

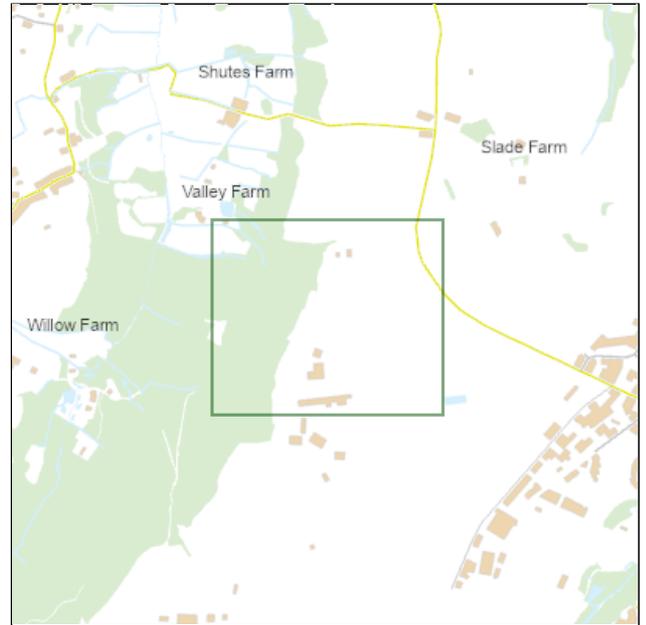
**Ward** Dunkeswell And Otterhead

**Reference** 25/0382/VAR  
25/0383/VAR  
25/0384/VAR and  
25/0944/V106

**Applicant** Dunkeswell Raceway Limited

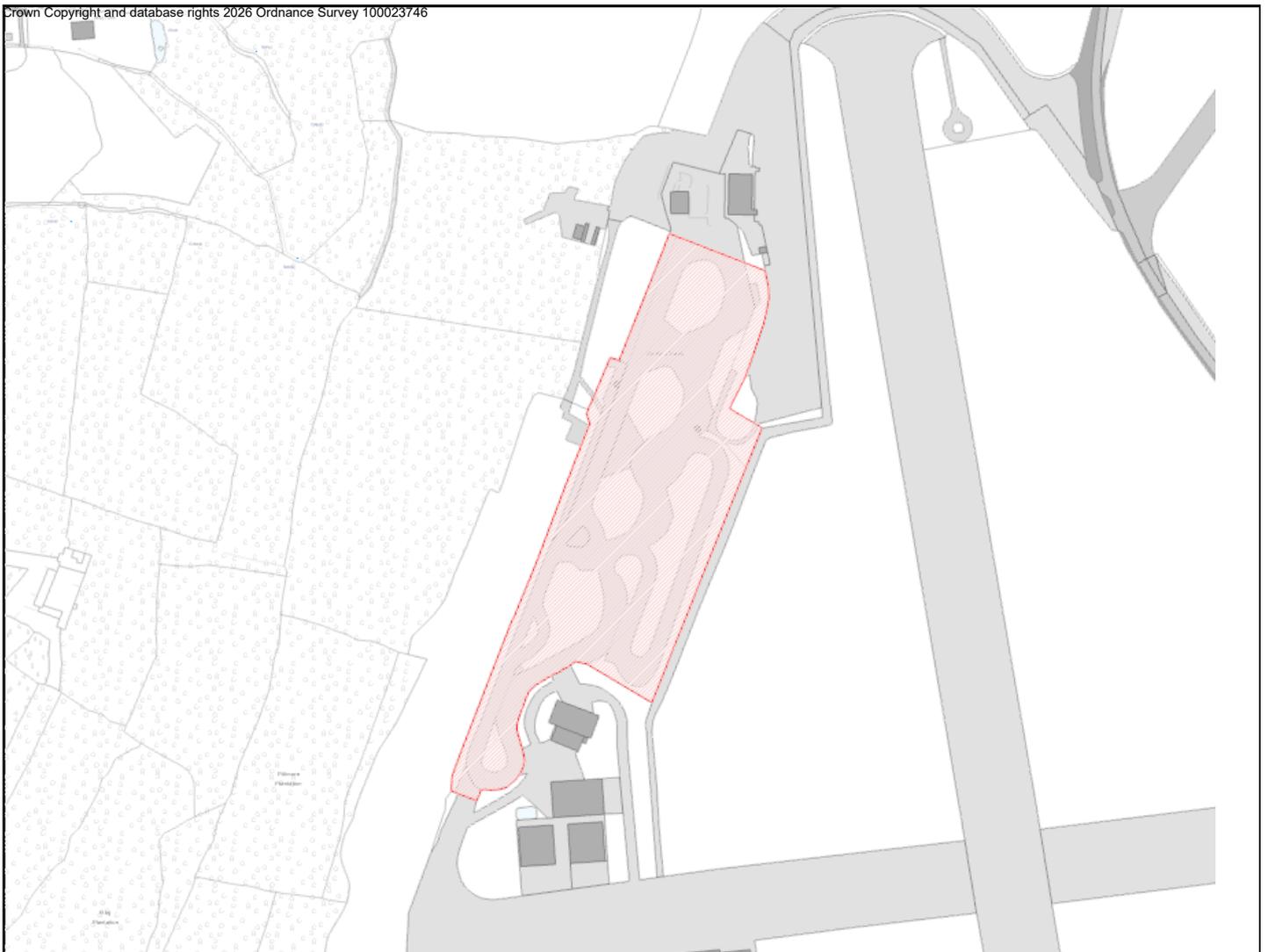
**Location** Dunkeswell Raceway Dunkeswell EX14 4AH

**Proposal** **25/0382/VAR:** Variation of wording of condition 4, and removal of condition 3 for planning permission 05/0540/FUL  
**25/0383/VAR:** Variation of wording of condition 1 and removal of condition 2 for planning approval 06/3353/FUL  
**25/0384/VAR:** Removal of condition 1 and condition 3 and variation of wording of condition 4 for variation 15/0280/VAR  
**25/0944/V106:** Application to discharge Section 106 Agreement pursuant to planning permissions 05/0540/FUL and 06/3353/FUL



**RECOMMENDATION:**

1. That applications **25/0382/VAR**, **25/0383/VAR** and **25/0384/VAR** be approved with conditions
2. That the Section 106 Agreement dated 6th July 2010 be discharged



		<b>Committee Date: 24.02.2026</b>
<b>Dunkeswell and Otterhead (Dunkeswell)</b>	<b>25/0382/VAR</b> <b>25/0383/VAR</b> <b>25/0384/VAR</b> <b>25/0944/V106</b>	<b>Target Date: 17.04.2025</b>
<b>Applicant:</b>	<b>Dunkeswell Raceway Limited</b>	
<b>Location:</b>	<b>Dunkeswell Raceway Dunkeswell</b>	
<b>Proposal:</b>	<p><b>25/0382/VAR - Variation of wording of condition 4 (post resurfacing noise readings and noise attenuation methodology) and removal of condition 3 (hours/days of operation) for planning permission 05/0540/FUL (Formation of extended track) to facilitate alternative days of operation and hours of kart racing as proposed within a Noise Management Plan.</b></p> <p><b>25/0383/VAR - Variation of wording of condition 1 (defining the range of track activities) and removal of condition 2 (hours/days of operation) for planning approval 06/3353/FUL (Retention of widening of kart track) to facilitate an alternative range of track activities, days of operation and hours of kart racing as proposed within a Noise Management Plan.</b></p> <p><b>25/0384/VAR - Removal of condition 1 (hours/days of operation) and condition 3 (Maximum noise levels) and variation of wording of condition 4 (12 Kart limit) to increase the number of karts for variation 15/0280/VAR (Variation of Condition 2 of planning permission 99/P0234 to allow more than 8no karts to be in use at any time) to facilitate alternative days or operation, hours of kart racing and increase the number of leisure karts to 24 as proposed within a Noise Management Plan.</b></p> <p><b>25/0944/V106 - Application to discharge Section 106 Agreement pursuant to planning permissions 05/0540/FUL and 06/3353/FUL</b></p>	

**RECOMMENDATIONS:**

- 1. That applications 25/0382/VAR, 25/0383/VAR and 25/0384/VAR be**

approved with conditions

2. That the Section 106 Agreement dated 6<sup>th</sup> July 2010 be discharged

### EXECUTIVE SUMMARY

These applications are brought before the Committee owing to a difference of opinion between officers and the ward members.

Dunkeswell Raceway is an existing well-established business located on the western side of Dunkeswell Airfield on an expansive hilltop plateau. The site and surrounding area form part of the designated East Devon National Landscape (NL).

At present, two types of kart racing operate from the circuit:

- o Kart Club race meetings which are currently permitted to occur on up to 9 weekends together with an additional 15 Saturdays in a calendar year (i.e. 33 days in total) with all dates notified to the Council in advance. These involve karts that are brought to meetings by participants
- o Leisure karts, which comprise the day-to-day business at the site and which houses a resident fleet of electric karts

The current pattern of activities/operations at the Raceway is controlled by a combination of planning conditions attached to various historic planning permissions granted during the period 1993-2015 and, principally, obligations set out within a section 106 agreement entered into in 2010 between the Council and the then owners/operators of the circuit.

The latter followed noise abatement action having been taken by the Council, ultimately without success, to address noise issues and complaints arising from activities at the Raceway, more particularly from residents at Sheldon around 1km. to the northwest of the circuit.

