

Paul Mobbs,
Mobbs' Environmental Investigations,
3 Grosvenor Road,
Banbury OX16 8HN, England
Tel./fax 01295 261864
Email mobbsey@gn.apc.org

Response to the application for a permanent shooting school near Curridge

Report prepared for

Various residents of Curridge

January, 1996

Contents

Executive Summary	2
1, Introduction	4
2. The impact of noise from the development	6
3. The impact upon local highways of the development	10
4. Planning policy issues	11
5. Conclusions and recommendations	17
6. References	18

Application to make permanent the planning permission for a shooting school at land north of Keepers Cottage, Curridge

Executive Summary

This report has been produced at the request of various residents of Curridge, in response to the application by Mrs. G. Fairhurst to make permanent planning permission for a shooting school on land north of Keepers Cottage.

The reports covers the key issues which are considered to be the material considerations in this case: the impact of noise from the development; the impact upon local highways of the development; the relevant planning policy issues; and the experience gained from the operation of the shooting school on its current temporary planning permission.

The planning application - Newbury District Council ref. 147641 - was lodged at the end of 1995. The existing temporary permission was granted in July 1994 by Newbury District Council, following proceedings for enforcement which had begun in 1992.

Condition 1 of the temporary permission limited use under the permission until June 1996. However, as the site operator takes bookings on the site some time in advance, it was decided that the application for a permanent planning permission should be submitted at the end of 1995.

Sound readings, requested by Newbury District Council, have been produced by the site operator. However, as with any site where activity is regular at all times of year and in all weather conditions, the evidence produced is no guarantee that sound levels emanating of this site will not present a nuisance to local residents. In order to have resolved this question conclusively, it would be necessary to have conducted readings over many hours of operation, rather than on just two firing days.

The decision which Newbury District Council must therefore make is whether there is sufficient evidence, particularly in respect of noise nuisance, to justify allowing the continued operation of this site, and whether this operation is permissible within local and national planning guidelines.

Monitoring of noise has been carried out for the existing activities on this site (during August 1994 and March 1995). In my opinion, and in contradiction to the results of the March 1995 monitoring report, it has not been demonstrated that the site creates no adverse noise impacts. There has been no attempt to draw conclusions from the difference in the August '94 and March '95 monitoring results, and no effort has been made to predict a 'worst case' noise impact by modelling, using the results of the August and March studies to validate the findings. Nor has consideration been given to the effects of noise on nearby public rights of way, particularly in relation to horse riders.

Given the limited range of information supplied with the current application, and the previous temporary application, it is my judgement that there is not sufficient evidence to prove that the site will create no nuisance to surrounding dwellings; there are inconsistencies in the monitoring data which have not been adequately explained, and some crucial information is

lacking; also no attempt has been made to consider the effect of noise on the nearby public rights of way.

There is no serious consideration of highway matters because it is assumed that there will be minimal numbers of vehicles entering the site. However, the application does not guarantee that the activities on this site will be kept at the same level in future, nor is there any overall limit proposed on parking. The effect on access of the remodelling on the A34/M4 routes is not considered either.

Bringing all these points together, it is clear to see that the planning application does not provide sufficient information to address all the requirements set within the Newbury District Local Plan. For this reason I cannot see how the officers of the local planning authority could recommend approval at this stage. This is particularly true in terms of noise impact, the prevention of pollution, and the suitability of this site for this particular use.

As the application stands, I would not recommend approval. However, should the authority be minded to approve this application I consider that the current planning conditions are insufficient to protect the environment and local dwellings. For this reason I would suggest that a number of new criteria are added to the schedule of conditions. It is only by including these conditions that legal problems of enforcing nuisance controls over this site can be remedied.

In terms of local planning policy, in particular Policy REC.10 and B.ENV.18, the requirements set cannot be satisfactorily fulfilled on the basis of the evidence presented. Likewise, there are particular problems to be resolved about the need to limit the potential nuisance to local properties through the use of appropriate planning conditions.

On the basis of the information currently presented, I cannot concur with the applicants' consultants that the noise impact of this site is acceptable. Likewise, the evidence on other issues - particularly highways impact, nature conservation, the use of engineered noise barriers and the effect of lead shot - is insufficient or nonexistent. For these reasons it would be inadvisable for the local planning authority to recommend approval of the application.

