns have been raised about the removal of the existing fibre sand from the site following completion of the resurfacing works. It has already been explained that an area has been identified within the site for the temporary storage of fibre sand following its removal from the track and the applicant has advised that the intention is to use some of the material within the adjacent golf course as well as to distribute it to other racecourses (Hereford and Sedgfield as part of proposed works there). The Highways Authority are satisfied that so long as any vehicles collecting or removing this material from the site adhere to the construction routing plan agreed that there would be no adverse highways impact as a result of this. The applicant is happy for a condition to be attached to ensure any related movements are subject to the same routing agreement and hours of work and on this basis I do not consider this arrangement would be unacceptable.

### *Conclusion*

In conclusion, the proposed development is considered to be appropriate in this rural location. The proposed development would not be harmful to the setting of the countryside and would cause no unacceptable detrimental impact on the character or appearance of the surrounding rural landscape, residential amenity, highways safety, flood risk or surrounding ecology, conforming to the NPPF, Core Strategy Policies SP7, SP8, CP7, CP9, CP10, CP12, CP13 and CP14, in addition to Policies DM5, DM7, DM8, DM9 and DM12 of the Allocations & Development Management DPD. As such it is considered that there are no material considerations why planning permission should not be granted.

## **RECOMMENDATION**

**That full planning permission is approved subject to the following conditions:**

### Conditions

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried except in complete accordance with the following plans, reference numbers:

- Site Location Red Line Plan – deposited 23.12.2020
- All Weather Track Plan – deposited 23.12.2020
- Replacement Racing Surface Plan – deposited 23.12.2020
- Drainage Layout Sheets 1-3 – Ref. 101D, 102D and 103C
- Proposed Tapeta Surface Detail Section – Ref. 2005890/003

Reason: So as to define this permission and for the avoidance of doubt following the submission of amended plans.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application (notably the installation of Tapeta 12 only).

Reason: In the interests of visual amenity.

04

For the avoidance of doubt, there shall be no raising of the existing ground level as a result of the development hereby permitted.

Reason: To ensure that the development does not increase the risk of flooding.

05

All construction vehicles (including vehicles used to deliver or remove materials to/from the site) shall follow the route as shown on the 'Amended Travel Plan' deposited 09.04.2021.

Reason: In the interest of highways safety.

06

Prior to commencement of development or any deliveries to the site associated with this application, the temporary construction traffic signage as shown on the 'Amended Travel Plan' and amended 'HGV Signage Plan' deposited 09.04.2021 shall be installed in accordance with the HGV Temporary Signage Details (deposited 09.04.2021) and photographic evidence shall be submitted to the Local Planning Authority. The signage installed shall be retained throughout the duration of works.

Reason: In the interest of highways safety.

07

Haulage vehicles or any vehicles used to deliver or remove material from the site shall only enter or leave the site between the hours of 0830 Hours to 1630 Hours Monday to Saturday inclusive and at no time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity and highways safety.

08

Prior to commencement of any works to import material to the development site, a video and photographic condition surveys of Fiskerton Road between its junction with Easthorpe and Occupation Lane, and Occupation Lane between its junction with Fiskerton Road and Racecourse Road shall be undertaken and shall be submitted for approval by the Local Planning Authority. Within one week following completion of the importation of material, photographic condition surveys of the same routes shall be undertaken and shall be submitted to the Local Planning Authority for approval. Within one month of the approval of the follow up survey a report shall be submitted for the approval of the local planning authority that identifies any damage to the road that has occurred between the two surveys.

Reason: To ensure that the condition of the road is adequately recorded and monitored before and after the development in the interest of highway safety.

09

No works to export the existing Fibresand material from site shall commence until a Material Disposal Programme has been submitted and approved in writing by the Local Planning Authority. The Programme shall include details of phasing, quantities to be removed, method of removal, lorry routing details, signage and timescales for removal. All works to dispose materials from the site shall be carried out in accordance with the approved Programme.

Reason: In the interest of highway safety, to ensure materials are exported from the development site in a safe manner.

### Informatives

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

Network Rail: You are advised to liaise with Network Rail's Asset Protection Team (assetprotectioneastern@networkrail.co.uk) should there be any revisions to the haulage routes for the development. The developer should remain mindful of traffic parked along Occupation Lane and give consideration to putting appropriate measures in place (for example parking restrictions or signage providing a contact telephone number) should damage occur to any parked vehicles caused by HGV traffic.

04

Rights of Way:

- The Public Rights of Way should remain open, unobstructed and be kept on their legal alignment at all times.
- There should be no disturbance to the surface of the Rights of Way without prior authorisation the Rights of Way team.
- The safety of the public using the paths should be observed at all times. A Temporary Closure of the Public Rights of Way may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

05

Advisory Note from the Environment Agency

- The applicant is advised to undertake periodic environmental monitoring (surface water sampling) to ensure that there is no ongoing risk to the environment as a result of the replacement surfacing material.
- The applicant is advised to follow best working practice guidelines and ensure that site workers are briefed to be constantly visual for any signs of potential ecological impacts arising from the works. As a minimum, the working area should be checked every hour for signs of spills and pollution and during all operations regarded as high risk of potential harm to the environment.
- The applicant is advised to consider installing a physical temporary barrier to stop any material being washed or blown into the stream (e.g. installing a temporary silt fence barrier that is trenched into the ground to provide lateral resistance parallel to watercourses) and a Spill Kit should be available on site.
- Any stockpiled or stored material should be secured safely to prevent ingress into the river (e.g. Secure with geotextiles).

06

Highways Authority:

Any temporary signage which is to be placed on the local highway network will need to be agreed in advance by Nottinghamshire County Councils agents, Via East Midlands Ltd. It is recommended the applicant contact them as soon as possible to agree requirements and locations of any temporary signage. Contact Mr Heath Phillips, the Network Co-ordination Manager on 0115 9932547.

## BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext 5827

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**