In summary these:

- Restrict race karting to 18 days over 9 full weekends per calendar year together with an additional 15 Saturdays per year (i.e. 33 days in total)
- Require 7 days' prior written notice of race karting events to be provided to the Council
- Restrict the hours of racing on Saturdays to between 9.00am and 6.00pm and on Sundays to 10.00am and 11.00am and 12 noon and 6.00pm (i.e. no racing is permitted between 11.00am and 12 noon on Sundays). No racing is permitted on weekdays
- Restrict sound levels from the use of the circuit by race karts, at a fixed point defined on a plan that accompanies the agreement, to 85db
- Further restrict sound levels on the first two Saturdays of each month - together with the third Saturday where there is racing on three consecutive Saturdays - to 73db, when expressed as an LAeq 1-hour, and 65db when

expressed as an LAeq 8-hour

- Apply the lower sound level restrictions to the leisure karting

The proposals to which the three 'section 73' variation applications (25/0382/VAR, 25/0383/VAR and 25/0384/VAR) relate involve the removal and/or variation of conditions attached to three of the historic planning permissions so as to enable, in summary:

- Kart racing (with the maximum noise limit retained at 85db) on 14 full weekends per calendar year
- Kart racing (with the maximum noise limit retained at 85db) on a further 6 individual Saturdays or Sundays per calendar year with no more than 3 of these 6 days being Sundays
- Revised hours of racing on Saturdays to between 9.00am and 5.00pm
- Revised hours of racing on Sundays between 10.00am and 5.00pm with the current prohibition of racing during the 11.00am to 12 noon hour removed
- Kart racing on 5 Fridays per year between 9.00am and 4.00pm with maximum noise levels set at 85db. This is to enable testing 'and similar activities' ahead of race days on the following weekends
- Race practice sessions on 3 proposed weekdays per year between 9.00am and 4.00pm with maximum noise levels set at 80db
- The following of any scheduled successive race weekends by a minimum equal number of non-race weekends
- An increase in the number of leisure karts permitted to be in use at the Raceway from 12 to 24. These would continue to be subject to the current 73db noise limit

The applications are accompanied by a noise management plan (NMP) that sets out the proposed revised pattern of activity at the Raceway (on the basis of the above), a methodology for the assessment of noise impacts and a complaints procedure.

The provisions of the NMP, which has been through several iterations as a result of consultation with the Council's Environmental Health Officers, form the basis of a revised legal agreement, a draft of which has also been provided.

Both documents are together intended to provide the Council with comfort in regard to the enforceability of the obligations set out in the latter.

The fourth application, ref. 25/0944/V106, therefore seeks the discharge of the present 2010 legal agreement to enable it to be replaced with a new agreement whose obligations would reflect the proposed changes set out above.

The proposals have been the subject of close scrutiny by the Council's Environmental Health Officers who conclude that the karting activity at the Raceway does not constitute a statutory noise nuisance and, furthermore, that this situation would not be altered as a result of the proposed operational changes that are being sought provided that the controls and assessment/review processes set out within the NMP are adhered to.

Their position has been informed by a comprehensive review of the applicants'

**Noise Impact Assessments, Technical Advice Notes and, critically, the NMP itself, which is seen as the key tool for maintaining control over the operation of the Raceway going forward.**

**In the light of this, it is maintained that objection to the proposals on noise and NL tranquillity grounds would be difficult to support, albeit it is fully recognised that the proposals would fundamentally increase the numbers of days' racing activity at the circuit, including Sunday racing days. However, given the current levels of activity in terms of the overall percentage of days per year that it is conducted, alongside the comparatively modest level of increase proposed in the context of the number of days in a year, on balance it is felt that the proposals would be acceptable.**

**Approval of all three VAR applications is therefore recommended subject to conditions to secure compliance with the submitted NMP and the historic permissions to which they relate that are unaffected by the current proposals.**

**In the event that these recommendations are accepted, it follows that the discharge of the present legal agreement proposed under application 25/0944/V106 can be agreed since its provisions would otherwise be at odds with those of the NMP and the compliance conditions referred to above.**

**Conversely however, should Members be minded to resolve to refuse the VAR applications (i.e. effectively maintaining the status quo as regards the existing controls over the patterns of activity at the Raceway), it follows that the discharge of the existing legal agreement should also be refused.**

## **CONSULTATIONS (Applications 25/0382/VAR, 25/0383/VAR and 25/0384/VAR)**

### **Local Consultations**

#### **Parish/Town Council (Dunkeswell)**

The Council reviewed all available information and resolved to adopt a neutral position, as no complaints have been received from residents of Dunkeswell, whom they represent. (No direct complaints received)

Some concerns were expressed, if East Devon District Council officers are minded to approve the applications, the Parish Council respectfully requests that consideration be given to maintaining the one-hour break on Sundays for Church Services, unless there are no services scheduled. Collaborating with the Church would be beneficial. It is also believed that concluding activities by 4pm on Sundays would be more appropriate.

#### **Dunkeswell And Otterhead - Cllr Colin Brown**

I have looked at applications for kart tracks in areas of National Landscape In other parts of the country, I have found 3 all of which have been refused both by their planning department, there planning Committees and the planning inspectorate on Appeal. Therefore, I cannot support this application at the present time.

If the officer's opinion is different to mine, then I would like it to go to the planning committee where I will keep an open mind until I have heard all the comments both for and against.

#### Dunkeswell And Otterhead - Cllr Yehudi Levine (Original comments)

I am opposed to the application and would like it to go to committee should officers decide to approve. I find the objections and grievances raised by the residents of Sheldon to be justified. I have received complaints from the residents of Sheldon that the S106 agreement had been breached by the applicants on a number of occasions and was present with them at a meeting with the Environmental Health Team last January where their concerns were raised. That was before the application was submitted.

In considering the application I searched for further information about the Raceway and its activities on its website. I was unpleasantly surprised to see that the published programme for the coming year is based on the successful outcome of their application.

The covering letter submitted with the application has raised more questions for me than it answered and I am struggling with some of the statements made in it. I shall dwell on just two of those.

Firstly, I find the claim that the Raceway makes an important contribution to East Devon's economy questionable. I am sure the owners of the Raceway will benefit, but I need to be convinced of the benefits in the immediate area. In this regard I would like to point out the very limited economic impact accruing locally from racing activities in the Smeatharpe Banger Stadium. Both venues accommodate overnight visitors and are several miles away from the usual tourist amenities. The Raceway only provides breakfasts and lunches.

Moreover, I find the comparison between the noise produced by the planes in Dunkeswell airfield with that of the Raceway spurious as this is like comparing apples to oranges: not the same thing. My impression in fact is that the noise disturbance from air traffic has not changed much in the recent past and is not continuous for periods as long as a karting race.

Finally I wonder how the increased use of motor traffic generated by the activities on the Raceway can be squared with the stated commitments of EDDC to a greener economy and a reduction in car journeys.

I am however ready to be persuaded to change my mind should the applicants present me with evidence to assuage my reservations.

#### Dunkeswell And Otterhead - Cllr Yehudi Levine (Further comments)

I have now had the opportunity to visit the Raceway and meet the applicants in person. I am happy to report that they have provided me with clear information about the economic and educational impact of the Raceway. In addition, we discussed the differences in the facilities needed to accommodate the racing enthusiasts attracted to Smeatharpe's Banger Stadium and the Raceway. I am sufficiently reassured to withdraw my earlier comment about the economic benefits.

However, I still stand by my other concerns and would like the application to go to committee should Officers decide to approve the application.

Chair to Sheldon Parish Meeting (Adjoining parish)

Dunkeswell Raceway, Dunkeswell - s. 73 applications to vary conditions to allow changes to operating arrangements and application to discharge s. 106 agreement

Sheldon Parish Meeting objects to the above applications in the strongest terms and asks East Devon District Council (EDDC) to take this objection into account, alongside the many other objections made which the Parish Meeting has seen and wholeheartedly agrees with.

The applications in question are:

(1) Ref: 25/0382/VAR - Variation of wording of condition 2 (post resurfacing noise readings and noise attenuation methodology) and removal of condition 3 (hours/days of operation) for planning permission 05/0540/FUL (Formation of extended track) to facilitate alternative days of operation and hours of kart racing as proposed within a Noise Management Plan.

(2) Ref 25/0383/VAR - Variation of wording of condition 1 (defining the range of track activities) and removal of condition 2 (hours/days of operation) for planning approval 06/3353/FUL (Retention of widening of kart track) to facilitate an alternative range of track activities, days of operation and hours of kart racing as proposed within a Noise Management Plan.

(3) Ref: 25/0384/VAR - Removal of condition 1 (hours/days of operation) and condition 3 (Maximum noise levels) and variation of wording of condition 4 (12 Kart limit) to increase the number of karts for variation 15/0280/VAR (Variation of Condition 2 of planning permission to allow more than 8no karts to be in use at any time) to facilitate alternative days or operation, hours of kart racing and increase the number of leisure karts to 24 as proposed within a Noise Management Plan.

(4) The covering letter with the application also states that an application "is being made" to "discharge" a section 106 agreement (see below) although details do not yet seem to be available on the Council's website but the Parish Meeting would also object to any such application on the basis of what follows.