I would recommend that the local planning authority requests further information to meet the criticisms raised in this report. Then, and only then, can a decision be reliably made. If this information is not forthcoming, then the application should be refused.

Should further information be submitted, it should be publicised to those who have already expressed an interest in this case so that they can make their response to it.

1. Introduction

This report has been produced at the request of various residents of Curridge, in response to the application by Mrs. G. Fairhurst to make permanent planning permission for a shooting school on land north of Keepers Cottage.

This reports covers the key issues which I consider to be the material considerations in this case...

- The impact of noise from the development;
- The impact upon local highways of the development;
- The relevant planning policy issues.

The planning application - Newbury District Council ref. 147641 - was lodged at the end of 1995. The existing temporary permission was granted in July 1994 by Newbury District Council. The permission was granted following proceedings for enforcement, the investigations for which began in February 1992. Although the activities on site could have been allowed under permitted development rights, the installation of a portakabin and toilet meant that planning permission was required. An application was requested at that time, but was subsequently withdrawn, and an enforcement notice was served on 1st February, 1993. This led to an appeal, which has been held in abeyance until the temporary permission was granted.

Condition 1 of the temporary permission limited use under the permission until June 1996. However, as the site operator takes bookings on the site some time in advance, it was decided that the application for a permanent planning permission should be submitted at the end of 1995.

As part of the temporary permission, it was agreed that a planning (section 106) agreement should be entered into in order to restrict use of the land. The purpose of this was to restrict the impact of the development, and protect the local amenity. However, due to the death of the landowner at the present time this agreement has still not been finalised.

Sound readings, requested by Newbury District Council, have been produced by the site operator. However, as with any site where activity is regular at all times of year and in all weather conditions, the evidence produced is no guarantee that sound levels emanating of this site will not present a nuisance to local residents. In order to have resolved this question conclusively, it would have been necessary to have conducted readings over many hours of operation, rather than on just two firing days.

The decision which Newbury District Council must therefore make is whether there is sufficient evidence, particularly in respect of noise nuisance, to justify allowing the continued operation of this site, and whether this operation is permissible within local and national planning guidelines.

Section 54A of the Town and Country Planning Act 1990 makes it clear that development proposals must accord to the Development Plan, unless there are other overriding material considerations. Policy REC.10 of the Newbury Local Plan sets specific conditions on the approval of noisy, smelly or dangerous activities near built up areas. In order that this policy be complied with, it must be shown that the application considers, and to the expectation of

the authority meets, a set of criteria relating to siting and amenity. Very few of these criteria are met. This same development, in another, more remote location would probably satisfy many of the conditions in Policy REC.10. However, this site is very poorly located, and from experience of dealing with other contentious planning applications across the UK I would have thought that the activity was sited on available land, rather than land being found suitable for the activity.

The potential for this development creating 'nuisance' must also be considered. The division between pollution control and planning is not clear, and is in fact mobile depending upon the case under examination. However, as it was made clear by the case *Ladbroke (Rentals) Ltd v. Secretary of State for the Environment*^[7] that disturbances or annoyances caused to neighbouring properties are a material consideration within planning. It is clear then that in making their decision, Newbury District Council must consider whether or not the effect of the noise on local residents might constitute a nuisance. But at the same time it is also important to realise that the very act of granting a permanent permission for this activity could also disempower local residents from redress in the future. The very act of permitting this development now may also prevent the local planning authority from taking effective action in the future should circumstances change and the environmental impact increase.

2. The impact of noise from the development

It is a fact that shooting produces noise - the issue here is to whether this noise can be restricted or mitigated, and even so whether the resultant noise levels constitute such a nuisance or degradation to local amenity that they are unacceptable.

Noise monitoring has been submitted with the application - but as noted previously the accuracy of this monitoring can only be taken on trust. Unless monitoring is carried out for some period of time it is possible that noise levels may be higher.

There are four main variables relating to the of noise impact from this operation...

- The numbers of persons shooting over any one period of time, and to a lesser extent the type of cartridges used;
- The effect of topography and man-made or natural obstacles in reflecting, filtering or damping the noise produced by firing;
- The metrological conditions, dominated primarily by wind speed and direction;
- The differential between the object and background noise levels.

