

The Proposal

The proposal is an application to vary condition 1 of planning permission S00/0471 to increase the number of shooting days to a maximum of no more than 120 days per year.

Planning permission S00/0471 was granted on 9th June 2000. It included a single condition:

“This permission shall only be carried out in strict accordance with the details submitted by the applicant to the local planning authority by letters dated 25 July and 12 September 1995. There shall be no variation from these details without the express permission of the local planning authority”.

The aforementioned letters set out how the Shooting site would operate, specifically,

Maximum of 50 days per year, week day corporate entertaining 10am to 8pm, weekends (2 per month maximum 10am-4.30pm).

Shotguns of various sizes including 4-10 and 12 bore etc.

24-28 grm cartridges to be used. These are light load clay cartridges.

Number of guns – Maximum 2 shooting at any one time.

25-50 people to be entertained in one day.

All access to be via Moore Farm Lane to Stubton Shoot Lodge.

The premises will not be used for the general public which will reduce the number and movements of cars per day.

Accordingly, the site could operate between the hours of 10am and 8pm Monday to Friday. Two weekends a month, 10am to 4.30pm, a maximum of 50 days per year.

The proposed alterations to the operation of the site are: 10am and 8pm Monday to Friday (remains unchanged). Two weekends a month 10am to 6pm and an increase in the number of days to 120 per year.

The submitted supporting statement explains the reasoning behind the proposed alterations:

“The proposed hours seek to re-organise the use of the ground and not to increase the numbers participating in the sport at anyone time. The proposal seeks for the ground to be open for a maximum of 120 days a year with an extension in hours (10am – 6pm) on weekends. B & D Burtt do not intend to use the proposed 70 extra shooting days for additional public shooting days but generally for corporate days and private lessons. It is important to note that a standard private lesson may comprise typically of shooting for a maximum of two hours within the period 10.00 to 20.00hrs of a proposed additional day, thus showing that shots are not fired constantly throughout the day but for limited periods.

A typical Corporate Day would comprise:

09.30-10.00	Clients arrive at the Shooting Lodge
10.00-12.30	Clients participate in various activities one of which is shooting
12.30-14.00	Lunch
14.00-17.00	Clients participate in various activities one of which is shooting
17.00	Clients depart

The original submission was amended in an attempt to generate a method of operating the business ‘effectively, efficiently and in a professional manner’ whilst allowing the local planning authority to effectively control the operation and protect the amenity of surrounding residential properties. This included clarification of operational details and an

indication of which elements could be satisfactorily controlled and enforced by planning conditions.

The application site and its surroundings

The application site is located between Stubton and Brandon and is accessed from Moor Lane off Stubton Road. The site contains the shooting ground, Stubton Gorse (dense area of trees) and Stubton Lodge with its associated parking.

The surrounding area is characterised as predominantly agricultural land with a former airfield to the north and a karting circuit beyond that.

Representations Received

South Kesteven Archaeology – The proposed development does not affect any known archaeological sites.

Local Highway Authority – No objections

Lincolnshire County Council (Footpaths) – It is expected that the definitive line and customary width of the path will not be affected by any proposed development.

The Ramblers Association – As in previous correspondence with this event this should not affect any public rights of way.

Environmental Protection

Further to the amended information received from the applicants' agent I would confirm that the details are as discussed during our meeting and would request that the proposed management and operation details be incorporated into suitable planning conditions should the application be successful.

A condition setting mean noise levels is also been requested:

The mean shooting noise level must not exceed 55 dB(A) when measured at the points as detailed in the acoustic report undertaken by Kirby Charles Associates Ltd dated June 2007. The mean shooting noise level must be determined using the guidance on the Control of Noise from Clay Target Shooting published by the Chartered Institute of Environmental Health, January 2003.

Fenton Parish Council

Fenton Parish Meeting acknowledges that this latest application moves some way towards addressing the problems of noise disturbance. However, we feel that there are several issues which have not been resolved satisfactorily and for this reason we ask that the Council to reject this application:

1. Despite readings of decibels provided by noise assessments it should be noted that the noise of the shoot remains intrusive to a significant number of village residents
2. The noise assessments were carried out without the involvement of local people. The presence of Council officials does not guarantee that the level of noise is representative. Without local involvement it is difficult for us to have confidence in the representative nature of the tests.
3. If the decibel levels are accepted by the Council as being representative it is important for local residents that these levels are adopted by the Council as being the level of noise which the shoot should not in future exceed so that the noise of the shoot be excessive in the future the Council can take swift and effective action to prevent the nuisance recurring.

4. The increase in days and hours would impact most heavily on the summer months when local residents wish to enjoy their gardens in peace.
5. The additional evening hours until 8pm at weekends would be particularly disturbing.
6. Fenton lies just 1km from Stubton Gorse on flat ground. It is therefore within the 'buffer zone' recommended by the Chartered Institute of Environmental Health (CIEH). To comply with CIEH guidelines the shoot would actually have to reduce its current days and hours of operation not increase them.
7. The management plan could potentially help to reduce the noise of the shoot. Unfortunately, the history on this site involves repeated breaking of all planning conditions in existence. Why should Fenton residents believe that the owners would follow the new management plan when they have failed to follow the old one.
8. If the application was approved and the management plan was to form part of the planning conditions is it actually enforceable?
9. Certain parts of the original application are not addressed at all by the new application. For example 'no more than 50 people on the site in a day' and 'no more than 2 guns shooting at a time' were stipulated on the previous planning permission and should therefore be included as part of the new management plan.
10. The site has caused considerable and numerous problems in the past it is important that any new planning documents are designed with great care to ensure that these problems do not continue.
11. The management plan apparently aims to protect Fenton from the noise of the shoot. Objections in the past have been received from Brandon, Stragglethorpe, Hough on the Hill, Fulbeck and Caythorpe indicating that Fenton is not the only village affected.
12. For these reasons we ask that the Council reject the application.

Further representations have been received from Fenton Parish Council regarding the amended information:

Fenton Parish Meeting appreciates that these amendments are an attempt to establish conditions which would provide a "workable" foundation for this application to proceed on. However, we still wish to OBJECT to the application. Our main reason for objection remains, as in every previous case, that residents of Fenton find the noise of the shoot disturbingly intrusive. This is despite any sound-reduction measures already undertaken, and also despite noise assessments undertaken by the owners' agents which seek to prove that the noise of shooting in Fenton is negligible. I can only repeat that many people who actually live in Fenton find the shoot disturbing; any extension of days and hours would seriously impact on their right to enjoy their homes and gardens and would be contrary to their Human Rights and should therefore be rejected by the Council.