Under the section 73 applications (1)-(3) it is proposed that the hours/days of operation are deleted and under (3) it is proposed in addition that noise level controls are deleted and that the number of leisure karts in use at the Raceway at any time shall be doubled from 12 to 24 karts, with hours/days of operation and noise levels to be increased as set out in a proposed Noise Management Plan submitted with the applications.

For the avoidance of doubt, and in addition to the Parish Meeting's fundamental objection to the applications, the Parish maintains that it is inherently inappropriate to substitute the raft of controls on the use of the Raceway with an inherently vague and informal noise management plan instead of hard edged levels and restrictions imposed by conditions or section 106 provisions.

The effect of the proposed variations under the section 73 applications is that the current permitted hours/days of operation of "Saturdays from 9am to 6pm [or 9pm under 15/0280/VAR] for practice only and on nine Sundays only throughout the year but with no engines being run between 11am and 12 noon [except for leisure karting]" (emphasis supplied) would be changed to the numbers of days and timings of events set out in Table 5.1 of the proposed Noise Management Plan as follows:

14 "Race weekends", i.e. 28 weekend days (Saturday 9am to 5pm; Sunday 10am to 5pm)

3 "Race weekend days (with a max. of 3 individual Sundays)", ie 6 days (same timings)

5 "Race Fridays", ie 5 days (9am to 4pm)

3 "Practice Weekdays", ie 3 days (9am to 4pm).

This is a total of 42 days per year, including 34 (28 + 6) weekend days - and up to 17 Sundays (an increase from 9 -almost double the current level).

This represents an increase of 27% over the current section 106 limit of 33 days.

Under para. 3(a) of the Second Schedule to the section 106 agreement "race karting" can take place "on no more than eighteen days in each calendar year over no more than nine separate weekends together with a further fifteen Saturdays..."

The applications we are concerned with here simply have no regard for the current "compromise" (ie compromise because the section 106 reflects the compromise position against the background of statutory nuisance proceedings, see clause 3.9).

The section 106 agreement also states that Race karts would not be run in the first two weekends of any month, providing residents with a welcome and guaranteed period of respite from noise and more recently light pollution from temporary floodlights. This stipulation has been removed from the proposed Noise Management Plan.

Moreover, this fact is prematurely and more to the point inappropriately reflected in the Raceway's 2025 calendar.

The Noise Management Plan also contains provision for three-day weekend race meetings which are not permitted at all under the terms of the section 106 agreement.

It is worth noting that the current on-line calendar for Dunkeswell Raceway assumes that all three applications, which we maintain should be refused, are successful.

Leisure karts are currently limited to 73dB expressed as an LA eq 1 hour, with race karts limited to 85dB expressed as an LA eq 1 hour. It is well recognised that an increase of only 10dBA would be perceived by most people as a doubling of the sound level. The applicant's proposals would see the number of higher dB race/practice days rise dramatically. This cannot be consistent with the current (and expressly recognised - see below) tranquillity that the area enjoys.

Not content with a considerable increase in race days, the applicant seeks to increase the number of leisure karts from 12 to 24 (this being a further increase from the original 8 as limited by permission ref 99/P0234) . It is inevitable that an increase of this magnitude would significantly increase perceived loudness levels to the human ear. This cannot be acceptable.

We are also most concerned that the application seeks to remove the protection contained in para. 3(a) of the Second Schedule to the section 106 agreement of the one hour break on Sundays for those who wish to attend Church; not just in Sheldon but also in neighbouring villages. This has been emphasised by Dunkeswell Parish and others and is noted on the Planning Portal. We have strong objections on removing this break in its entirety for obvious reasons - and especially because it was a specific restriction imposed by the section 106 agreement.

The Parish Meeting is in complete agreement with the observations of Mr Ben Wilson, which he has already made to the Council. In particular, the impact on the AONB of allowing increases in such an incompatible use, with consequent conflict with the NPPF and EDDC's development plan (and emerging) policies which are designed to safeguard that special environment.

Those conflicts cannot be outweighed by any "material considerations" within the meaning of section 38(6) of the Planning and Compulsory Purchase Act 2004 (and few are identified in the applicant's application). There is no justification for any increase in the noise, frequency and intensity of a use which is both incompatible with its AONB location and its proximity to the residential areas of Sheldon and Dunkeswell.

The Parish Meeting reminds the Council that when the number of 8 leisure karts which could be used at any time was increased to 12 under application 15/0280/VAR, that was described as an "extremely modest increase". The Parish Meeting would not accept that description - the current proposal proposes a doubling of that number with inevitable consequential significant noise impact. This is another clear reason why the application should simply be refused.

Also, as stated by the Council's Landscape Architect & Green Infrastructure Officer: "Paragraph 189 of the National Planning Policy Framework (NPPF) December 2024 requires decision makers to give great weight to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes [ie AONBs] which have the highest status of protection in relation to these issues and requires also that the scale and extent of development within all these designated areas should be limited.

Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) amends the duty on relevant authorities in respect of their functions which affect land in National Parks, National Landscapes, and the Norfolk and Suffolk Broads (collectively referred to as Protected Landscapes) in England. Relevant authorities must now 'seek to further' the statutory purposes of Protected Landscapes. This replaces the previous duty on relevant authorities to 'have regard to' their statutory purposes".

So EDDC must give "great weight" to conserving and enhancing landscape and scenic beauty of the AONB, including its inherent "tranquillity" as expressly identified by Natural England as contributing to natural beauty.

The Council's own Blackdown Hills AONB Management Plan 2019-2024 and the draft Management Plan 2025-2030 emphasise tranquillity as one of the Blackdown Hills AONB's special qualities.

Furthermore, section 245 of the recent Levelling-up and Regeneration Act 2023 now requires authorities such as EDDC expressly to "seek to further" the statutory purposes of Protected Landscapes such as AONBs. The 'seek to further' duty is clearly intended to ensure that the natural beauty of protected landscapes (including National Landscapes) will be enhanced (emphasis supplied) as a result of the local authority exercising or performing its function.

Government/DEFRA Guidance and advice provided by Natural England in current planning proceedings states that the duty to 'seek to further' is not a passive one.

On the contrary, EDDC must take all reasonable steps to explore how the statutory purposes of the protected landscape can be furthered. The rigorous application of these standards are far reaching. The Parish contends that this policy is simply incompatible with the changes being sought by the applicant and as a result the section 73 applications, together with the application to discharge the section 106 agreement, must be refused.

There is strong support for the Council's position in the recent case of *New Forest National Park Authority v. Secretary of State* [2025] EWHC 726 (Admin) in which the duty in section 245 was described as being "strengthened", see para. 58.

The High Court went on to say this:

"61. As a matter of ordinary English, to "further" a stated purpose is to promote or to facilitate that purpose. Therefore, the duty imposed by section 11A(1A) of the 1949 Act upon a planning authority determining a planning application requires more than merely weighing the effect of the proposed development on the section 5(1) purposes in the overall balance. In order to discharge the strengthened duty, the planning authority must determine whether the proposed development is consistent with the promotion of the statutory purposes. If the planning authority determines that the proposed development is in conflict with the statutory purposes or would undermine the fulfilment of the section 5(1) purposes, they must consider whether the grant of planning permission would be in accordance with their duty to seek to further those purposes.

62. The strengthened duty is expressed in qualified terms. The planning authority is required "to seek to further" the section 5(1) purposes. It is not under a duty necessarily to fulfil those purposes. Nevertheless, in my view, in any case in which the planning authority determines that a planning application proposes development which is in conflict with the section 5(1) purposes or will undermine their fulfilment, the authority ought both to consider whether and to explain why they have decided that planning permission may justifiably be granted. The planning authority's consideration of those matters will necessarily be informed by the circumstances of

the given case, including the size and scale of the development under consideration and the extent and severity of its conflict with the section 5(1) purposes. These are matters of judgment, but a duty "to seek to further" the section 5(1) purposes necessarily invests the planning decision maker with the responsibility to judge, firstly, whether the planning application before them for decision proposes development which interferes with the fulfilment of those purposes; and if it does, whether and if so, why the grant of planning permission is justified" (emphasis supplied).

The Parish Meeting, in common with other local residents and organisations, such as the AONB and the 45 Parishes Network (all the parishes within the AONB/NL), wishes to remind EDDC that there have been clear breaches of the section 106 agreement with racing taking place on non-racing days, with the added complication of additional temporary flood lighting being put in place for these meetings, all of which leads the Parish Meeting to seek to ensure that compliance with the existing section 106 is maintained and no opportunity provided for further levels of disturbance, with consequent increased impact on the sensitive and tranquil Blackdown Hills AONB.

The Parish Meeting is frustrated that the Council's officers' attitude is that e.g. racing on Fridays in breach of the terms of the section 106 can be dismissed as "technical" breaches when they are clearly unauthorised under the express terms of the agreement.

In the latest exchange with officers, they have referred to the above applications and stated that "if the applications were subsequently approved, then any such action would be wasted and to act in advance of a decision on the applications is likely to be deemed unreasonable".

But this of course involves a dangerously premature and, in fact, forbidden assumption on the merits of the application. It also stands the Council's enforcement duties on their head. The existing restrictions are there to be enforced.

On the officers' position, any breach of planning control could be defeated by the submission of a planning application so as to stave off enforcement.

Also, the Parish Meeting is concerned that officers' approach to the activities at the Raceway seem to be judged against the higher thresholds of statutory nuisance whereas the starting point should be the "strengthened" duty to preserve and enhance the AONB. Judged against this duty, the Parish Meeting submits that the obvious conclusion should be that the applications should be refused.

