

Re: Sandown Park Racecourse

Elmbridge Borough Council Planning Application 2019/0551

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Representations by Daytona Motorsport Management Ltd

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ADVICE

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1. I am asked to advise Jockey Club Racecourses, the owners of Sandown Park Racecourse and applicants in relation to the above planning application. In particular, I have been asked to comment upon the Advice of Richard Harwood QC dated 29 September 2019 submitted to the Local Planning Authority as a representation on behalf of Daytona Motorsport Management Ltd (“Daytona”).
2. Mr Harwood in his Advice alleges that the officer committee report fails to deal with the issues in relation to Daytona go-kart racing in a lawful manner, that it misunderstands the lawful scope of the go-karting operation and that it and the underlying application material upon which it relies failed to carry out any assessment of the effect of go-karting on the proposed noise sensitive residential development.
3. I disagree with Mr Harwood’s Advice and its conclusions.
4. The officer report deals more than adequately with the matters relevant to Daytona. The Council’s Environmental Health (Noise and Pollution) department raised no objections to the application subject to the imposition of conditions, referred to in chapter 9.8.7 of the officer report. The officers were clearly aware of Daytona and its operations from information received, including from Daytona itself.

5. It is to be noted that, despite Daytona being aware of the application for some considerable time and despite consultation and re-consultation of the application following its registration first in February and subsequently in July 2019, Daytona have at no time raised all the issues which are the basis of Mr Harwood's Advice. They had every opportunity to do so. It is also to be noted that Daytona are in dispute with the owners of the land concerning whether or not they have security of tenure and whether or not a new lease would be granted to them.
6. As stated in paragraph 9.8.3.3 of the officer report, there are various sources of noise associated with activities on Sandown Park and that all residential units would need to be assessed with regard to the potential sources of noise and adequate mitigation proposed as part of the future application. It states that this is to ensure that the future occupiers of the proposed residential developments on the site benefit from high quality residential amenities. It is therefore patently clear that matters relevant to noise have been considered by officers.
7. The impact of pollution including noise and air quality is discussed in chapter 9.8.7 in the report. As stated in paragraph 9.8.7.9, "In addition, since we do not know the design of the new development and how habitable rooms will be orientated and where sources of noise are likely to be in relation to these, any future impact therefore cannot be readily determined at this stage and as such a Noise Impact Assessment (NIA) will be required, to be secured by a condition". This point is repeated in relation to the function rooms in 9.8.7.10. It is also recognised by the EHO that in some circumstances guideline values are not always achievable. See 9.8.7.11.
8. It is highly relevant that the design of the new development and how habitable rooms will be orientated as well as where sources of noise are likely to be in relation to these are unknown at the present time and that an NIA will be required in due course. Daytona has at no stage stated that an NIA would be unable to take into account the sources of noise including from Daytona, nor has it put forward any

evidence whatsoever that conditions would be unable to be met. There is more than sufficient evidence before the local planning authority to ensure that the guidelines are capable of being met to the extent required by the proposed conditions.

9. Paragraph 10.1 of the officer report refers to pre-commencement conditions, including conditions associated with noise pollution. It is to be noted that in chapter 11, (Matters raised in Representations) there are none raised by Daytona which are now raised at the very last minute by them and referred to in Mr Harwood's Advice, albeit not based upon any expert evidence.
10. Proposed conditions 14, 15 and 17 deal with noise pollution. Condition 15 concerns a pre-commencement NIA which is required to identify all the sources of noise and for them to be fully understood and quantified together with all nearby noise sensitive receptors as well as the impact on the receptor which has been established with reference to relevant acceptability criteria. This would include the impact of noise from Daytona and in turn impact upon Daytona's operation, assuming it is to continue.
11. The proposed conditions would more than adequately be able to ensure that the impact of the noise from Daytona as well as other sources would be taken into account and noise levels externally within the curtilage and internally of the residential units will conform to design criteria set out in condition 17. The NIA is also able to ensure that there will be no adverse impact on the operations of Daytona, assuming these to exist and continue at the relevant time in the future.

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