The different types of cartridge used has a great effect on the noise produced. Some cartridges produce more noise than others. Also the practice of the gun user reusing/filling their own cartridges, or using cheaper imported cartridges (for example, there are some Russian cartridges available which have been banned from some shooting sites because of the excessive noise they produce), can result in differing noise levels.

The effect of filtering is also difficult to predict. For example, if we rely solely on natural obstructions, noise levels will change with the seasons as the amount of vegetative cover changes. In terms of the noise monitoring submitted with the application, the vegetative cover effect is not considered in detail. Also, as the monitoring took place in August and at the end of March, ground/tree cover was not at its sparsest.

Topography is also important, especially where the noise source and receptor are in 'line of sight'. Even where hills and other obstacles get in the way, it is possible for noise to reflect, or to be ducted by man-made or natural objects, between the source and receptor.

Metrological conditions must be considered to be the greatest 'randomised' effect on noise propagation. The key variable is wind direction and speed (for example, a wind speed of 2ms^{-1} from source to receptor can increase sound levels by 2dB(A)), but other factors such as humidity and temperature are also important as they affect the propagation.

The differential between background noise level and the source noise level is also important, especially at distance. In urban areas noisy operations have only a localised impact because the differential between the source noise and background noise reduces quickly. However, in rural areas, where there are less noise sources, noise impact can be greater.

The noise monitoring supplied with the application makes reference to the '*Professional Practice Note on Clay Target Shooting*'. This note is of course a practice, adherence to which does not confer automatic approval for particular developments. Although its content can be taken as a guide, consideration must also be given to other guidance provided by the Government - principally PPG24^[1] and PPG17^[2]. For example, paragraph 11 of PPG24 notes

that, "*Sudden impulses, irregular noise... will require special consideration*".

In terms of the evidence that has been submitted, it can be criticised for the following reasons...

- Although the August '94 monitoring notes that '*twenty-five people attended the corporate day with firing from several stands*', at no point does it state exactly how many guns were being used. On the basis of this information we could assume that there were twenty-five guns firing, or that there was one gun shared between the twenty-five participants. This factor is important in assessing the generation of noise under other scenarios.
- Both in the August '94 and the March '95 monitoring data, at no point is it actually stated how many shots were being fired, these being the prime determinant of how loud the average noise will be, and perhaps more importantly, the level of nuisance it will create.
- The background noise levels from the A34 and the M4 are noted, but the effect of these background levels on noise around the area is not properly explained. For example, the effect of noise from the M4 will be more pronounced at the western end of Curridge than the eastern end because of the screening provided by the hills and trees. In these areas the differential between the background noise level and the shooting will be greater.
- No noise measurement is taken within the site itself - such a figure would be useful to perform some sort of predictive modelling exercise to produce a 'worst case' noise scenario.
- The monitoring carried out in March '95 gives no information on the type of activity on the site (whether it was a corporate or simple training day), and drew no comparisons between the March '95 and August '94 data.
- The monitoring assessment is 'absolute', relying on compliance with a figure set in a non-statutory guide. No attempt has been made to issue questionnaires to local residents for them to independently report their assessments of the impact over time.

There is an interesting difference between the data presented in the monitoring reports.

As noted above, the March '95 report gives no indication as to the intensity of activity on the site during the monitoring period. This is an important consideration as the March '95 data gives higher results at site 1 than the August '94 data

Comparisons between August 1994 and March 1995 monitoring data

Monitoring site	August '94 background	March '95 background	August '94 noise	March '95 noise	Difference dB
1		48	47	51	61 3 & 14
2		45	48	53	52 8 & 4

NOTE: 'background noises' levels are dB L_{A90}(A) and 'noise' levels are log mean averaged r.m.s impulse maxima - dB L_A(A)I

(figures detailed in the table above). This is to be expected as the wind during the March'95 monitoring was from the west, whereas in August '94 it was from the northwest. However, as the wind speed was lower, we must assume that there were more shots being fired, or if this is not the case that the sound from the site is preferentially propagated to the east (perhaps

explained by the lack of vegetative cover as compared to August). It is curious that in March 1995 there were no noise levels taken at the edge of village, as had been done during August. This would have been most informative given the higher readings, and the wind direction.