Such a decision would be wholly consistent with those of the planning authorities in Dedham Vale and at Lydden in Kent, both within AONBs, where proposals respectively for the extension of a station car park and the expansion of an existing motor racing circuit were rejected on grounds of unacceptable impact on the AONB.

The Parish refutes claims of the wider educational and economic benefits which it is said would be associated with the granting of the applications. There is no independent analysis or report of the wider economic benefits nor details behind any

meaningful employment opportunities. Educational claims are not supported by any vocational training or other training programs which would lead to a recognisable qualification.

The Parish Meeting maintains its position that these are comments are made 'off the cuff' with no clear basis in fact.

It follows that there are no "material considerations" within the meaning of section 38(6) of the 2004 Act to outweigh the clear conflict with the Council's development plan policies for the protection of the AONB.

Sheldon Parish Meeting therefore urges EDDC to refuse the applicant's applications and requests a determination of them by committee so that the Parish Meeting can have the opportunity of voicing their concerns. We would therefore be grateful if the Council would supply us with a copy of the officer's report well in advance of the Council's committee meeting so that we can make any further necessary comments.

#### Adjoining Parish (Upottery)

Upottery Parish Council wishes to register its objection to planning applications 25/0382/VAR, 25/0383/VAR, and 25/0384/VAR.

If granted, these applications would lead to a considerable increase in the number of race meetings taking place at the site. Specifically, they propose expanding permitted race and practice days from 33 to 42 annually, with activity occurring on 34 weekends out of 52—including some three-day events. This represents a significant intensification of site use.

Such an increase would inevitably result in a substantial rise in noise and traffic pollution, much of it concentrated on weekends, and would have a direct and negative impact on surrounding parishes, including Upottery. The noise from two-stroke racing karts is known to carry across large distances due to the site's elevation and location on former airfield land—sound does not respect parish or district boundaries.

The Parish Council considers the proposed changes to be excessive and inappropriate given the site's position within the Blackdown Hills National Landscape (BHNL). The cumulative impact of increased events, noise, and traffic would undermine the tranquillity and environmental quality that this protected landscape exists to conserve.

#### Adjoining Parish (Kentisbeare)

Kentisbeare Parish Council wish to object to the proposed relaxation of the conditions on the Noise Management Plan.

It believes that there would be likely to be a damaging impact on the local community in terms of noise, light and physical pollution as well as the risk of additional traffic on lanes that are manifestly ill-equipped to deal with them.

To be increasing activity of this nature within an area that is designated as a National Landscape, especially one that is renowned for the quality of its night skies, seems perverse.

### Adjoining Parish (Culmstock)

Culmstock Parish Council is unanimous in its OBJECTION to the proposed variations.

### Technical Consultations

#### Environmental Health

Following ongoing consultation, the Noise Management Plan (Ref: AS13341.250129.NMP.V1.8.docx) has been accepted as providing sufficient detail on the noise control measures to be implemented at the Raceways to mitigate potential impacts on nearby noise-sensitive receptors. Therefore, Environmental Health has no concerns regarding the three applications (25/0382/VAR, 25/0383/VAR, and 25/0384/VAR), subject to the implementation of the NMP.

#### Blackdown Hill National Landscapes

Thank you for requesting comments from the Blackdown Hills National Landscape Partnership on these associated applications.

The primary purpose of the AONB designation is to conserve and enhance natural beauty, and national planning guidance advises that great weight should be given to conserving their landscape and scenic beauty. Further, all relevant authorities, including local planning authorities, have a duty to seek to further the conservation and enhancement of natural beauty of the area in carrying out their functions. We support our constituent local planning authorities in the application of their development management policy framework together with national planning policy and other statutory functions in respect of the above.

This is supported by the Blackdown Hills AONB Management Plan 2019-2025, which is the agreed policy framework for conserving and enhancing the designated AONB and seeks to ensure that all development affecting the area is of the highest quality. It contains the following objectives and policies of particular relevance;

Policy LC3 Promote high levels of peace and tranquillity with dark night skies by minimising noise, intrusive development and light pollution

Policy RET3 Tourism and recreation provision will contribute to the local economy without harming the Blackdown Hills landscape, historic environment, biodiversity or tranquillity, and respecting the special qualities of the AONB

#### Planning and development PD2

All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

\_&ú Respecting landscape character, settlement patterns and local character of the built environment,

\_&ú Being sensitively sited and of appropriate scale,

\_&ú Reinforcing local distinctiveness, and

Seeking to protect and enhance natural features and biodiversity

Objective AE To ensure that opportunities to explore and enjoy the Blackdown Hills countryside and special qualities are compatible with conserving and enhancing natural beauty

The special qualities of the designated AONB include its relative remoteness and tranquillity, and further, the Planning and Development section of the current AONB Management Plan notes that attention should be given to noise and activity arising from developments together with lighting to avoid having an adverse impact on the area's tranquillity and dark skies.

In light of all of the above, and notably in respect of the duty to seek to further the conservation and enhancement of natural beauty of the area, crucial to consideration of these applications is whether they contribute to conserving and enhancing natural beauty, including considering the impact on relative tranquillity.

While rationalising/simplifying the regime of controls may be helpful, this should on no account be at the cost of loosening those controls: noise must be effectively managed and monitored, and all activity at the site must also continue to be controlled and restricted to avoid harm or detriment to the valued qualities of the National Landscape. The potential for up to 24 karts driving round for 12 hours a day plus an increase in the number of race days proposed under the applications can only result in greater noise for a longer duration, more often, which together with associated traffic generation, will adversely impact on the special qualities of the designated AONB and should be reconsidered.

## **CONSULTATIONS (Application 25/0944/V106)**

### **Local Consultations**

#### **Parish/Town Council (Dunkeswell)**

The Council acknowledges that the existing S106 agreement requires updating to apply to any new permissions that may be granted. However, the Council would prefer that this agreement not be removed without being replaced by a new S106 agreement or alternative arrangement should officers be inclined to approve applications 25/0382/VAR, 25/0383/VAR, and 25/0384/VAR.

As in previous comments made, the Council maintains that the designated hour for Sunday Church Services must be upheld, unless there is no service scheduled. Additionally, an earlier conclusion time of 4 pm on Sundays would be beneficial for residents.

#### **Dunkeswell And Otterhead - Cllr Colin Brown**

I am against this 106 agreement being rescinded, the cost of the court case and getting this resolved and agreed at the time was in excess of £100k. It was very important for the residents of Sheldon and for the church to hold its services in what was known as Gods hour.

Dunkeswell And Otterhead - Cllr Yehudi Levine

To my mind this application is premature, and the agents should have waited with submission until the applications for changing the S106 agreements (25/0382/VAR, 25/0383/VAR & 25/0384/VAR) have been dealt with.

So while I am in favour of a Noise Management Plan, I am forced to object to this application as it is contingent on the decisions on the previous applications.

As an aside the proposed Noise Management Plan allows racing on a Friday. As I understand it the rationale advanced by the Raceway for this, is that the noise from the Raceway will be drowned by weekday noises from other sources. However, this was not borne out when I visited both the Raceway and Sheldon on Friday 25th April 2025. The noise from the Raceway was loud, clear and quite distinctive from the background noises from traffic, rural work activities and aircraft movements.

Chair To Sheldon Parish Meeting (Adjoining parish)

As Chair I have received numerous objections as you can see on the portal. The previous 3 planning applications equally tie in.

Sheldon therefore object to these in the strongest terms.

Adjoining Parish (Upottery)

Objection to Application 25/0944/V106 - Discharge of Section 106 Agreement (Dunkeswell Raceway)

Upottery Parish Council wishes to formally object to planning application 25/0944/V106, which seeks to discharge the Section 106 Agreement associated with planning permissions 05/0540/FUL and 06/3353/FUL at Dunkeswell Raceway.

We strongly oppose the removal of this legal agreement for the following reasons:

1. Protection of Local Amenity

The original Section 106 Agreement was put in place to mitigate the impact of the development on the local community, particularly in relation to noise, traffic, and environmental concerns.

2. Precedent and Planning Integrity

Discharging this agreement could set a dangerous precedent for future developments in the area. Section 106 Agreements are a vital planning tool used to secure community benefits and ensure developments are sustainable. Removing such obligations undermines the integrity of the planning process and the trust of the local community in its enforcement.

3. Lack of Justification

The application does not appear to provide sufficient justification or evidence that the obligations within the Section 106 Agreement are no longer necessary or relevant. Without a clear demonstration that the original reasons for the agreement have been fully addressed or are obsolete, the Parish Council sees no valid reason for its discharge.

#### 4. Consistency with Local and National Policy

The discharge of the agreement may conflict with both local planning policies and national guidance on planning obligations, which emphasise the importance of securing long-term community benefits and ensuring developments remain acceptable in planning terms.

For these reasons, Upottery Parish Council urges East Devon District Council to refuse application 25/0944/V106 and retain the Section 106 Agreement in full.

#### **Technical Consultations**

##### Environmental Health

In considering the proposal to discharge the S106 agreement, Environmental Health are supportive with the principle of discharging the S106 and replacing it with a robust Noise Management Plan.

The primary function of the NMP will be to form a new robust regulatory management system under which noise emissions from the Raceway will be managed. This will ensure that any adverse noise impact will be minimised & reduced and any significant adverse noise impacts will be prevented.

