**HOLCOMBE ROGUS PARISH COUNCIL**

**Clerk – Mrs Leslie Findlay**

**c/o Ayshford House, Westleigh, Tiverton Devon EX16 7HL**

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MDDC Planning Services

Development Management

Phoenix House

Phoenix Lane

Tiverton

Devon EX16 6PP 5th February 2023

Dear Sir/Madam,

**APPLICATION 22/00907/FULL**

**RETENTION OF DISUSED QUARRY FOR USE AS TWO FIRING RANGES AT Devon & Cornwall Constabulary Pondground Quarry Holcombe Rogus**

These are the further comments of Holcombe Rogus Parish Council (“Council”) following a meeting of the Council held on Thursday 26th January 2023 to consider the above application and further submissions on behalf of Devon & Cornwall Police (“Police Authority”). For ease of reference there is attached to this letter a copy of the Council’s letter to MDDC dated 21st October 2022 - see Appendix to this letter.

1. **Failure to follow guidance appropriate to firing range**
   1. It is considered that there are serious failings on the part of MDDC in its consideration of this planning application.
   2. MDDC has been sent copies of reports from acoustics consultant Parker Jones Acoustics dated 23rd June 2022 and 14th July 2022 and L F Acoustics dated 22nd October 2022.
   3. These reports clearly show that shooting at Pondground Quarry has caused a significant adverse impact on the local community.
   4. Although there are no specific guidelines in relation to noise levels for firing ranges, it is necessary to utilise the most appropriate guidance when assessing potential noise impacts.
   5. It is clear that the most appropriate guidance to be considered is that of the Chartered Institute of Environmental Health (“CIEH”). Their clay target shooting guidance should be followed. This is because the type of noise from firing ranges is very similar to clay shooting. It is worth noting that the CIEH guidance has been adopted by the MOD (including for its training grounds) and many local planning authorities.
   6. Nevertheless, MDDC Environmental Health Officer (“EHO”), who is not an acoustics expert, has refused to consider CIEH guidance. It has not been possible for Parker Jones Acoustics (and LF Acoustics) to engage in a meaningful dialogue with the EHO. This Council is advised that the EHO does not have a proper understanding of the assessment of noise. Comments by the EHO, such as reference to “distant pops and bangs”, indicates a complete lack of appreciation of the seriousness of the issues. In this context, MDDC is referred to particulars of further EHO comments set out in a letter dated 2nd September 2022 from Ruston Planning to MDDC. The EHO is unwilling to instruct an independent noise consultant to assist MDDC in carrying out a proper assessment of noise issues in order to evaluate the potential for adverse impacts.
   7. The failure of the Police Authority and EHO to follow appropriate guidance means that the due diligence process being undertaken by MDDC is flawed.
   8. The shooting noise level at Pondground Cottage as measured by Parker Jones Associates reached 85dB. This is 30dB above the recommended noise level limit of 55dB. The 55dB noise level limit has been widely accepted by planners and regulators and is the standard against which acoustic reports for firing ranges should be judged.
   9. It should also be noted that complaints about the use of Pondground Quarry have escalated because the Police Authority have doubled the use of the quarry and, it is understood, are using noisier weapons.
2. **Planning statement of CL Planning Limited dated 4th January 2023 submitted on behalf of the Police Authority**
   1. Clearly the noise impact arising from the use of Pondground Quarry is the key issue and there is, in the opinion of the Council, nothing in the NPPF which could possibly justify the grant of planning permission for activities that would continue to inflict the level of harm that has been clearly demonstrated by the report[s] of Parker Jones Acoustics and LF Acoustics.
   2. Paragraph 7.4 of the Planning Statement of CL Planning Limited purports to show that the noise readings reported are similar to those in the Parker Jones Acoustics report and LF Acoustics report. This is not the case and should not be relied upon. An hourly average methodology is not an appropriate way to measure noise in this case and is unreliable.
   3. In view of the Council’s comments in this letter, it is **not** agreed that the advice of the EHO is a significant material consideration in favour of the grant of planning permission.
   4. It is worth noting that Policy DM4 of the NPPF (Pollution) indicates that planning permission will only be granted if there is no negative impact on health, natural environment, and general amenity.
   5. CL Planning highlight paragraph 97 of the NPPF (which is a general statement about the need to recognise and support development required for operational and defence purpose). Whilst the Council recognise the importance of the Police Authority’s work, this is outweighed by the substantial negative impacts that have been identified.
3. **Ecology and natural environment and comments of CL Planning on behalf of the Police Authority**

3.1 As indicated by the NPPF, planning policy has an environmental objective namely to

protect and enhance the natural, built, and historic environment including helping to

improve biodiversity and combat pollution.