In both cases I believe that efforts should have been made to assess sound levels within the village, as well as on the edge. This would take account of the effects of sound 'bouncing' between the buildings. Under such circumstances the reflection from multiple sources could produce a sound level between buildings which is greater than the 'free-field' sound level.

In the reports it is assumed that the firing on site is acceptable because it complies with the 70dB(A)I set in the 'Professional Practice Note'. This of course does not make the levels acceptable in terms of their significance in planning decisions, or in 'nuisance' proceedings under the civil law or the Environmental Protection Act 1990. But for practical purposes, the 'practice note' referred to in the monitoring documents, and other similar codes^[3] set a maximum differential between background averaged and log-mean r.m.s impulse maxima of 20dB.

It is difficult to make comparisons between the intermittent use of this site and the impact on local properties, but if we consider the advice in PPG24, it considers an acceptable noise level - as characterised by 'noise exposure category' (NEC) A - to be 55dB(A)L_{eq}. This is based on World Health Organisation criteria. However in NEC C - greater than 63dB(A)Leq. - it notes that planning permission is 'not normally given'. It is clear then that there is some difference between the 'acceptable' 55dB level, the 63-66dB range where planning permission for new residential development must be carefully considered, and the 70dB level which is considered acceptable for shooting.

Finally, although the effects of sound on nearby properties has been considered, no consideration has been given to the effects of noise on stock in fields, or on people and their dogs/horses using the byways and bridleways in the vicinity of the site. For example, sudden noises could present harm to horseriders, causing their mounts to bolt or throw them.

In my opinion, and in contradiction to the results of the March 1995 monitoring report, it has not been demonstrated that the site creates no adverse noise impacts. There has been no attempt to draw conclusions from the difference in the August '94 and March '95 monitoring results, and no effort has been made to predict a 'worst case' noise impact by modelling, using the results of the August and March studies to validate the findings.

Given the limited range of information supplied with the current application, and the previous temporary application, it is my judgement that...

- There is not sufficient evidence to prove that the site will create no nuisance to surrounding dwellings;
- There are inconsistencies in the monitoring data which have not been adequately explained, and some crucial information is lacking;
- No attempt has been made to consider the effect of noise on the nearby public rights of way.

3. The impact upon local highways of the development

In terms of planning considerations, highways considerations generally have a higher profile than noise considerations. But in this case no thought has been given to the implications of this development on the local roads network. It is not correct to state that road impacts will be no different in the future as they are today, partly because this does not consider the potential for intensification of operations on this site, but perhaps more significantly because of the effects of the remodelling of junction 13 of the M34, and the construction of the Newbury bypass.

On the application form it notes that parking space will be provided for ten cars - but this cannot be seen as the absolute limit as it is not controlled within conditions on the existing planning consent. There is always the possibility therefore that the operator could set up temporary parking, thus allowing more cars to enter the site.

An issue not considered in the application in any way is the condition of the access road. It is noted on the plan submitted with the application that as well as widening the access, the first 10 metres will be '*properly made up*'. However no standards are specified for the rest of the track to the site. If the track is in regular use, particularly during the Winter and Spring, the surface of the track could disintegrate leading to mud being carried on vehicles and deposited on the road. This has obvious safety implications for cars braking/turning into the new housing development adjacent to the site entrance.

In conclusion, it is fair to say that in this application there is no serious consideration of highway matters because it is assumed that there will be minimal numbers of vehicles entering the site. However, the application does not guarantee that the activities on this site will be kept at the same level in future, nor is there any overall limit proposed on parking. The effect on access of the remodelling on the A34/M4 routes is not considered either.

4. Planning policy issues

In considering the 'material' policy issues relevant to this application we must first consider what the application involves...

- There are policies in the local plan covering shooting which must be considered directly relevant;
- The site is within the Area of Outstanding Natural Beauty, which is a policy issue in the local plan. Given the proximity of Sites of Special Scientific Interest (SSSIs) nature conservation can also be considered as relevant;
- The activity of clay shooting produces litter - in the form of broken clays and spent cartridges - and contaminates the soil with lead shot. Pollution issues are therefore a relevant matter;
- The emission of noise is a key issues, and is covered by policies in the local plan and national policy guidelines;
- The effect on highways is a material consideration (and has been considered above);
- The employment benefits of this site are relevant, but given the minimal number of jobs supported by this site may be disregarded;
- The consideration of nuisance to local properties is a material planning consideration.