##### Blackdown Hill National Landscapes

Thank you for requesting comments from the Blackdown Hills National Landscape Partnership on this application.

The primary purpose of the AONB designation is to conserve and enhance natural beauty, and national planning guidance advises that great weight should be given to conserving their landscape and scenic beauty. Further, all relevant authorities, including local planning authorities, have a duty to seek to further the conservation and enhancement of natural beauty of the area in carrying out their functions. We support our constituent local planning authorities in the application of their development management policy framework together with national planning policy and other statutory functions in respect of the above.

This is supported by the Blackdown Hills AONB Management Plan 2019-2025, which is the agreed policy framework for conserving and enhancing the designated AONB and seeks to ensure that all development affecting the area is of the highest quality. It contains the following objectives and policies of particular relevance;

Policy LC3 Promote high levels of peace and tranquillity with dark night skies by minimising noise, intrusive development and light pollution

Policy RET3 Tourism and recreation provision will contribute to the local economy without harming the Blackdown Hills landscape, historic environment, biodiversity or tranquillity, and respecting the special qualities of the AONB

##### Policy PD2

All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

- \_&uacute; Respecting landscape character, settlement patterns and local character of the built environment,
- \_&uacute; Being sensitively sited and of appropriate scale,
- \_&uacute; Reinforcing local distinctiveness, and
- \_&uacute; Seeking to protect and enhance natural features and biodiversity

Objective AE To ensure that opportunities to explore and enjoy the Blackdown Hills countryside and special qualities are compatible with conserving and enhancing natural beauty

The special qualities of the designated AONB include its relative remoteness and tranquillity, and further, the Planning and Development section of the current AONB Management Plan notes that attention should be given to noise and activity arising from developments together with lighting to avoid having an adverse impact on the area's tranquillity and dark skies.

In light of all of the above, and notably in respect of the duty to seek to further the conservation and enhancement of natural beauty of the area, crucial to consideration of this, and other associated applications is whether they contribute to conserving and enhancing natural beauty, including considering the impact on relative tranquillity.

The discharge of this legal agreement would remove essential protections originally deemed necessary and agreed by all parties 15 years ago to mitigate harm to the designated AONB's environment and community.

While rationalising the regime of controls may be helpful, this should on no account be at the cost of removing or loosening those controls: noise must be effectively managed and monitored, and all activity at the site must also continue to be controlled and restricted to avoid harm or detriment to the valued qualities of the National Landscape.

The potential for more leisure karts plus an increase in the number of race days proposed under the applications can only result in greater noise for a longer duration, and more often, which together with associated traffic generation, will inevitably adversely impact on the special qualities of the designated AONB that the established Section 106 has sought to protect.

#### Other Representations

A total of 314 individual representations of objection and 80 individual representations of support have been received at the time of writing. However, the majority of these have been replicated across all four applications.

#### Summary of Grounds of Objection

1. Significant increase in one of the biggest polluting activities in East Devon and extra carbon emissions that will affect air quality.
2. Peace, quiet, beauty and tranquillity of the National Landscape will be further destroyed.
3. No exceptional circumstances exist to justify development.

4. Increased tyre squeal from kart racing which is disturbing to the ear and will lead to a further increase in anxiety and stress levels for residents and decrease in residents' quality of life.
5. Proposed noise management plan is based on self-regulation with no independent monitoring and management or penalties and will weaken enforceable noise controls.
6. Any change should be based upon a full transition from petrol to electric vehicles.
7. No evidence that raceway visitors bring any substantial benefit to the local economy.
8. The existing section 106 agreement has worked well, by allowing a compromise, but change will be to the detriment of residents.
9. The applicant knew the conditions attached to the Raceway when it was purchased and should abide by them.
10. Conflict with local and national planning policy.
11. No meaningful pre-application engagement with the local community regarding the changes.
12. Increased additional vehicle movements, including visitor traffic, transporters and support vehicles.
13. Increased number of Sunday race days; this should be a quiet day.
14. Current clarity over race weekends would be lost and would make it less easy to plan outdoor events during non-race weekends.

#### Summary of Grounds of Support

1. The karting facility provides an excellent space for young drivers to develop their skills.
2. Increase in visitors directly helps boost the local economy by creating job opportunities and supporting local businesses.
3. Noise from aviation activities does not constitute a quiet rural setting as it is constant and unavoidable but seems to be generally accepted.
4. Number of race days will be offset by reduced race day duration times.
5. Recognised by two karting championships for its facilities.
6. Grassroots circuit that provides opportunities for young people to develop talent.
7. Motorsports and other track-related activities are a great way for individuals to engage in a form of physical and mental release, which can improve overall well-being.
8. Educational opportunities available makes the raceway accessible to the wider community.
9. The track is a crucial asset to the area, and its future success will have a lasting positive impact on both the local community and the wider motorsport world.
10. The proposed increase in days is an insignificant amount which will be well managed to prevent any disruption to the community.
11. Approval will help secure the future of Dunkeswell Raceway for current users and for future generations ensuring that its longstanding contribution to the area is strengthened.
12. The proposed changes, including a small increase in race days, the introduction of limited practice days, shorter race days with earlier finishing times and the implementation of a Noise Management Plan demonstrate that Dunkeswell Raceway is committed to operating responsibly while remaining a good neighbour.

#### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
15/0280/VAR	Variation of Condition 2 of planning permission 99/P0234 to allow more than 8no karts to be in use at any time.	Approval with conditions	19.06.2015
99/P0234	Use Of Land For Commercial Pro/leisure Karting	Approval with conditions	08.04.2002
06/3351/FUL	Retention of car parking and pits area on land to north east of circuit	Approval retrospective (conditions)	17.04.2007
06/3353/FUL	Retention of widening of kart track extension	Approval retrospective (conditions)	22.03.2007
05/0540/FUL	Formation of extended track	Approval with conditions	11.01.2006
88/P0870	Kart Racing/amended Hours Of Operation.	Approval with conditions	15.09.1988

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

D1 (Design and Local Distinctiveness) Adopted

EN14 (Control of Pollution) Adopted

Dunkeswell Neighbourhood Plan (Made)

## Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Strategic Policy OL02 (National Landscapes (Areas of Outstanding Natural Beauty))  
Draft

Policy OL09 (Control of pollution) Draft

## Government Planning Documents

National Planning Policy Framework 2024 (as amended)

## **ANALYSIS**

### Introduction

This report covers four separate applications, all of which relate to the Dunkeswell Raceway kart racing circuit.

Three of these applications (refs. 25/0382/VAR, 25/0383/VAR and 25/0384/VAR) have been submitted under section 73 of the Town and Country Planning Act and seek to vary and/or remove conditions attached to three previous planning permissions relating to the circuit, two of which were granted during the 2000s with the third approved in 2015.

The conditions attached to each of these permissions can only be varied or removed via a 'section 73' application that relates to that specific application/permission; hence there are three applications, each seeking to vary a different permission.

However, for the purposes of structure and clarity and given that the issues that are material to each of the applications are essentially identical, all three applications are addressed within this single composite report.

The overriding objective of these three applications is to enable the pattern of kart racing at the circuit to be changed from that permitted at present.

This is currently controlled by a combination of planning conditions attached to the permissions referred to above and a section 106 agreement entered into in 2010 between the Council and the then owners/operators of the circuit. The background to the latter is set out in more detail below.

The fourth application (ref. 25/0944/V106) to which this report relates proposes the discharge of this legal agreement so as to facilitate its replacement with a fresh legal agreement to which the three section 73 applications referred to above would, if permitted, be tied.

## Site Location and Description

Dunkeswell Raceway is an existing well-established business located on the western side of Dunkeswell Airfield on an expansive hilltop plateau. The site and surrounding area form part of the designated East Devon National Landscape (NL).

The raceway is, from a visual standpoint, considered to be relatively low key within the surrounding landscape, which mainly comprises the airfield to its east, woodland to the west where, topographically, the land falls away into a valley and mainly open agricultural land to the north.

Sheldon village predominantly occupies a hilltop plateau on the opposite side of the valley to the northwest of the raceway.

The raceway circuit itself extends in a south-south westerly direction away from the entrance off the County highway.

Two types of kart racing operate from the circuit:

- o Kart Club race meetings which are currently permitted to occur on up to 9 weekends together with an additional 15 Saturdays in a calendar year (i.e. 33 days in total) with all dates notified to the Council in advance. These involve karts that are brought to meetings by participants
- o Leisure karts, which comprises the day-to-day business at the site and which houses a resident fleet of electric karts

#### Background

It is understood that kart racing has taken place at the site since the 1960s with a further permission granted in 1988 for kart race meetings.

Partly owing to the use of motor vehicles, complaints have been historically received regarding the noise emanating from the site, more particularly from residents at Sheldon, approximately 1 km. to the northwest of the circuit.

In light of the level of noise nuisance, Noise Abatement action was taken by the Council during the period 2006-2009 as the noise was considered to be of a level which constituted a statutory nuisance.

However, this was successfully appealed against at the Magistrates Court and the Noise Abatement Notice that had been served was quashed in its entirety with the Judge considering that there was no statutory nuisance arising from the activity at the site.

The Council in turn lodged an appeal against that decision with the Crown Court.

However, this was subsequently withdrawn in light of the legal agreement referred to above being entered into bilaterally with the then operators of the circuit in 2010.