Our broad concerns over this application remain largely as detailed in our letter of 31 December. However, there are a few points which we would like to add or amplify:

- 1) The amended plans still do not address the important issues of number of clients per day, or number of guns shooting at a time. Limits for these were set in the original permission granted at this site in 1995, with the explicit aim to protect local people from undue disturbance. Unfortunately the limits (50 people per day, and 2 guns at a time) have been being breached regularly for a number of years. An application which seeks to increase use of this site MUST in our view address the important matter of how intensively the site may be used, since these matters could seriously affect local people. If they are not mentioned, we will assume that the limits remain as originally set and will expect the Council to enforce accordingly.
- 2) It is now over 5 months since we asked the Environment Officers if they could confirm whether the owners' noise assessments were roughly in line with independent testing carried out (without the owners' prior knowledge) by Council officers during the summer of 2005. This seemed to us a very obvious question: as we were not involved in any way during the testing, and as the results of the testing

are clearly at odds with our experience of the noise of the shoot, there is a clear need to establish that these assessments really are representative. Unfortunately we have as yet still not received a reply.

- 3) We are all in agreement that the noise from the shoot varies according to different climactic conditions. Therefore, if noise assessments are to be used to justify a considerable increase in use of the site, there is a serious need for them to represent the noise of the shoot when it is at its loudest – i.e. on a perfectly still summer's evening, or when the wind carries the sound directly from the clay ground towards Fenton. Unfortunately the test shoots were not carried out in these conditions. **We note also that proposals in the last plan to limit shooting when the wind is in the direction of Fenton have been dropped from the amended plans. Since wind direction has a dramatic effect on the way in which sound carries, this is the one condition which (if complied with) would actually have gone furthest towards protecting us from excessive noise.** Without this condition, there is even more need for noise assessments to be carried out with a positive wind vector (i.e. wind direction from the shoot towards Fenton.) C.I.E.H. guidelines state: "In deciding if the noise level is acceptable, it is important that there is a positive wind vector." (Appendix 5, paragraph 6.)
- 4) If, in spite of our points raised above, the Council decides to accept the current noise assessments as representative, then they should follow the suggestion in C.I.E.H. guidelines that these levels of noise should not be exceeded in future. "The shoot organisers should note that it is in their interest to ensure a representative test shoot as they may be required to ensure that similar levels are not exceeded should planning permission be granted." (Appendix 5, paragraph 5b.)
- 5) We are pleased to see the introduction of a cumulative shooting limit of 4 hours a day but cannot imagine how this will be monitored or policed? Given the past history at this site of breaching virtually all planning conditions we argue that it is imperative that clear oversight is included. Please note however that C.I.E.H. guidelines suggest cumulative shooting limits at weekends of 3 hours, not 4. Also the suggested finish time on Sundays is 2pm, not 6, and restrictions are advised for Bank Holidays. Given Fenton's position of just 1km distance from the shoot, and the history of complaints and objections about this activity, it does not seem unreasonable that C.I.E.H. guidelines should be followed on all these points.
- 6) We note that accurate records are in future to be kept by the client.(!) We would ask whether it could be made a condition if permission is granted, that these records are made available to the public in advance on a daily or weekly basis, so that local people could plan their evening/weekend/outdoor activities to avoid times of shooting wherever possible? This publicising of the daily shooting timetable would help mitigate the effects of increased hours and days of shooting, as well as going some way towards mending relations with villagers whose trust has been damaged by the repeated planning breaches of the last ten years.

We very much hope that the Council will decide to protect Fenton from the effects of increased shooting at Stubton Gorse, either by adopting those limits and conditions which we have suggested, or by rejecting this application altogether.

Hough on the Hill Parish Council

1. The supporting information is incorrect. Fulbeck airfield is sometimes used by the Territorial Army but mostly for orienteering, radio and convey training. Blank ammunition is used but very infrequently.



2. Noise from the karting track vary significantly depending on the event being staged. To suggest that these operations soften the impact on residential amenity is nonsense. The general ambient noise level in the village is still very low. The Parish Council wishes to retain the tranquillity on the remaining days.
3. The shooting business is low key (apart from the noise) but the business runs other activities. Wedding parties are held on most Saturdays, quad biking, motorcycle riding, pistol shooting, helicopter rides and dual days involving the karting track. An increase in the number of days may lead to additional problems beyond the increase in shooting noise and associated levels of road traffic.
4. The rigour of the noise assessment is better than the previous report.
5. The assertion that the proposal represents an excellent opportunity for outdoor recreation are wrong. No extension for public shooting is allowed. The only additional recreation provided by the proposal is for corporate events and private tuition.
6. The 55 dBA guidance is for the general case. The sharp distinctive sound of a gun is particularly noticeable at any level and potentially very annoying if repeated.
7. Noise disturbance is very much down to wind direction. By increasing the number of shooting days to 120 per annum there will inevitably be more days when each village downwind will be affected and suffers significant disturbance.
8. Presumably the district council has discounted any risk to people on the adjacent footpath or to aircraft operating on the nearby airstrip.
9. The noise reduction measures appear sensible. However, all noise prevention measures in the past have majored on attempting noise reduction to the north of the site. There is no bunding to the south or south south-east (Brandon) save for a shallow wood to the south. There is nothing to stop noise in this direction.
10. The extra measures seem focussed on Fenton. Whilst this is the nearest village it is not the only one affected.
11. No tests have been conducted in Brandon and there is a risk that in trying to protect Fenton the bunding may reflect noise towards Brandon.
12. The lakes may also reflect sound and the trees to the south and east may cause undesirable scattering effects.
13. The PC is concerned about how the number of days and the implementation of procedural mitigations could be policed. Particularly given the history of recent infractions of the current restrictions.
14. Other than noise concerns the PC has no objection to the appearance of the current and proposed bunding provided that the associated landscaping and planting is carried out and that no new lakes are formed by the excavations for the new bunding work.
15. It is requested that the bunding and all other mitigating measures are fully introduces before any increase in the number of shooting days is contemplated.
16. There should be further still air tests including Brandon before any significant relaxation is allowed.
17. In the absence of further scientific tests a trial period is sought prior to any significant relaxation being allowed.
18. The noise from shooting at Gorse Lodge does currently cause a nuisance in Brandon. Any measure to reduce that nuisance is welcomed if proved to be effective. No increase in the frequency of shoots should be allowed unless and until the noise level from a typical shoot is significantly less than current levels.
19. The PC is also concerned that any proposal of this nature will again increase the traffic flow on what are particularly narrow roads.

With regard to the amended plans the Parish Council do not consider the have met their objections so the original comments remain.

Caythorpe and Frieston Parish Council

1. Noise generated by the extra hours of operation would be excessively evident during the long summer evenings when Caythorpe residents might well wish to sit and relax in their gardens.

2. It is noted that the nearby go-cart track has to cease operations in the early evening and it recommended that if SKDC are minded to allow this extension the same condition is applied to shooting.
3. The adjacent bridleway is a well used route for horses and people who enjoy walking their dogs along the track. The increase in hours will reduce the availability of the track for both pedestrians and riders.
4. The infrastructure around the site (narrowness of the lanes) would suffer from the increase in operation.
5. The existing road from A17 through to A1 via Stragglethorpe and Marston is increasingly used by HGV's. The increase in hours would merely magnify the situation. If minded to approve a section 106 agreement to enhance the infrastructure in the immediate local area should be requested.
6. An increase in the light coming from any security lighting.