Section 54A of the Town and Country Planning Act 1990 makes it clear that development proposals must accord to the Development Plan, unless there are other overriding material considerations. What is important then in this respect are those policies within the development plan which have relevance in this case. But in addition this there are other issues, such as international conventions on the protection of wildlife, which must be complied with.

Taking the points above in turn...

Planning and clay shooting

Policy REC.10 of the Newbury Local Plan^[4] sets specific conditions on the approval of noisy, smelly or dangerous activities near built up areas. In order that this policy be complied with, it must be shown that the application considers, and to the expectation of the authority meets, a set of criteria relating to siting and amenity. Taking the criteria relevant to this application...

- *Use of derelict or despoiled land*: This application obviously fails this test. There are other areas of land in the district - for example old minerals workings - which may be more suitable for this type of use given their past industrial use;
- *Provide access to suitable road network*: I find this debatable. Given the potential for intensification of activities on this site, this is a matter of interpretation for the authority;
- *Not prejudice the future use of land*: The long-term use of the site as a shooting range will render the land contaminated with lead, and smaller quantities of chemicals from the charge in the cartridges;
- *Disturbance to local residents*: As noted earlier, it has not been proven that the noise impact of this development is acceptable;
- *Safeguard participants and surrounding land users*: Although safeguarding those on site is primarily a matter for the Health and Safety Executive, the key safety feature must be safeguarding the public rights of way near the site from falling shot. There is no evidence

relating to this issue;

- *Minimum impact on rural character*: There is no argument that the discharge of a gun is a common sound in the countryside. However, even where there is a local game keeper on an estate, there are only a few shots per hour. Where there are fifteen guns all firing at once it would be easy to exceed a rate of 1000 shots per hour;
- *Quiet enjoyment of rights of way*: It is obvious that the close proximity of rights of way to this site means that there must be a significant noise impact. At no point has any monitoring been carried out on the closest right of way to the site, and there has been limited monitoring on the other.

This same development, in another, more remote location would probably satisfy many of the conditions in Policy REC.10. However, this site is very poorly located, and from experience of dealing with other contentious planning applications across the UK, I would have thought that the activity was sited on available land, rather than land being found suitable for the activity.

On the basis of the evidence presented so far, I cannot see how this application can be approved.

PPG17 gives very little specific guidance on shooting developments. The primary concern is one of noise - discussed in paragraphs 51/52. The key instruction within this is to, '*seek to identify sites which will minimise conflicts with other uses*'. The paragraph then goes on to recommend the use of degraded land, or mineral workings.

In this case the activity takes place on land situated within mixed broadleaf woodland, with a well developed ground cover. It is in no way degraded, and in fact the long-term use could result in significant land contamination. In terms of the guidance in PPG17 it is not a good site.

Conservation and the ANOB

The argument relating to the protection of the Area of Outstanding Natural Beauty is weakened by the presence of a major road interchange. However, in terms of nature conservation, no evidence has been presented to show that the site has no value. Given the age of the woodland, and its mix of habitats, it is likely that protected bird and mammal species could exist in or around the site. There is also the possibility that the area may contain protected plant species. The proximity of SSSIs means that the habitat around this area could have significant value.

In terms of paragraphs 44-48 of PPG9^[5] the planning authority are under an obligation to ensure that no protected species will be affected by the activities on this site.

Litter and land contamination

As part of the conditions for the temporary permission, there was a requirement for a scheme for clearing up spent clays and cartridges. However, no mention of this has been made in the information supplied with the application. But perhaps the more serious long-term problem will be the build up of lead shot in the soil. This will affect the reuse of the land, and

particularly any future agricultural use.

If permission were granted for the continued use of the site, as part of conditions there must be a requirement for regular 'decontamination' of the ground in and around the shooting range. This of course could have serious consequences for the local wildlife. As is made clear in PPG23^[6], the potential for land contamination is a serious issue.

Noise

Previous mention has been made of PPG24 and PPG17 in relation to noise. Policy B.ENV.18 of the Newbury Local Plan also sets restrictions on noise generating development.