This agreement both recognised the lawful activities that could take place at the site and placed a series of noise management restrictions (by mutual agreement) on those activities.

However, prior to this, the management of the circuit, including permitted days and hours of use, was controlled by a series of conditions attached to planning permissions granted during the late 1990s and 2000s.

The most relevant of these are summarised as follows.

#### 93/P0776 - Change of use of driver's skid school to leisure karting centre

This permission contains conditions, among others, that:

- Restrict the number of karts in use at any time to 6
- Restrict the use to between 9.00am and 9.00pm on any day
- Prevent the use of any amplifier, loudspeaker or public address system
- Require karts to be fitted with a GX160 Honda engine or a different model or make designed to produce equivalent or lower noise emissions

#### 99/P0234 - Use of land for commercial pro/leisure karting.

This permission contains conditions that:

- Restrict the number of karts in use at any time to 8
- Restrict the use to between 9.00am and 9.00pm on any day
- Set a maximum noise level at 10 metres from the track side at 65db
- Prevent the use of any amplifier, loudspeaker or public address system

#### 05/0540/FUL - Formation of extended track

This permission contains conditions that:

- Restrict the use of the extended track to the same terms and conditions as the existing; namely for time trials, go-karting, sprints (other than that connected with drag racing) and auto cross and grass track racing (again excluding drag racing)
- Restrict the use of the extended track to practice only on Saturdays from 9.00am to 6.00pm and on nine Sundays only throughout the year from 10.00am with no running of engines between 11.00am and 12 noon (condition 3)
- Upon completion of resurfacing, require the submission for the Authority's approval of further noise readings and a noise attenuation methodology within 3 months (condition 4)

**The current application ref. 25/0382/VAR seeks the removal of condition 3 and a variation to the wording of condition 4 of this permission so as to facilitate alternative days of operation and hours of kart racing as proposed within a Noise Management Plan.**

These changes are described in greater detail within the next section of the report.

#### 06/3363/FUL - Retention of widening of kart track extension

This permission contains conditions that:

- Restrict the use of the extended and widened track to the same terms and conditions as the existing; namely for time trials, go-karting, sprints (other than that connected with drag racing) and auto cross and grass track racing (again excluding drag racing) (condition 1)

- Restrict the use of the extended and widened track to practice only on Saturdays from 9.00am to 6.00pm and on nine Sundays only throughout the year from 10.00am with no running of engines between 11.00am and 12 noon, except for leisure karting which can be operated under the terms of planning permission ref. 99/P0234 (condition 2)

**The current application ref. 25/0383/VAR seeks a variation to the wording of condition 1 and the removal of condition 2 of this permission so as to facilitate an alternative range of track activities, days of operation and hours of kart racing as proposed within a Noise Management Plan.**

These changes are described in greater detail within the next section of the report.

15/0280/VAR - Variation of condition 2 of planning permission 99/P0234 to allow more than 8no karts to be in use at any time

This permission contains conditions that:

- Restrict the use to between 9.00am and 9.00pm on any day (condition 1)
- Prevent the use of any amplifier, loudspeaker or public address system
- Set a maximum noise level at 10 metres from the track side at 65db (condition 3)
- Restrict the number of karts in use at any time to 12 (condition 4)

**The current application ref. 25/0384/VAR seeks the removal of conditions 1 (hours/days of operation) and 3 (Maximum noise levels) and a variation to the wording of condition 4 (limit on kart numbers) so as to facilitate alternative days of operation and hours of kart racing and to increase the number of permitted leisure karts to 24 as proposed within a Noise Management Plan.**

These changes are described in greater detail within the next section of the report.

The section 106 agreement entered into in 2010 also established a series of controls on the manner in which karting at the Raceway could be carried out alongside a methodology for measuring noise levels.

The agreement applies in respect of each of the permissions listed above with the exception of 15/0280/VAR which was approved subsequently.

The principal obligations set out within the agreement:

- Restrict race karting to 18 days over 9 full weekends per calendar year together with an additional 15 Saturdays per year (i.e. 33 days in total)
- Require 7 days' prior written notice of race karting events to be provided to the Council
- Restrict the hours of racing on Saturdays to between 9.00am and 6.00pm and on Sundays to 10.00am and 11.00am and 12 noon and 6.00pm (i.e. no racing is permitted between 11.00am and 12 noon on Sundays)
- Restrict sound levels from the use of the circuit by race karts, at a fixed point defined on a plan that accompanies the agreement, to 85db
- Otherwise apply more generally sound levels of 73db, when expressed as an LAeq 1-hour, and 65db when expressed as an LAeq 8-hour

- Effectively do not allow for race events on the first two Saturdays of each month at the 85db level or during a third consecutive Saturday. At these times the above lower sound levels apply
- These lower sound level restrictions also apply to the leisure karts

### Proposed Development

In 2023, the site changed ownership and the current owners/operators now wish to seek to improve its commercial viability.

To this end the current proposals, as stated above, seek to vary the pattern of activity/karting operations at the Raceway via, variously, the removal and/or variation of conditions attached to previous planning permissions refs. 05/0540/FUL, 06/3353/FUL and 15/0280/VAR as described above.

The changes that are now proposed can be summarised as follows:

1. Kart racing (with the maximum noise limit retained at 85db) on 14 full weekends per calendar year.
2. Kart racing (with the maximum noise limit retained at 85db) on a further 6 individual Saturdays or Sundays per calendar year with no more than 3 of these 6 days being Sundays.
3. Kart racing (with the maximum noise limit retained at 85db) on 5 Fridays per calendar year between 9.00am and 4.00pm. This is to enable testing 'and similar activities' on race days on the following weekends.
4. Kart practice sessions on 3 weekdays per calendar year (with a reduced maximum noise limit of 80 db) between 9.00am and 4.00pm.
5. Revised hours of racing on Saturdays to between 9.00am and 5.00pm.
6. Revised hours of racing on Sundays to between 10.00am and 5.00pm with the current prohibition of racing during the 11.00am to 12 noon hour removed.
7. The following of any scheduled successive race weekends by a minimum equal number of non-race weekends.
8. An increase in the number of leisure karts permitted to be in use at the Raceway from 12 to 24. These would continue to be subject to the current 73db noise limit.

It would also be necessary to change the provisions of the existing 2010 legal agreement that establishes the additional controls that are summarised above.

**Application 25/0944/V106 therefore seeks the discharge of this agreement to enable it to be replaced with a new agreement whose obligations would reflect the proposed changes set out above.**

To this end, a draft of such an agreement has been provided with the section 73 application submissions. This essentially simply sets out obligations requiring compliance with a noise management plan (NMP) that itself sets out the proposed revised pattern of activity at the Raceway, a methodology for the assessment of noise impacts and a complaints procedure.

The provisions of the NMP, which has been through several iterations as a result of ongoing consultation with the Council's Environmental Health Officers, form the basis of the revised legal agreement. Both documents are together intended to provide the

Council with comfort in regard to the enforceability of the obligations set out in the latter.

### Considerations/Assessment

Before considering the proposals in regard to the principal material issues that are discussed in turn below, it is considered useful, for broader comparison and context, to further break down the proposed changes when set against the current permitted karting operations and pattern of events at the Raceway.

The proposed changes would result in:

1. An increase in the overall permitted number of racing days from 33 days to 42 days per calendar year (inclusive of the proposed practice days). This would represent an increase of 9 days, equating to an approximate 27.3% increase in percentage terms.
2. An increase in the overall permitted number of hours of racing from 423 hours to 524 hours per calendar year (inclusive of the proposed practice days). This would represent an increase of 101 hours, equating to an approximate 23.9% increase in percentage terms.
3. An increase in the overall permitted number of racing weekend days from 33 days to 34 days per calendar year. This would represent an increase of 1 day, equating to an approximate 3% increase in percentage terms.
4. A redistribution of, with a potential maximum increase in, the overall permitted number of Sundays for racing from 9 Sundays to 17 Sundays per calendar year. This would represent an increase of 8 Sundays, equating to an approximate 89% increase in percentage terms.
5. Shorter hours of racing by 1 hour with an earlier 5.00pm finishing time (instead of 6.00pm) on Saturdays.
6. An unchanged number of operating hours on Sundays with the proposed earlier finishing time of 5.00pm (instead of 6.00pm as currently permitted) offset by the loss of the current 11.00am to 12 noon prohibition on racing.
8. Racing on 5 Fridays per calendar year where no Friday racing is permitted at present, thus enabling 5 'three day' weekend events per year.
9. Racing practice sessions on 3 further days per calendar year, at a lower noise level, where none is permitted at present.
10. In the event of successive race weekends being scheduled, these would be followed by the minimum of an equivalent number of successive non-race weekends. There is a similar 'gap' between race weekends in place at present in the form of restrictions upon the first two Saturdays of each month.

### Impact on Residential Amenity

Paragraph 198 of the National Planning Policy Framework (NPPF) requires that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects of, among other things, pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from development.

In doing so they should:

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life

- identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason

These provisions are reiterated to some extent by those of Policy EN14 (Control of Pollution) of the adopted Local Plan that preclude development that would result in unacceptable levels, either to residents or the wider environment, of various forms of pollution, including noise.

In addition, Policy D1 (Design and Local Distinctiveness) only permits proposals where, among other criteria, they do not adversely affect the amenity of occupiers of 'adjoining' residential properties.