(With regard to the amended details: The parish Councils original observations concerning this application remain extant).

Stubton Parish Council

The parish council do not propose to enter any representations with regard to the application.

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement.

29 letters of objection have been received from the occupiers of nearby properties. A summary of their main concerns are listed below:

1. Shooting ground is only 1100 metres from my house across open fields.
2. Contrary to Environmental Health guidelines.
3. The increase to a maximum of 120 days per year could mean all day everyday during the summer months.
4. Sound of gunshots is clearly audible from my garden.
5. The days when shooting takes place should be clearly defined.
6. The extra bunding and other additional measures in the site management plan are most welcome (if adhered to)
7. Noise nuisance is a very subjective matter. The unpredictable and spiked nature of gunshots is intrusive and difficult to 'tune out' in an otherwise fairly quiet village.
8. Gunshots can be heard in Fenton – it is the duration of shooting – hour after hour that is wearying
9. Current proposal is almost a blank cheque. Summer shooting should be constrained to April to September to a maximum of 4 days in any 7 day period.
10. Weekend shooting should be made more explicit. Ring fence days when local residents would know well in advance they could be fully assured of peace and quiet. Residents would be guaranteed completely quiet shoot free days.
11. During summer months shooting should be restricted to 6pm except on Tuesdays where they currently enjoy extended hours.
12. Management plan would be difficult for the Council to monitor and therefore enforce.
13. The application is still too biased towards the needs of the clay shoot with insufficient regard to the rights of residents to enjoy their homes and gardens.
14. Flat terrain is not conducive to gun shots
15. Does not comply with criteria set out in the Chartered Institute of Environmental Health.
16. Permanency and frequency of use would increase by 120% from one and two days a week to three and four.

17. The site is inside the 1.5 kilometre buffer. Therefore frequency and duration of events should not be increased.
18. It has taken 10 years to get Brandon Clay Shoot to comply with the conditions imposed, they still from time to time contravene the number of guns and cartridges used.
19. A copy of noise complaints made to Environmental Health has been provided.
20. Previous consent has been abused
21. Depreciation of property prices (not a material consideration).
22. Cumulative impact of shoot and go cart racing erode quality of life.
23. Contrary to local plan and structure plan policies
24. Recent compliance with conditions was only done to gain favour with the planning authority
25. The Clay Shoot Ground brings little or no benefit to the local community but takes away so much in the form of noise pollution and increased traffic.
26. The enjoyment gained by a minority of people from outside the area using this facility should not take precedence over the quality of life expected by people who live in the area.
27. We have sufficient shooting days in the area already.
28. If the bund is built it will only ensure that more and more days of shooting are applied for.
29. Our property is nearest to the lodge and accessed off Moor Farm Lane. Our main concern is the extra traffic. Current traffic use the lane as a drag strip to and from the main road.
30. The increased traffic would cause the lane and surrounding area to become an accident blackspot
31. I am not against anyone trying to run a successful business except when it comes to the annoyance of others.
32. Any extension to the number/hours is not acceptable.
33. It is suggested that the application for the bunding is agreed and that any extension of days and hours is delayed until the effects on the noise levels can be determined.
34. Existing road network is being damaged by the volume of traffic
35. The nature of the gunfire for up to 120 days sustained and repeated for long periods without warning means that the noise pollution would be on an industrial scale.
36. Danger to riders and other users of the nearby bridleway
37. Breach of human rights. Entitled to peace and quiet just as much as the owners of the shoot are entitled to carry in a business.
38. It is suggested that rather than mentioning a maximum number of days per year it is expressed as 'Shooting is to be permitted on every Tuesday, Thursday and the first and third Saturdays in each month.
39. There have been four shoots so far this season and on three occasions they have not complied with the maximum of two guns at any one time.
40. Existing infrastructure is unsuitable to cope with increased traffic (Moor Farm Lane).
41. Substantial increase in noise nuisance to the whole surrounding area.
42. The amount of days at the moment is just right and do not impact too much on the surrounding area.
43. Dominant and oppressive environment created by the proposal.
44. Contrary to local and government planning policy.
45. Proposal should be guided by the advice issued by DEFRA 'We develop and promote initiatives to address noise and other statutory noise nuisance'

Reason for Referral to Committee

Significant local interest.

Site History

S03/1093 – Modification of Operational Times – Refused - 7 October 2003. The reason for refusal is:

Planning permission is sought for an extension of the operating hours at Stubton Lodge shooting lodge, Brandon. The site is located in an isolated location midway between the villages of Stubton, Fenton and Brandon. The application proposes extending the hours of operation by one hour for two days a week. This would allow the business to operate until 9pm on Tuesdays and 5.30pm on Saturdays. The business has been operating outside the permitted hours and complaints have been received. In the opinion of the Local Planning Authority the operation of the shooting lodge outside the permitted hours would be likely to give rise to issues of noise and disturbance that would be detrimental to the residential amenities of occupiers of dwellings in nearby settlements. Such a detrimental impact would be contrary to Policy EN1 of the South Kesteven Local Plan.

S04/0345 – Shop, Office, WC block, tower and operating hours – Refused – 18 May 2004. The reason for refusal is:

Consent is sought for the extension of existing buildings, the provision of a 29m tower, improvements to bunding and variations to the existing operation hours at the Stubton Gorse Clay Ground. Permission was refused on 7th October 2003 for a minor variation in operational hours under application S03/1093/71. By virtue of the proposed operational hours that form part of this proposal it is the opinion of the planning authority that the use of the premises outside of the hours originally approved under application S00/0471/71 (dated 19th June 2000) would be likely to give rise to issues of noise and disturbance that would be detrimental to the residential amenities of occupiers of dwellings in nearby settlements. For this reason it is considered that the proposal would be contrary to Policy EN1 of the South Kesteven Local Plan.

S04/1289 – Planning permission was granted for the erection of shop, office, shower/wc and bunding on 16 November 2004.

S05/0357 – Variation of Hours of Operation – The application was withdrawn on 8 September 2005.

S05/0358 – Erection of 95ft Clay Pigeon Shooting Tower was approved on 17 May 2005.

S06/0360 – Erection of 4m Bunding – The application was withdrawn on 11 May 2006.

S06/0367 – Variation of Planning Approval S00/0471 (increase in opening days). The application was withdrawn on 11 May 2006.