The final part of Policy B.ENV.18 states that, '*new development which would result in high noise levels will only be permitted where measures to reduce noise to a satisfactory level can be achieved*'. In relation to this application, there appears to be heavy reliance on natural barriers - the topography and the trees - to provide adequate noise screening. This argument is confirmed by the noise monitoring which indicates that noise levels in the Curridge direction **will** increase when the wind is from the west.

There are measures which could be taken around the site itself to reduce the impact on nearby dwellings. For example the use of mobile screens around the firing positions, and laying out the site to ensure that guns are never fired to the east or south. There is no evidence that these measures have been considered.

In terms of Policy B.ENV.18 then it cannot be demonstrated that steps have been taken to secure a reasonable level of noise mitigation through the layout of the development.

Nuisance

The division between pollution control and planning is not clear, and is in fact mobile depending upon the case under examination. However, as was made clear by the case *Ladbroke (Rentals) Ltd v. Secretary of State for the Environment*^[7], disturbances or annoyances caused to neighbouring properties are a material consideration within planning. The case *Gateshead Metropolitan Borough Council v. Secretary of State for the Environment*^[8] then refined this further highlighting the differences between potentially polluting processes which are regulated, and those processes which are not regulated.

It is clear then that in making their decision, Newbury District Council must consider whether or not the effect of the noise on local residents might constitute a nuisance. But at the same time it is also important to realise that the very act of granting a permanent permission for this activity could also disempower local residents from redress in the future. The very act of permitting this development now may also prevent the local planning authority from taking effective action in the future should circumstances change and the environmental impact increase.

Many uses of land which give rise to a nuisance have the benefit of planning permission. Local planning authorities often consider the environmental consequences of a development as part of the decision-making process. In *Gillingham Borough Council v Medway*

(Chatham) Dock Company Ltd^[9] the courts had to consider what part the grant of planning permission had to play in determining whether or not an activity caused unreasonable interference with the enjoyment of land.

The dock company owned part of the Chatham Royal Naval Dockyard. The dockyard closed in the early-1980s and the company applied for planning permission to re-open their part of the site as a commercial port. The planning application specifically dealt with the large number of heavy goods vehicles which would be travelling to the port through residential areas. The local planning authority took these matters into account and, notwithstanding the inevitable disturbance to local residents, decided to grant planning permission. Consequently, when the port began operating local residents complained of nuisance and the Council brought an action in public nuisance. Interestingly, the court chose not to make the fact that planning permission had been granted an available defence to a public nuisance action. Instead it suggested that the local planning authority's consideration of environmental factors went to the heart of the definition of nuisance and the locality doctrine in particular. Buckley J rejected the nuisance claim notwithstanding the fact that there was an accepted disturbance to local residents. It was his view that the grant of planning permission changed the character of the neighbourhood so that this noisy activity would not be extraordinary. He stated:

Where planning consent is given for a development or change of use, the question of nuisance will thereafter fall to be decided by reference to a neighbourhood with that development or use and not as it was previously.

Thus, when considering the locality doctrine, it is clear that the decision suggests that a relatively quiet area could be changed overnight by the grant of a planning permission. But the decision leaves a number of areas of difficulty. Buckley J strongly emphasised the use of conditions on a planning permission which could restrict an otherwise unsociable activity. Indeed, he went on to say that it was impossible for a court to draw a line under the activities of the person responsible for the nuisance in order to determine what was actionable and what was not.

There may be situations where the consequences of granting planning permission were unforeseeable, or in other situations, were foreseeable but incorrect levels of noise or activity were predicted. In such instances, it is hard to accept the reasoning that Buckley J employed in justifying the unacceptable activities which had been granted planning permission. In any case, it cannot be correct to equate the grant of planning permission with actually commencing a development, as Buckley J did.

The analysis must be an estimation, by the officers and members of the local planning authority, as to whether the effect of this development will be such as to offend the senses to an extent that it could be considered a nuisance. If the result of such an analysis confirms this, and this problem cannot be resolved with planning conditions, then the authority must reject this application.

Bringing all these points together, it is clear to see that the planning application does not provide sufficient information to address all the requirements set within the Newbury District Local Plan, and other relevant planning policy documents. For this reason I cannot see how the officers of the local planning authority could recommend approval at this stage. This is

particularly true in terms of noise impact, the prevention of pollution, and the suitability of this site for this particular use.