It is acknowledged that the overall increase in the number of days and hours during which race (including practice) events at the Raceway would take place would correspondingly result in the potential for increased incidences of noise intrusion to local residents, principally those at Sheldon where the highest concentration of the nearest (residential) noise receptors is located.

It is also recognised that such an increase could be particularly sensitively received during Sunday racing given the proposal to (arguably) significantly increase this to essentially the equivalent of one event every third Sunday throughout the year from the current permitted level of one event around every 6-7 weeks.

Notwithstanding, the consultation comments provided by the Council's Environmental Health Officers (EHOs) have been informed by a comprehensive review of the applicants' Noise Impact Assessments, Technical Advice Notes and, critically, the submitted NMP which is seen as the key tool for maintaining control over the operation of the Raceway going forward.

This exercise has ensured that the submitted documents were robust, proportionate to the proposals and prepared in accordance with relevant guidance, standards and national and local planning policy.

The review has also assessed the noise assessment methodology, baseline noise measurements, the current S.106 agreement, specific kart noise data, meteorological conditions, noise modelling assumptions and the identification of appropriate noise-sensitive receptors.

The potential significance of noise impacts arising from race and leisure karting has been evaluated in terms of effects on residential amenity. Where potential impacts have been identified, appropriate mitigation measures have been recommended for inclusion within the NMP.

This evidence-based approach has sought to balance the operational benefits of the Raceway with the need to protect nearby communities from significant adverse noise effects.

In addition, EHOs have undertaken nine subjective noise assessments based on human perception, using terminology drawn from the Noise Policy Statement for England to determine the 'observed noise effect' level.

These assessments have confirmed that, for most race days, karting noise was audible within the local soundscape but not intrusive and was therefore classified as falling within the 'No Observed Adverse Effect Level'.

However, under south-easterly wind conditions, increased noise levels were identified and classified within the 'Lowest Observed Adverse Effect Level'. The Planning Practice Guidance identifies the 'Lowest Observed Adverse Effect Level' as the point at which "...the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard". It is important to note that these issues occur under south-easterly wind conditions but the prevailing wind direction is from the south west. The measures in the NMP then seek to mitigate these impacts which will in themselves be infrequent.

It has been concluded therefore that, subject to compliance with the NMP, including mitigation measures, event frequency controls, review of noise management at the Local Planning Authority's discretion and a complaints procedure, noise impacts are likely to remain low and acceptable in terms of effects on residential amenity overall.

Critically, such impacts are not thought to be intrusive to the point that they would constitute a statutory noise nuisance.

However, and for balance, it does need to be recognised that the EHO assessment does not differentiate between arguably more 'noise sensitive' days, such as Sundays on which the frequency of kart racing would be materially increased relative to the level of racing permitted at present, and other (again arguably) less 'noise sensitive' days of the week.

Conversely in turn, there is an argument that the proposed overall increase in the number of operational days per year needs to be considered in the context of percentage terms. In this regard, the current pattern of permitted racing activity, at 39 days, occupies around 9% of the calendar year. The proposed increase to 42 days would amount to approximately 11.5% of the calendar year, thereby representing an increase of 2.5%. Over 320 non-racing days per year would remain.

#### Impact on National Landscape/Tranquillity

All relevant authorities, including local planning authorities, have a statutory duty (the 'Protected Landscapes duty') to 'seek to further' the statutory purposes of Protected Landscapes, of which NLs are one and for which the statutory purposes are conservation and enhancement of its natural beauty.

The duty is intended to ensure that the purposes for which Protected Landscapes are designated are recognised in decision-making and undertaking activities that impact these areas.

National Planning Practice Guidance states that 'consideration of what is reasonable and proportionate in the context of fulfilling the duty is decided by the relevant authority and should take account of the context of the specific function being exercised.'

In fulfilling the duty, the guidance also requires, among other things, that, so far as is reasonably practicable, authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities and key characteristics of Protected Landscapes.

It recognises tranquillity as one of these special qualities/key characteristics.

The consultation comments provided by the Blackdown Hills National Landscape Partnership (BHNLP) reiterate the primary purpose of the NL designation to conserve and enhance natural beauty; furthermore, that national planning guidance advises that great weight should be given to conserving their landscape and scenic beauty.

This is reflected in the relevant guidance set out within paragraph 189 of the NPPF and the provisions of Local Plan Strategy 46 (Landscape Conservation and Enhancement and AONBs) which only permit development where, among other things, it conserves and enhances landscape character.

It is also further supported by the Blackdown Hills AONB Management Plan (2025-2030) (MP) which also forms part of the agreed policy framework for conserving and enhancing the designated NL and seeks to ensure that all development affecting the area is of the highest quality.

Whilst it is recognised that the proposals would not in this instance result in any impacts upon the **physical** character of the NL, the extent to which its tranquillity should be considered as an element of the statutory duty requires careful consideration; not least in light of the statutory Protected Landscapes duty referred to above.

In this regard, among the MP's provisions is Policy PL17, considered the most relevant, the provisions of which seek to 'promote and protect tranquillity.....by minimising intrusive noise and development.....that may undermine the intrinsic character of the National Landscape'.

In this case it is also necessary to have regard to the nature of the existing wider acoustic environment, principally in regard to the aviation activity generated by the adjacent airfield along with the existing permitted levels of karting activity at the Raceway itself.

It is contended by the applicants that the area is already currently characterised by a level of intrusiveness from these noise sources. As such, the extent to which the proposals may further impact the local area would be limited owing to the perceived modest number of additional days across a calendar year as a whole that race karts would operate and the focus of the majority of this increase upon the 'least sensitive' weekdays.

It is also thought that the proposed increase in the number of leisure karts permitted would not result in a tangible adverse impact on tranquillity when operated in accordance with the NMP. This is on account of these being electric karts and the

lower noise level thresholds to which they are subject under the existing section 106 agreement.

Furthermore, as per the assessment as to the impact of the proposals upon the living conditions of residents set out above, it is argued that the audible noise levels from race karting are within the agreed track noise limits that have been determined by EHOs not to be intrusive or to constitute a statutory noise nuisance.

The test in terms of the National Landscape and tranquillity is slightly different to that of residential amenity. The topography also means that the noise levels experienced on race days in the surrounding landscape vary between locations. The nearest public rights of way run from Sheldon village heading north while others are located to the north and east of the raceway. These are all over 900m from the track. While users would expect a certain level of tranquillity noise from the raceway may be audible particularly given the lower ambient noise levels. It is however a living and working environment where noise from agriculture and other activities is to be expected. The noise of tyre squeal and engine noise is however more alien when it is audible.

It is worth noting that while there is a history of noise complaints and action being taken against noise issues at this site these have related to the impacts on residents at Sheldon rather than on the National Landscape.

As such, the context for the proposed changes on relative tranquillity can be summarised as an extra 9 days a year that race kart operations may be audible, but not at a level as to be intrusive, particularly given that 3 of these days would be at a reduced noise level in comparison with the other 6 days. However, the levels of tranquillity within this part of the National Landscape would be reduced on those days.

It may also be contended that the specific 11.00am-12 noon 'church hour' prohibition of racing is no longer required, at least in relation to St. James' Church at Sheldon whose Sunday services are now, for the most part, understood to be held at 9.30am.

The counter arguments to these, which to a large extent reflect the concerns raised by the Blackdown Hills NL Team, are that:

- the special qualities of the designated NL include its tranquillity and attention should be given to noise and activity arising from developments so to avoid having an adverse impact on this
- in light of the statutory duty set out above, crucial to consideration is whether the proposals contribute to further conservation and enhancement of the area's natural beauty, including the impact on relative tranquillity
- acoustically, the characteristics and duration of aircraft noise generated by activity at the airfield do not bear comparison with that of kart racing for the purposes of assessment as to their degree of intrusiveness to, and impact upon, receptors
- any increase in the number of race days plus the potential for up to 24 karts driving round for 12 hours a day proposed can only result in greater noise for a longer duration, more often, which, together with associated traffic generation, will adversely impact on the special qualities of the designated NL

The Protected Landscapes duty is wide ranging and encompasses all decision making that affects the National Landscape. The guidance on operating the Protected Landscapes duty in terms of development is more readily applicable to built developments where the impacts are physical and permanent. In this case the impacts are to tranquillity alone and the frequency of occurrence and time periods over which they would occur would be limited. The guidance states that “Consideration of what is reasonable and proportionate in the context of fulfilling the duty is decided by the relevant authority and should take account of the context of the specific function being exercised”.

This is a difficult balance to strike. The requirement to seek to further the purposes of the National Landscape is a difficult one to meet. Given the absence of objection to the proposed revised arrangements from the Council’s EHOs, the limited number and percentage of days per year on which racing is currently permitted alongside the number of additional days and the percentage of the total in the context of a calendar year, there is concern that objection on the basis of a material increase in the effects on the tranquillity of the NL may be difficult to substantiate in the event of any appeal against refusal to vary the existing permissions.