Policy Considerations

National Policy

PPS1 – Delivering Sustainable Development

PPS7 – Sustainable Development in Rural Areas

PPG17 – Sport and Recreation

PPG24 – Planning and Noise

Regional Policy

Structure Plan Policy

Policy NE1 – Development in the Open Countryside

Policy T6 – Sport and Recreation

Policy T7 – Sport and Recreation

Policy T8 – Noisy Sports

Policy S4 – Rural Communities

Policy E7 – Diversification of the Rural Economy

Saved Policies of South Kesteven Local Plan

Policy EN1 – Protection and Enhancement of the Environment

Policy EN2 – Development in the Countryside

Policy REC1 – Protection of Existing Recreational Space

Key Issues

The main issues for consideration in relation to the proposed variation of condition application are noise and disturbance and impact on the highway network.

Considerable work has been undertaken by both the applicant's and the Councils Environmental Protection section in assessing the noise issues relating to the clay shoot operation.

Noise assessments have been undertaken by the applicant in 2004/5 and 2005/6. The most recent assessment which forms the basis of this submission, were carried out on 5th April and 24 May 2007 with South Kesteven District Council Environmental Protection personnel present at both monitoring and shooting positions to observe and witness procedures/events. This is not normal practice and was arranged so that objectors to the planning application would have confidence in the robustness of the noise assessment, and that it had been carried out according to the CIEH guidelines.

The nearest residential dwellings surrounding the shooting ground where the noise monitoring was carried out were identified and accepted by the Council as Moor Farm, Lodge Farm, Court Leys, Fenton and Fulbeck Grange. The results of the assessment indicate that with the exception of Court Leys indicate that Shooting Noise levels are within the Chartered Institute of Environmental Health 2003 Guidance acceptable criteria of 55dB(A). This criteria states that 'annoyance is less likely to occur at a mean shooting noise level below 55 dB(A).

At Court Leys, a further assessment was undertaken using standard cartridges (not high velocity). The results again indicate that the 55dB(A) was not exceeded.

The results indicate that the use of non high velocity cartridges would ensure that that 55 dB(A) threshold would not be exceeded. Accordingly, it is considered appropriate to require a condition that high velocity cartridges are not used at the ground and that the 55 dB(A) mean shooting noise threshold is not exceeded at the points where the noise assessment was undertaken.

*
Where Human Rights are involved the subject of proportionality falls to be considered

The usual human rights argument in planning cases is that their right of respect for family/private life or their right of property has been breached. The typical response to this is an agreement that their rights had been interfered with but that those rights had not been violated since those rights were not absolute.

Interference is permissible where it is necessary for the preservation

* *
Concern has been raised regarding the distance between the shoot and neighbouring settlements. This buffer zone is recommended by the Chartered Institute of Environmental Health and does not form part of any planning legislation or guidance. An integral part of the assessment of this planning application has been the discussions, negotiations, assessment and suggested conditions proposed by Environmental Protection. As our Environmental Protection section state that, subject to appropriate conditions, the proposal is acceptable regardless as to whether or not the CIEH guidelines are met it is considered that no further assessment of this matter is required.

Further measures to mitigate noise disturbance have been submitted including lowering and relocating of the shooting stands, re-orientating the shooting stands so that the general shooting direction is north. It is suggested that these additional measures all secured by an appropriate condition.

A planning application to erect an additional screen bund is discussed elsewhere in this agenda. The bund would further help to reduce noise transmission.

Subject to appropriate conditions, the Council's Environmental Protection section has not raised an objection to the proposed alterations.

It is accepted that the proposed alterations would result in an increase in both hours and number of days that the shoot could operate. However, it is considered that as the noise levels would be below the 55 dB(A) threshold, the increased duration would not result in any significant loss of amenity to nearby residential occupiers.

It is not considered appropriate to incorporate wind direction into a planning condition as this would be difficult to enforce. A condition requiring mean shooting noise level to be below 55 dB(A) irrespective of wind direction is considered to be a more effective method of controlling any potential noise disturbance.

Similarly, previous restrictions relating to the number of shooters at anyone time and the maximum number of people on the site in one day are considered to be problematic to enforce and amenity levels would be successfully protected by the 55 dB(A) mean shooting level threshold.

* In respect of the second consideration, the local highway authority has not objected to the proposal. It is accepted that the increase in number of days and hours may result in an increase in comings and goings to the site, however, the highway authority have assessed this matter and consider that the current highway network can accommodate any increase in movements to the site. Accordingly, it is not considered that a reason for refusal on highway grounds could be substantiated.

It is considered that this application provides an opportunity to expand a current business operation whilst ensuring that the local residents do not experience any significant loss of residential amenity.

Crime and Disorder Implications

It is not considered that the proposed development raises any significant crime and disorder issues

Human Rights Implications

* It should be noted that Article 6 (Right to fair decision making) and Article 8 (Right to private family life and home) will be taken into account in determining this application

→ It is considered that no other relevant Article will be breached.

Summary of Reason(s) for Approval

In accordance with parts of PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, PPG17 – Sport and Recreation, PPG24 – Planning and Noise, Regional and Local Policies as set out in (RSS8), Lincolnshire Structure Policy NE1 – Development in the Open Countryside, Policy T6 – Sport and Recreation, Policy T7 – Sport and Recreation, Policy T8 – Noisy Sports, Policy S4 – Rural Communities, Policy E7 – Diversification of the Rural Economy and EN1 (vi) and (vii), EN2 (ii) and REC1 (iii) of Saved Policies of the South Kesteven Local Plan. The issues relating

to noise and disturbance, highway safety and capacity of the highway network are material planning considerations but subject to the condition(s) attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

Recommendation

Grant Variation of Condition:

Suggested Conditions:

1. The Clay Shooting ground shall not be used for business purposes outside the hours of 10.00am to 8.00pm Monday to Friday.

Reason – to define the permission and to protect the amenity of nearby residential occupiers (EN1)

2. The Clay Shooting Ground shall be used for business purposes on two weekends per month only and shall not operate outside the hours of 10.00am to 08.00pm Saturday and Sunday.

Reason – to define the permission and to protect the amenity of nearby residential occupiers (EN1).

3. The Clay Shooting Ground shall operate for a maximum of 120 days per year.

Reason: To define the permission.

4. The operator shall keep precise records of nature and number of shoots on any one day shall be kept and available for inspection by the local planning authority. The records shall include the type of event, the duration of event and number of shooters.

Reason: To define the permission.

5. There shall be a maximum of four hours cumulative shooting on any one day.

Reason: To define the permission and to protect the amenity of nearby residential occupiers.

6. Only Laporte Pro II Shotguns or any other Shotgun with comparable technical specifications and acoustic characteristics as agreed in writing by the local planning authority shall be used for Corporate Days and private lessons.

Reason – In the interest of protecting the residential amenity of nearby occupiers (EN1).

7. All shooting stands within the bunded areas shall be lowered by a minimum of 1.0 metre.

Reason - Reason – In the interest of protecting the residential amenity of nearby occupiers (EN1).

8. All sunken shooting stands shall be positioned as close as is reasonable practicable to the existing bunding.

Reason - Reason – In the interest of protecting the residential amenity of nearby occupiers (EN1).