In terms of the requirements set out within planning guidance, the authority should now request that the applicant submits additional information to cover those areas where there is insufficient information to reasonably demonstrate compliance with the local and national planning policy guidelines. Additionally, the granting of planning permission on this site for such a high-impact use must be questioned on the grounds that it might create a blight on local properties. In particular, it is necessary to consider the effect the granting of this application would have on the character of the area and the implications for future development.

Conditions

The discussion of conditions should in no way be taken as approval for this development, but it is necessary that if the authority is minded to approve this application that the necessary conditions are applied to the permanent permission.

As the application stands, I would not recommend approval. I consider that the current planning conditions are insufficient to protect the environment and local dwellings, and they must be improved if the authority approve this application. For this reason I would suggest that the following are added to the schedule of conditions:

- A key requirement is a condition restricting noise at nearby dwellings. If the application is approved I would recommend that there be a condition restricting the log-mean average r.m.s impulse maxima to 60 dB(A)I. Irrespective of the noise output from the site itself, this would protect the amenity of local residents.
- The requirement for noise monitoring must continue, despite the request from the applicant's agent that it be removed.
- The operating times are unacceptable. In a letter from the applicants' agents to the authority^[10] it is requested that an earlier start time is permitted. This would not be acceptable to local residents. Also, the closing time should be 5pm or dusk, whichever is the sooner. Also, in addition to preventing shooting on Sundays and Bank Holidays, I would also suggest that shooting is not allowed on Remembrance Day. The reason for this is to minimise the disturbance to nearby dwellings.
- There must be a condition securing the regular removal of lead shot from the area to a controlled waste facility. The reason for this is to prevent the build up of lead contamination in the soil.
- The direction of shooting must be controlled - guns should only be to discharge between the north-west and the north-east. This allows a 90° field of fire. The reason for this is to control noise emissions to nearby dwellings - both in Curridge and to the west of the A34.
- There must be an absolute limit of ten vehicles parked on site. The reason for this is to prevent excessive use of the road by vehicles coming to the site.
- There must be a condition preventing further intensification of the development - such a condition would be better served through a section 106 agreement.

The addition of these conditions further protects the environment, and the amenity of local residents. Only by including these conditions can the legal problems of enforcing nuisance controls over this site be remedied.

5. Conclusions and recommendations

This application seeks to make permanent an existing temporary planning permission. However, there is no evidence that the existing site has performed acceptably - the monitoring data conducted to show this is inconclusive, and contains a number of flaws.

In terms of local planning policy, in particular Policy REC.10 and B.ENV.18, the requirements set cannot be satisfactorily fulfilled on the basis of the evidence presented. Likewise, there are particular problems to be resolved about the need to limit the potential nuisance to local properties through the use of appropriate planning conditions.

On the basis of the information currently presented, I cannot concur with the applicants' consultants that the noise impact of this site is acceptable. Likewise, the evidence on other issues - particularly highways impact, nature conservation, the use of engineered noise barriers and the effect of lead shot - is insufficient or nonexistent. For these reasons it would be inadvisable for the local planning authority to recommend approval of the application.

I would recommend that the local planning authority requests further information to meet the criticisms raised in this report. Then, and only then, can a decision be reliably made. If this information is not forthcoming, then the application should be refused.

Should further information be submitted, this information should be publicised to those who have already expressed an interest in this case so that they can make their response to it.

6. References

1. Dept. of the Environment, Planning Policy Guidance Note no.24 - '*Planning and Noise*', HMSO September 1994.
2. Dept. of the Environment, Planning Policy Guidance Note no.17 - '*Sport and Recreation*', HMSO September 1991.
3. For example, the Midlands Joint Advisory Council for Environmental Protection's '*Code of Practice on Noise from Clay Target Shooting*' (currently 4th revised edition, published August 1994).
4. Newbury District Local Plan, December 1993.
5. Dept. of the Environment, Planning Policy Guidance Note no.9 - '*Nature Conservation*', HMSO October 1994.
6. Dept. of the Environment, Planning Policy Guidance Note no.23 - '*Planning and Pollution Control*', HMSO July 1994.
7. 1981, JPL 427
8. 1993 67 P and CR 179
9. 1992, Env. LR 98
10. Letter from Christopher Strang to Director of Planning Services, Newbury District Council, 10/11/95.

END OF DOCUMENT