3.2 Pondground Quarry overlooks the Grand Western Canal which is a Conservation

Area

3.3 The activities at Pondground Quarry will clearly have a significant impact on the

Conservation Area and surrounding land. There is a need for an ecology report both in relation to the quarry itself, the canal Conservation Area and adjoining land. The comments of the Grand Western Canal Advisory Committee dated 30th August 2022 have simply been ignored. Pondground quarry is itself designated as a “priority habitat” by the BAP (biodiversity action plan).

3.4 In The Wildlife Trigger table statement submitted by the applicant has been

incorrectly completed since the firing ranges are in a Quarry of more than 0.1hectare

within woodland. It is acknowledged on behalf of the Police Authority.in the recent

Planning Statement, that the area of the ranges is 0.4of a hectare. A Wildlife Report

needs to be conducted on this site prior to consideration by the MDDC Planning

Committee.

3.5 In relation to protected sites and areas and protected species and development there is

clear guidance to planning authorities on the Government website as to how local

planning authorities should review planning applications and discharge their obligations.

3.6 It is not apparent to the Council that any steps have been taken by MDDC/EHO to

carry out a proper assessment of these important matters in accordance with

Government guidance and obtain independent reports.

3.7 Furthermore, it should not be forgotten that, given that the past use of the quarry, the

issue of the leaching of contaminated water into the Canal and other watercourses

creates a significant environmental risk.

1. **Historic Significance Statement submitted by Daniel J Metcalf on behalf of the Police Authority.**
   1. The historical information provided about the surrounding area over many years and the changes that have taken place is interesting but is considered to be largely irrelevant.
   2. This does not address the key issues arising from the planning application, namely the health and well-being of the local community arising from the intolerable noise over many hours, together with substantial adverse environmental and ecology impacts on the Grand Western Canal Conservation Area and other land.
   3. The exclusion of consideration of adverse impacts on Greenham Barton and Cothay Manor are not understood; these are exceptional properties of historic significance (Grade 1 Listed), and have the potential to be adversely affected by the current development proposals.
2. **Conclusions**

5.1 Pondground Quarry firing range is no longer suitable for a modern police force: it is

not fit for purpose. The Police Authority needs a site that has modern facilities that can achieve the noise limit of 55dB (as per the CIEH recommendations) which has been adopted throughout the country by the police authorities, the MOD and local planning authorities. Given the size of Devon and Cornwall there will be ample space to have modern facilities that can comply with the recommended noise level of 55dB as clearly articulated in the acoustic reports of Parker Jones Acoustics and LF Acoustics Limited. Pondground Quarry has not been used since 24th May 2022 and this should continue to be the case.

5.2 The acoustic data provided by the Police Authority has not been fully explained and

does not follow the correct guidelines for assessing noise for firing ranges and the

EHO has refused to obtain an independent noise assessment.

5.3 Clearly, the recommended noise limit of 55dB cannot be adhered to, and the Police

Authority will need to find alternative facilities elsewhere.

* 1. There has been a complete failure of the Police Authority and MDDC planning even to recognise the seriousness of the adverse impact of a firing range on ecology, the Grand Western Canal Conservation Area and Country Park, and wildlife. These matters have been dismissed out of hand.
  2. Such due diligence as has been carried out by MDDC planning is, in the Council’s opinion, not credible. In these circumstances, the Council considers that no reasonable planning authority should approve the requested planning permission for the continuance of the use by the Police Authority.
  3. Accordingly, planning permission must be refused.

Yours faithfully

Leslie Findlay

Appendix:

1. Letter to MDDC dated 21 October 2022

Copy to:

Mr Richard Foord MP

Ms Alison Hernandez, Police and Crime Commissioner

Chief Constable, Devon & Cornwall Police

Chair of Devon County Council

Head of Planning MDDC

MDDC Planning Committee:

Councillor Peter Heal, Chairman

Councillor Simon Clist

Councillor Christine Collis

Councillor Polly Colthorpe

Councillor Les Cruwys

Councillor Chris Daw

Councillor Ben Holdman

Councillor Dennis Knowles

Councillor Frank Letch MBE

Councillor Andrew Moore

Councillor Barry Warren

Appendix 1 to letter dated 5th February 2023

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Planning Services

Development Management

Phoenix House

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Tiverton

Devon EX16 6PP 21st October 2022

**22/00907/FULL**

**Retention of disused quarry for use as two firing ranges at Devon & Cornwall Constabulary Pondground Quarry Holcombe Rogus**