9. All clay traps shall be positioned within the site to ensure that the direction of all shooting is to the north.

Reason – In the interest of protecting the residential amenity of nearby occupiers (EN1).

10. All shooting shall take place within the permitted area as shown on the site location plan received by the local planning authority from the applicants' agent on 26 March 2008.

Reason: To define the permission.

11. Cartridges with a maximum load of 28 grammes only shall be used at the shooting ground. No high velocity cartridges shall be used.

Reason – In the interest of protecting the residential amenity of nearby occupiers (EN1).

12. The mean shooting noise level must not exceed 55 dB(A) when measured at the points as detailed in the acoustic report undertaken by Kirby Charles Associates Ltd dated June 2007. The mean shooting noise level must be determined using the guidance on the Control of Noise from Clay Target Shooting published by the Chartered Institute of Environmental Health, January 2003.

Reason: To protect the amenity of nearby residential occupiers (EN1).

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Maximum of 50 days per year, week day corporate entertaining 10am to 8pm, weekends (2 per month maximum 10am-4.30pm).

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The premises will not be used for the general public which will reduce the number and movements of cars per day.

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The proposed alterations to the operation of the site are: 10am and 8pm Monday to Friday (remains unchanged). Two weekends a month 10am to 6pm and an increase in the number of days to 120 per year.

The submitted supporting statement explains the reasoning behind the proposed alterations:

"The proposed hours seek to re-organise the use of the ground and not to increase the numbers participating in the sport at anyone time. The proposal seeks for the ground to be open for a maximum of 120 days a year with an extension in hours (10am – 6pm) on weekends. B & D Burt do not intend to use the proposed 70 extra shooting days for additional public shooting days but generally for corporate days and private lessons. It is important to not that a standard private lesson may comprise typically of shooting for a maximum of two hours within the period 10.00 to 20.00hrs of a proposed additional day, thus showing that shots are not fired constantly throughout the day but for limited periods.

A typical Corporate Day would comprise:

09.30-10.00	Clients arrive at the Shooting Lodge
10.00-12.30	Clients participate in various activities one of which is shooting
12.30-14.00	Lunch
14.00-17.00	Clients participate in various activities one of which is shooting
17.00	Clients depart

The original submission was amended in an attempt to generate a method of operating the business 'effectively, efficiently and in a professional manner' whilst allowing the local planning authority to effectively control the operation and protect the amenity of surrounding residential properties. This included clarification of operational details and an

indication of which elements could be satisfactorily controlled and enforced by planning conditions.

The application site and its surroundings

The application site is located between Stubton and Brandon and is accessed from Moor Lane off Stubton Road. The site contains the shooting ground, Stubton Gorse (dense area of trees) and Stubton Lodge with its associated parking.

The surrounding area is characterised as predominantly agricultural land with a former airfield to the north and a karting circuit beyond that.

Representations Received

South Kesteven Archaeology – The proposed development does not affect any known archaeological sites.

Local Highway Authority – No objections

Lincolnshire County Council (Footpaths) – It is expected that the definitive line and customary width of the path will not be affected by any proposed development.

The Ramblers Association – As in previous correspondence with this event this should not affect any public rights of way.

Environmental Protection

Further to the amended information received from the applicants' agent I would confirm that the details are as discussed during our meeting and would request that the proposed management and operation details be incorporated into suitable planning conditions should the application be successful.

A condition setting mean noise levels is also been requested:

The mean shooting noise level must not exceed 55 dB(A) when measured at the points as detailed in the acoustic report undertaken by Kirby Charles Associates Ltd dated June 2007. The mean shooting noise level must be determined using the guidance on the Control of Noise from Clay Target Shooting published by the Chartered Institute of Environmental Health, January 2003.

Fenton Parish Council

Fenton Parish Meeting acknowledges that this latest application moves some way towards addressing the problems of noise disturbance. However, we feel that there are several issues which have not been resolved satisfactorily and for this reason we ask that the Council to reject this application:

1. Despite readings of decibels provided by noise assessments it should be noted that the noise of the shoot remains intrusive to a significant number of village residents
2. The noise assessments were carried out without the involvement of local people. The presence of Council officials does not guarantee that the level of noise is representative. Without local involvement it is difficult for us to have confidence in the representative nature of the tests.
3. If the decibel levels are accepted by the Council as being representative it is important for local residents that these levels are adopted by the Council as being the level of noise which the shoot should not in future exceed so that the noise of the shoot be excessive in the future the Council can take swift and effective action to prevent the nuisance recurring.

4. The increase in days and hours would impact most heavily on the summer months when local residents wish to enjoy their gardens in peace.
5. The additional evening hours until 8pm at weekends would be particularly disturbing.
6. Fenton lies just 1km from Stubton Gorse on flat ground. It is therefore within the 'buffer zone' recommended by the Chartered Institute of Environmental Health (CIEH). To comply with CIEH guidelines the shoot would actually have to reduce its current days and hours of operation not increase them.
7. The management plan could potentially help to reduce the noise of the shoot. Unfortunately, the history on this site involves repeated breaking of all planning conditions in existence. Why should Fenton residents believe that the owners would follow the new management plan when they have failed to follow the old one.
8. If the application was approved and the management plan was to form part of the planning conditions is it actually enforceable?
9. Certain parts of the original application are not addressed at all by the new application. For example 'no more than 50 people on the site in a day' and 'no more than 2 guns shooting at a time' were stipulated on the previous planning permission and should therefore be included as part of the new management plan.
10. The site has caused considerable and numerous problems in the past it is important that any new planning documents are designed with great care to ensure that these problems do not continue.
11. The management plan apparently aims to protect Fenton from the noise of the shoot. Objections in the past have been received from Brandon, Stragglethorpe, Hough on the Hill, Fulbeck and Caythorpe indicating that Fenton is not the only village affected.
12. For these reasons we ask that the Council reject the application.

Further representations have been received from Fenton Parish Council regarding the amended information:

Fenton Parish Meeting appreciates that these amendments are an attempt to establish conditions which would provide a "workable" foundation for this application to proceed on. However, we still wish to OBJECT to the application. Our main reason for objection remains, as in every previous case, that residents of Fenton find the noise of the shoot disturbingly intrusive. This is despite any sound-reduction measures already undertaken, and also despite noise assessments undertaken by the owners' agents which seek to prove that the noise of shooting in Fenton is negligible. I can only repeat that many people who actually live in Fenton find the shoot disturbing; any extension of days and hours would seriously impact on their right to enjoy their homes and gardens and would be contrary to their Human Rights and should therefore be rejected by the Council.

Our broad concerns over this application remain largely as detailed in our letter of 31 December. However, there are a few points which we would like to add or amplify:

- 1) The amended plans still do not address the important issues of number of clients per day, or number of guns shooting at a time. Limits for these were set in the original permission granted at this site in 1995, with the explicit aim to protect local people from undue disturbance. Unfortunately the limits (50 people per day, and 2 guns at a time) have been being breached regularly for a number of years. An application which seeks to increase use of this site MUST in our view address the important matter of how intensively the site may be used, since these matters could seriously affect local people. If they are not mentioned, we will assume that the limits remain as originally set and will expect the Council to enforce accordingly.
- 2) It is now over 5 months since we asked the Environment Officers if they could confirm whether the owners' noise assessments were roughly in line with independent testing carried out (without the owners' prior knowledge) by Council officers during the summer of 2005. This seemed to us a very obvious question: as we were not involved in any way during the testing, and as the results of the testing

are clearly at odds with our experience of the noise of the shoot, there is a clear need to establish that these assessments really are representative. Unfortunately we have as yet still not received a reply.

- 3) We are all in agreement that the noise from the shoot varies according to different climactic conditions. Therefore, if noise assessments are to be used to justify a considerable increase in use of the site, there is a serious need for them to represent the noise of the shoot when it is at its loudest – i.e. on a perfectly still summer's evening, or when the wind carries the sound directly from the clay ground towards Fenton. Unfortunately the test shoots were not carried out in these conditions. **We note also that proposals in the last plan to limit shooting when the wind is in the direction of Fenton have been dropped from the amended plans. Since wind direction has a dramatic effect on the way in which sound carries, this is the one condition which (if complied with) would actually have gone furthest towards protecting us from excessive noise.** Without this condition, there is even more need for noise assessments to be carried out with a positive wind vector (i.e. wind direction from the shoot towards Fenton.) C.I.E.H. guidelines state: "In deciding if the noise level is acceptable, it is important that there is a positive wind vector." (Appendix 5, paragraph 6.)
- 4) If, in spite of our points raised above, the Council decides to accept the current noise assessments as representative, then they should follow the suggestion in C.I.E.H. guidelines that these levels of noise should not be exceeded in future. "The shoot organisers should note that it is in their interest to ensure a representative test shoot as they may be required to ensure that similar levels are not exceeded should planning permission be granted." (Appendix 5, paragraph 5b.)
- 5) We are pleased to see the introduction of a cumulative shooting limit of 4 hours a day but cannot imagine how this will be monitored or policed? Given the past history at this site of breaching virtually all planning conditions we argue that it is imperative that clear oversight is included. Please note however that C.I.E.H. guidelines suggest cumulative shooting limits at weekends of 3 hours, not 4. Also the suggested finish time on Sundays is 2pm, not 6, and restrictions are advised for Bank Holidays. Given Fenton's position of just 1km distance from the shoot, and the history of complaints and objections about this activity, it does not seem unreasonable that C.I.E.H. guidelines should be followed on all these points.
- 6) We note that accurate records are in future to be kept by the client.(!) We would ask whether it could be made a condition if permission is granted, that these records are made available to the public in advance on a daily or weekly basis, so that local people could plan their evening/weekend/outdoor activities to avoid times of shooting wherever possible? This publicising of the daily shooting timetable would help mitigate the effects of increased hours and days of shooting, as well as going some way towards mending relations with villagers whose trust has been damaged by the repeated planning breaches of the last ten years.

We very much hope that the Council will decide to protect Fenton from the effects of increased shooting at Stubton Gorse, either by adopting those limits and conditions which we have suggested, or by rejecting this application altogether.

Hough on the Hill Parish Council

1. The supporting information is incorrect. Fulbeck airfield is sometimes used by the Territorial Army but mostly for orienteering, radio and convey training. Blank ammunition is used but very infrequently.

2. Noise from the karting track vary significantly depending on the event being staged. To suggest that these operations soften the impact on residential amenity is nonsense. The general ambient noise level in the village is still very low. The Parish Council wishes to retain the tranquillity on the remaining days.
3. The shooting business is low key (apart from the noise) but the business runs other activities. Wedding parties are held on most Saturdays, quad biking, motorcycle riding, pistol shooting, helicopter rides and dual days involving the karting track. An increase in the number of days may lead to additional problems beyond the increase in shooting noise and associated levels of road traffic.
4. The rigour of the noise assessment is better than the previous report.
5. The assertion that the proposal represents an excellent opportunity for outdoor recreation are wrong. No extension for public shooting is allowed. The only additional recreation provided by the proposal is for corporate events and private tuition.
6. The 55 dBA guidance is for the general case. The sharp distinctive sound of a gun is particularly noticeable at any level and potentially very annoying if repeated.
7. Noise disturbance is very much down to wind direction. By increasing the number of shooting days to 120 per annum there will inevitably be more days when each village downwind will be affected and suffers significant disturbance.
8. Presumably the district council has discounted any risk to people on the adjacent footpath or to aircraft operating on the nearby airstrip.
9. The noise reduction measures appear sensible. However, all noise prevention measures in the past have majored on attempting noise reduction to the north of the site. There is no bunding to the south or south south-east (Brandon) save for a shallow wood to the south. There is nothing to stop noise in this direction.
10. The extra measures seem focussed on Fenton. Whilst this is the nearest village it is not the only one affected.
11. No tests have been conducted in Brandon and there is a risk that in trying to protect Fenton the bunding may reflect noise towards Brandon.
12. The lakes may also reflect sound and the trees to the south and east may cause undesirable scattering effects.
13. The PC is concerned about how the number of days and the implementation of procedural mitigations could be policed. Particularly given the history of recent infractions of the current restrictions.
14. Other than noise concerns the PC has no objection to the appearance of the current and proposed bunding provided that the associated landscaping and planting is carried out and that no new lakes are formed by the excavations for the new bunding work.
15. It is requested that the bunding and all other mitigating measures are fully introduces before any increase in the number of shooting days is contemplated.
16. There should be further still air tests including Brandon before any significant relaxation is allowed.
17. In the absence of further scientific tests a trial period is sought prior to any significant relaxation being allowed.
18. The noise from shooting at Gorse Lodge does currently cause a nuisance in Brandon. Any measure to reduce that nuisance is welcomed if proved to be effective. No increase in the frequency of shoots should be allowed unless and until the noise level from a typical shoot is significantly less than current levels.
19. The PC is also concerned that any proposal of this nature will again increase the traffic flow on what are particularly narrow roads.

With regard to the amended plans the Parish Council do not consider the have met their objections so the original comments remain.

Caythorpe and Frieston Parish Council

1. Noise generated by the extra hours of operation would be excessively evident during the long summer evenings when Caythorpe residents might well wish to sit and relax in their gardens.

2. It is noted that the nearby go-cart track has to cease operations in the early evening and it recommended that if SKDC are minded to allow this extension the same condition is applied to shooting.
3. The adjacent bridleway is a well used route for horses and people who enjoy walking their dogs along the track. The increase in hours will reduce the availability of the track for both pedestrians and riders.
4. The infrastructure around the site (narrowness of the lanes) would suffer from the increase in operation.
5. The existing road from A17 through to A1 via Stragglethorpe and Marston is increasingly used by HGV's. The increase in hours would merely magnify the situation. If minded to approve a section 106 agreement to enhance the infrastructure in the immediate local area should be requested.
6. An increase in the light coming from any security lighting.