Further to the Council’s submissions to MDDC dated 15th June 2022 and 6th September 2022 a further meeting of our planning committee was held on the 13th October 2022. The meeting was attended by members of our local community as well as residents in nearby Greenham who are seriously affected by the firing range activities and the proposals being put forward by Devon and Cornwall Police (‘the Police Authority’)

These are the further comments of the Council

1. **Addendum to Police Authority Noise Management Plan dated 7th October 2022**

In relation to the Addendum to the Noise Management Pl dated 7th October 2022 provided on behalf of the Police Authority (including data provided by Acoustics Consultants Ltd), it appears that the Addendum was not based on a typical day’s shooting but nevertheless it is our understanding that the noise levels shown by the Addendum are not materially different in many respects from the readings taken by Parker Jones Acoustics as set out in the Report dated 21st April 2021. However, no analysis of the findings of Acoustics Consultants Ltd has been provided and they do not dispute the noise assessment of Parker Jones Acoustics.

Moreover, the Addendum states that the Police Authority can in circumstances that it determines to be exceptional increase the amount and intensity of use of the firing range even though it is already at an unacceptable level. This provides no protection at all for the local community and is unacceptable.

2. **Intolerable noise impact**. The noise from the operation of the firing range is making life intolerable for those living nearby and adversely affecting their health and wellbeing.

It would in the Council’s opinion be unconscionable to continue to inflict so much pain and suffering on the community.

3. **55dB benchmark**. The submissions made to MDDC clearly show that a noise benchmark of 55dB has been widely accepted as an appropriate benchmark for firing range uses. Considering that the unchallenged Noise Impact Assessment carried out by Parker Jones Acoustics (see below) shows readings of up to 78dB it is not surprising that the local community is up in arms.

3. **Due diligence by MDDC**

Our Council is concerned by the failure of MDDC itself to require or to carry out a robust and objective noise assessment. In the event, the Noise Impact Assessment carried by Parker Jones Acoustics has been provided and its conclusions are not disputed by the Police Authority or MDDC. There has been a failure to carry out an ecology assessment including consideration of any adverse impact on the Grand Western Canal (a Local Nature Reserve /Country Park and Conservation Area), wildlife, other protected habitats, and sites, including heritage assets. Given the level of noise caused by the firing range activities, it seems inconceivable that there are no material adverse impacts.

4**. Planning Policy**

MDDC are referred to the letter to MDDC dated 7th June 2022 from Andy & Alison Hill with an analysis of applicable planning policy.

**Conclusions**

1. After having considered the numerous objections to the Planning Application submitted by the Police Authority and the responses made by officers of MDDC, it is very difficult not to take the view that MDDC has so far in this case abandoned the high standard of due diligence that our Council has come to expect. This needs to be rectified.
2. It has been clearly demonstrated by the large number of objections from the local community and the comprehensive and lucid Noise Impact Assessment dated 21st April 2021 (and subsequent Addenda) prepared by Parker Jones Acoustics that the noise levels arising from the use of the Poundground Quarry are far in excess of those that any reasonable person can be expected to endure. The Police Authority has not disputed the findings of Parker Jones Acoustics.
3. On the one hand, it has been clearly demonstrated by submissions made to MDDC that there is a widely accepted benchmark of 50dB by which to assess the acceptability or otherwise of noise levels relating to firing range activities. On the other hand, the Police Authority is, it would appear, seeking planning permission without any effective and enforceable controls on the noise levels arising the firing range activities. This is totally unacceptable.
4. Unless the Police Authority agrees in unequivocal terms and in legally binding form to restrict its use of the Pondground Quarry to accord with the 50dB benchmark, this inevitably means that the Police Authority will need to move its operations to an alternative site that does not have the damaging effects being experienced in our community.
5. It is not an option for the Police Authority to continue to subject our community and those living nearby to the level of harm currently being suffered.
6. As matters currently stand planning permission should be refused.

Yours faithfully

Leslie Findlay

Cc

Chief Constable, Devon & Cornwall Police

Mr David White

Chair, Devon County Council

County Councillor Ray Radford

District Councillor Jo Norton

District Councillor Christine Collis