(With regard to the amended details: The parish Councils original observations concerning this application remain extant).

Stubton Parish Council

The parish council do not propose to enter any representations with regard to the application.

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community Involvement.

30

20 letters of objection have been received from the occupiers of nearby properties. A summary of their main concerns are listed below:

1. Shooting ground is only 1100 metres from my house across open fields.
2. Contrary to Environmental Health guidelines.
3. The increase to a maximum of 120 days per year could mean all day everyday during the summer months.
4. Sound of gunshots is clearly audible from my garden.
5. The days when shooting takes place should be clearly defined.
6. The extra bunding and other additional measures in the site management plan are most welcome (if adhered to)
7. Noise nuisance is a very subjective matter. The unpredictable and spiked nature of gunshots is intrusive and difficult to 'tune out' in an otherwise fairly quiet village.
8. Gunshots can be heard in Fenton – it is the duration of shooting – hour after hour that is wearying
9. Current proposal is almost a blank cheque. Summer shooting should be constrained to April to September to a maximum of 4 days in any 7 day period.
10. Weekend shooting should be made more explicit. Ring fence days when local residents would know well in advance they could be fully assured of peace and quiet. Residents would be guaranteed completely quiet shoot free days.
11. During summer months shooting should be restricted to 6pm except on Tuesdays where they currently enjoy extended hours.
12. Management plan would be difficult for the Council to monitor and therefore enforce.
13. The application is still too biased towards the needs of the clay shoot with insufficient regard to the rights of residents to enjoy their homes and gardens.
14. Flat terrain is not conducive to gun shots
15. Does not comply with criteria set out in the Chartered Institute of Environmental Health.
16. Permanency and frequency of use would increase by 120% from one and two days a week to three and four.

17. The site is inside the 1.5 kilometre buffer. Therefore frequency and duration of events should not be increased.
18. It has taken 10 years to get Brandon Clay Shoot to comply with the conditions imposed, they still from time to time contravene the number of guns and cartridges used.
19. A copy of noise complaints made to Environmental Health has been provided.
20. Previous consent has been abused
21. Depreciation of property prices (not a material consideration).
22. Cumulative impact of shoot and go cart racing erode quality of life.
23. Contrary to local plan and structure plan policies
24. Recent compliance with conditions was only done to gain favour with the planning authority
25. The Clay Shoot Ground brings little or no benefit to the local community but takes away so much in the form of noise pollution and increased traffic.
26. The enjoyment gained by a minority of people from outside the area using this facility should not take precedence over the quality of life expected by people who live in the area.
27. We have sufficient shooting days in the area already.
28. If the bund is built it will only ensure that more and more days of shooting are applied for.
29. Our property is nearest to the lodge and accessed off Moor Farm Lane. Our main concern is the extra traffic. Current traffic use the lane as a drag strip to and from the main road.
30. The increased traffic would cause the lane and surrounding area to become an accident blackspot
31. I am not against anyone trying to run a successful business except when it comes to the annoyance of others.
32. Any extension to the number/hours is not acceptable.
33. It is suggested that the application for the bunding is agreed and that any extension of days and hours is delayed until the effects on the noise levels can be determined.
34. Existing road network is being damaged by the volume of traffic
35. The nature of the gunfire for up to 120 days sustained and repeated for long periods without warning means that the noise pollution would be on an industrial scale.
36. Danger to riders and other users of the nearby bridleway
37. Breach of human rights. Entitled to peace and quiet just as much as the owners of the shoot are entitled to carry in a business.
38. It is suggested that rather than mentioning a maximum number of days per year it is expressed as 'Shooting is to be permitted on every Tuesday, Thursday and the first and third Saturdays in each month.
39. There have been four shoots so far this season and on three occasions they have not complied with the maximum of two guns at any one time.
40. Existing infrastructure is unsuitable to cope with increased traffic (Moor Farm Lane).
41. Substantial increase in noise nuisance to the whole surrounding area.
42. The amount of days at the moment is just right and do not impact too much on the surrounding area.
43. Dominant and oppressive environment created by the proposal.
44. Contrary to local and government planning policy.
45. Proposal should be guided by the advice issued by DEFRA 'We develop and promote initiatives to address noise and other statutory noise nuisance'

Reason for Referral to Committee

Significant local interest.

Site History

S03/1093 – Modification of Operational Times – Refused - 7 October 2003. The reason for refusal is:

Planning permission is sought for an extension of the operating hours at Stubton Lodge shooting lodge, Brandon. The site is located in an isolated location midway between the villages of Stubton, Fenton and Brandon. The application proposes extending the hours of operation by one hour for two days a week. This would allow the business to operate until 9pm on Tuesdays and 5.30pm on Saturdays. The business has been operating outside the permitted hours and complaints have been received. In the opinion of the Local Planning Authority the operation of the shooting lodge outside the permitted hours would be likely to give rise to issues of noise and disturbance that would be detrimental to the residential amenities of occupiers of dwellings in nearby settlements. Such a detrimental impact would be contrary to Policy EN1 of the South Kesteven Local Plan.

S04/0345 – Shop, Office, WC block, tower and operating hours – Refused – 18 May 2004. The reason for refusal is:

Consent is sought for the extension of existing buildings, the provision of a 29m tower, improvements to bunding and variations to the existing operation hours at the Stubton Gorse Clay Ground. Permission was refused on 7th October 2003 for a minor variation in operational hours under application S03/1093/71. By virtue of the proposed operational hours that form part of this proposal it is the opinion of the planning authority that the use of the premises outside of the hours originally approved under application S00/0471/71 (dated 19th June 2000) would be likely to give rise to issues of noise and disturbance that would be detrimental to the residential amenities of occupiers of dwellings in nearby settlements. For this reason it is considered that the proposal would be contrary to Policy EN1 of the South Kesteven Local Plan.

S04/1289 – Planning permission was granted for the erection of shop, office, shower/wc and bunding on 16 November 2004.

S05/0357 – Variation of Hours of Operation – The application was withdrawn on 8 September 2005.

S05/0358 – Erection of 95ft Clay Pigeon Shooting Tower was approved on 17 May 2005.

S06/0360 – Erection of 4m Bunding – The application was withdrawn on 11 May 2006.

S06/0367 – Variation of Planning Approval S00/0471 (increase in opening days). The application was withdrawn on 11 May 2006.

Policy Considerations

National Policy

PPS1 – Delivering Sustainable Development

PPS7 – Sustainable Development in Rural Areas

PPG17 – Sport and Recreation

PPG24 – Planning and Noise

Regional Policy

Structure Plan Policy

Policy NE1 – Development in the Open Countryside

Policy T6 – Sport and Recreation

Policy T7 – Sport and Recreation

Policy T8 – Noisy Sports

Policy S4 – Rural Communities

Policy E7 – Diversification of the Rural Economy

Saved Policies of South Kesteven Local Plan

Policy EN1 – Protection and Enhancement of the Environment

Policy EN2 – Development in the Countryside

Policy REC1 – Protection of Existing Recreational Space

Key Issues

The main issues for consideration in relation to the proposed variation of condition application are noise and disturbance and impact on the highway network.

Considerable work has been undertaken by both the applicant's and the Councils Environmental Protection section in assessing the noise issues relating to the clay shoot operation.

Noise assessments have been undertaken by the applicant in 2004/5 and 2005/6. The most recent assessment which forms the basis of this submission, were carried out on 5th April and 24 May 2007 with South Kesteven District Council Environmental Protection personnel present at both monitoring and shooting positions to observe and witness procedures/events. This is not normal practice and was arranged so that objectors to the planning application would have confidence in the robustness of the noise assessment, and that it had been carried out according to the CIEH guidelines.

The nearest residential dwellings surrounding the shooting ground where the noise monitoring was carried out were identified and accepted by the Council as Moor Farm, Lodge Farm, Court Leys, Fenton and Fulbeck Grange. The results of the assessment indicate that with the exception of Court Leys indicate that Shooting Noise levels are within the Chartered Institute of Environmental Health 2003 Guidance acceptable criteria of 55dB(A). This criteria states that 'annoyance is less likely to occur at a mean shooting noise level below 55 dB(A).

At Court Leys, a further assessment was undertaken using standard cartridges (not high velocity). The results again indicate that the 55dB(A) was not exceeded.

The results indicate that the use of non high velocity cartridges would ensure that that 55 dB(A) threshold would not be exceeded. Accordingly, it is considered appropriate to require a condition that high velocity cartridges are not used at the ground and that the 55 dB(A) mean shooting noise threshold is not exceeded at the points where the noise assessment was undertaken.

Further measures to mitigate noise disturbance have been submitted including lowering and relocating of the shooting stands, re-orientating the shooting stands so that the general shooting direction is north. It is suggested that these additional measures all secured by an appropriate condition.

A planning application to erect an additional screen bund is discussed elsewhere in this agenda. The bund would further help to reduce noise transmission.

Subject to appropriate conditions, the Council's Environmental Protection section has not raised an objection to the proposed alterations.

It is accepted that the proposed alterations would result in an increase in both hours and number of days that the shoot could operate. However, it is considered that as the noise levels would be below the 55 dB(A) threshold, the increased duration would not result in any significant loss of amenity to nearby residential occupiers.

It is not considered appropriate to incorporate wind direction into a planning condition as this would be difficult to enforce. A condition requiring mean shooting noise level to be below 55 dB(A) irrespective of wind direction is considered to be a more effective method of controlling any potential noise disturbance.

Similarly, previous restrictions relating to the number of shooters at anyone time and the maximum number of people on the site in one day are considered to be problematic to enforce and amenity levels would be successfully protected by the 55 dB(A) mean shooting level threshold.

In respect of the second consideration, the local highway authority has not objected to the proposal. It is accepted that the increase in number of days and hours may result in an increase in comings and goings to the site, however, the highway authority have assessed this matter and consider that the current highway network can accommodate any increase in movements to the site. Accordingly, it is not considered that a reason for refusal on highway grounds could be substantiated.

It is considered that this application provides an opportunity to expand a current business operation whilst ensuring that the local residents do not experience any significant loss of residential amenity.

Crime and Disorder Implications

It is not considered that the proposed development raises any significant crime and disorder issues

Human Rights Implications

It should be noted that Article 6 (Right to fair decision making) and Article 8 (Right to private family life and home) will be taken into account in determining this application

It is considered that no other relevant Article will be breached.

Summary of Reason(s) for Approval

In accordance with parts of PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, PPG17 – Sport and Recreation, PPG24 – Planning and Noise, Regional and Local Policies as set out in (RSS8), Lincolnshire Structure Policy NE1 – Development in the Open Countryside, Policy T6 – Sport and Recreation, Policy T7 – Sport and Recreation, Policy T8 – Noisy Sports, Policy S4 – Rural Communities, Policy E7 – Diversification of the Rural Economy and EN1 (vi) and (vii), EN2 (ii) and REC1 (iii) of Saved Policies of the South Kesteven Local Plan. The issues relating

10. All shooting shall take place within the permitted area as shown on the site location plan received by the local planning authority from the applicants' agent on 26 March 2008.

Reason: To define the permission.

11. Cartridges with a maximum load of 28 grammes only shall be used at the shooting ground. No high velocity cartridges shall be used.

Reason – In the interest of protecting the residential amenity of nearby occupiers (EN1).

12. The mean shooting noise level must not exceed 55 dB(A) when measured at the points as detailed in the acoustic report undertaken by Kirby Charles Associates Ltd dated June 2007. The mean shooting noise level must be determined using the guidance on the Control of Noise from Clay Target Shooting published by the Chartered Institute of Environmental Health, January 2003.

Reason: To protect the amenity of nearby residential occupiers (EN1).

to noise and disturbance, highway safety and capacity of the highway network are material planning considerations but subject to the condition(s) attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

Recommendation

Grant Variation of Condition:

Suggested Conditions:

1. The Clay Shooting ground shall not be used for business purposes outside the hours of 10.00am to 8.00pm Monday to Friday.

Reason – to define the permission and to protect the amenity of nearby residential occupiers (EN1)

2. The Clay Shooting Ground shall be used for business purposes on two weekends per month only and shall not operate outside the hours of 10.00am to 08.00pm Saturday and Sunday.

Reason – to define the permission and to protect the amenity of nearby residential occupiers (EN1).

3. The Clay Shooting Ground shall operate for a maximum of 120 days per year.

Reason: To define the permission.

4. The operator shall keep precise records of nature and number of shoots on any one day shall be kept and available for inspection by the local planning authority. The records shall include the type of event, the duration of event and number of shooters.

Reason: To define the permission.

5. There shall be a maximum of four hours cumulative shooting on any one day.

Reason: To define the permission and to protect the amenity of nearby residential occupiers.

6. Only Laporte Pro II Shotguns or any other Shotgun with comparable technical specifications and acoustic characteristics as agreed in writing by the local planning authority shall be used for Corporate Days and private lessons.

Reason – In the interest of protecting the residential amenity of nearby occupiers (EN1).

7. All shooting stands within the bunded areas shall be lowered by a minimum of 1.0 metre.

Reason - Reason – In the interest of protecting the residential amenity of nearby occupiers (EN1).

8. All sunken shooting stands shall be positioned as close as is reasonable practicable to the existing bunding.

Reason - Reason – In the interest of protecting the residential amenity of nearby occupiers (EN1).

9. All clay traps shall be positioned within the site to ensure that the direction of all shooting is to the north.

Reason – In the interest of protecting the residential amenity of nearby occupiers (EN1).