#### Commercial Viability

The agents for the applicants have advised the following:

The proposed changes to the Raceway operation form a key part of wider changes which have been put in place since the applicant took over ownership in 2023. Collectively, these changes are intended to reverse the previous pattern of decline and to put the Raceway onto a secure commercial footing for the future. These changes are aimed at:

- Improving the wider running and efficiency of the business and ensuring compliance with best practice in order to secure accreditation by Motorsport UK, the national governing body for karting. Such changes allow the Raceway to hold national level karting events for the first time and this will help provide prominence and certainty for the operation into the future.
- Increasing the recognition and exposure of the Raceway across the UK as a venue for karting events so that it is seen as nationally important venue. The Motorsport UK accreditation and the pattern of events allowed for within the agreed Noise Management Plan (NMP), and which allow Motorsport UK accredited events to be scheduled, are key elements of this strategy. For example, the additional weekends and the ability to schedule a limited number of three day (Friday - Sunday) weekends are key to this strategy and will encourage repeat visits from karting teams and supporters.
- Increasing opportunities for local groups to participate in karting. To this end, the Raceway has entered into partnership arrangements with the Exeter Chiefs programme for disadvantaged youths and with Devon MIND, with groups from these programmes attending to participate in karting events. The Raceway now also supports various educational programmes including the Green Power electric car project with Queens College in Taunton and the Road Tax programme.

This approach is already showing some success. Prior to 2023 when Mr Gavryliuk acquired the business, the Raceway only had one full time employee plus a limited pool of casual workers to assist during specific events. Today, the Raceway has six full time employees, seven part-time employees, one contractor and 26 casual workers who are paid to act as marshals and similar during events.

The changes proposed as part of the current applications will allow the Raceway business to develop further, increase its prominence within the karting community and crucially will provide the certainty needed to secure a reliable programme of race events, supported by Motorsport UK and others and which will then underpin the commercial success of the operation.'

Whilst these benefits to the Raceway are recognised, it is not thought that they offer any significant demonstration that the proposed variation in the pattern of activity, incorporating the level of expansion in terms of the numbers of race events and the increase in the number of leisure karts that it would facilitate, would be essential or even necessary to address any specific issues with regard to the commercial viability of the present operation.

In the wider planning balance therefore, it is not considered that significant weight can be given to the points raised in this regard.

#### Contribution to Tourism Economy

In relation to this issue the agents for the Raceway have advised as follows:

'The Raceway makes a significant contribution to East Devon's visitor economy. For example, each two day race weekend will now typically attract between 800 and 1,000 visitors to the area, with these being made up of race teams (drivers, mechanics), family groups and supporters. Of these, only around 10% will stay on-site at the Raceway (camping or in mobile homes) with the rest using accommodation in the local area. Visitors will use bed and breakfasts and AirBnBs in surrounding villages such as Dunkeswell, Broadhembury and Sheldon and hotels in local towns, notably Honiton and also at Lakeview Manor in Dunkeswell. In addition to using overnight accommodation, visitors will also use the local shops, pubs and restaurants in the area and this patronage will add to the contribution which the Raceway makes to the local economy.

The Raceway also has an in-house food and beverage offering with a café/bar which employs two members of staff and an apprentice. Amongst other services, the café/bar offers Sunday lunches which are increasingly well attended by local people and visitors.

Finally, it is worth noting that the Raceway also uses a range of local contractors in the local area, all of whom are based in the Dunkeswell area, including electricians, drainage engineers and a steel fabricator. Timber and tarmac is sourced from a local farm.

The changes proposed will increase the contribution which the Raceway makes to the local economy by increasing the prominence and level of patronage at events

and the potential for repeat visits through the development of a regular and well known programme.

In recognition of the contribution which the Raceway makes to tourism in the area, the Devon Attractions Board have now (effective from the end of November 2025) made the Raceway an approved attraction and will be added to their list of tourism attractions. This is a strong endorsement of the Raceway's credentials as an important tourism business in Devon.

This aligns with the objectives within the National Landscape Management Plan (Section 5):

- to support local markets and products (Policy PE5)
- to increase the economic capacity of the area, employment and skills (Policy PE6).
- Tourism objectives which include increasing income from visitors for local business for both day and staying visitors, lengthening stays, encouraging visitors into the area and improving connection between attractions and other areas of East Devon (see Policy PE7 and paragraph 5.7.4).

These points are duly noted and need to be factored into the overall planning balance.

#### Noise Management Plan/Section 106 Agreement and Enforceability

Much local concern has been raised in relation to the enforceability of controls over future patterns of activity and operations at the Raceway proposed via the NMP - along, possibly, with a revised section 106 agreement - when considered against that of the 2010 legal agreement that is in place at present.

The Section 106 agreement from 2010 is unusual in terms of seeking to control noise activities at a site through a legal agreement which can only be enforced through an injunction via the courts with associated timescales and costs and because it came about long after permission was granted having resulted from action against an alleged statutory noise nuisance.

As part of officers' assessment of the current proposals, which are seen as providing a useful opportunity to review and potentially implement a new noise management regime, a legal Opinion has been sought from Counsel as to the most appropriate way in which to manage noise impacts from the use of the site.

This Opinion considers the suggestion of control over noise by way of an NMP to be sensible, especially given that the activities at the site are currently governed by a series of different planning permissions and the Section 106 agreement which in combination form a complicated and confusing framework for enforcement.

Such a plan could cover all motorsport uses, although consideration could also be given to the imposition of conditions in respect of certain limitations that it contains (for example, in relation to the overall number of days' racing permitted and to the applicable noise limits) with other more detailed matters being dealt with through the NMP.

It is further considered that compliance with an NMP could reasonably be controlled either by way of a condition or a planning obligation.

The Opinion highlights that Planning Practice Guidance suggests that conditions should be used in preference to obligations. The advantage of a planning condition is that, in the event of a breach of the noise management plan and thus a breach of condition, the Council would have additional enforcement powers available to it by way of comparison with a planning obligation and, in particular, would be empowered to serve a breach of condition notice, which can be an effective means of dealing with breaches of planning control. It is worth noting that there is no direct right of appeal against a breach of condition notice and they can take effect after 28 days.

A planning obligation could provide a more flexible means for enabling variations to the NMP to be made. However, unless there were detailed provisions in the planning obligation which would enable the Council to unilaterally make amendments to the NMP (which would also require dispute resolution clauses), it is likely that any changes to the Plan would need to be the subject of agreement between the parties.

Counsel is of the view that there is no particular 'legal' advantage to securing the necessary control/restrictions either by way of a planning obligation or conditions.

In light of this Opinion, it is thought by officers that a scenario whereby planning conditions are applied to secure compliance with the NMP could enable more direct enforcement via breach of condition action.

This is in contrast to the present situation where any breaches of the existing legal agreement can only be challenged by means of an injunction, the seeking of which from the Courts involves lengthy processes and procedures.

It is also thought to lack flexibility, whilst the use of the NMP provisions as a tool to control the activity of the Raceway would, as written in this case, enable more periodic review and, where necessary, changes to the agreed parameters whilst ensuring that the requisite level of control can be retained by the Council so as to prevent or, where necessary, mitigate against noise intrusion above agreed levels.

The merits of the proposals aside, therefore, it is considered that there is an argument that the proposals would represent a positive opportunity to strengthen, rather than weaken, the Council's ability to more directly enforce controls over the operation of the Raceway in the event of approval.

### Other Matters

There has also been considerable local concern expressed in regard to alleged breaches of the current section 106 agreement, not least in relation to Friday racing.

Whilst there is empathy with the annoyance and frustration that this has prompted among local residents, it should be emphasised that it cannot be held as a material consideration for the purposes of assessment of the current proposals to which any weight can be attached.

There are appropriate procedures in place for addressing alleged breaches that are within the Council's discretion to exercise. Residents have expressed frustration regarding the lack of action against breaches of the Section 106 agreement last year, however it was not considered to take action while the current applications were under consideration. This approach was considered to be in accordance with the Council's adopted Planning Enforcement Plan.

### Planning Balance

In summary, it is thought that the various factors in favour of and against the proposed changes to enable the pattern of karting activities/events at the Raceway may be summarised in point form as follows:

For

- Introduction of NMP (and S.106 agreement) will strengthen existing controls/review mechanisms and enable enforceability of the former via condition
- Unchanged permitted noise limits from the current S.106 agreement
- Limited overall percentage of race days and limited rise from 9% to 11.5% days racing/practice per calendar year with over 320 non-racing days remaining
- Existing acoustic environment includes noise from adjacent airfield and therefore noise from Raceway activities should be assessed in this context
- Assessment by EHOs has concluded that, although audible, noise during race events is not considered intrusive to residents in line with PPG on Noise
- Anticipated change in noise exposure to remain within 'minor' impact category with no significant adverse effects through the proposed increase in operational days or kart numbers
- Reduced practice day noise limits (80db)
- Earlier race and practice session finishing times and shorter Saturday operating hours
- Better balance in quiet periods to match race periods
- Tourist/economic benefits to area from increased activity/events
- Doubling of number of permitted leisure karts within currently permitted noise limits subject to time limits for specific numbers in a session as set out in the NMP

Against

- Overall increase of 27.3% in number of race days, including re-distribution/near doubling of 'more sensitive' Sundays, over that currently permitted (max. 17 per year v. 9 currently)
- Overall increase in permitted hours of racing per year (including practice days) from 423 to 524 hours (23.9%)
- Increased in weekend days racing by 1 day (3%)
- Additional racing on 5 Fridays per calendar year where no Friday racing is permitted at present, thus enabling 5 'three day' weekend events per year (none permitted currently)
- Racing practice sessions on 3 further days per calendar year at a lower noise level (none permitted currently)
- Increased potential for greater overall impact upon residents' amenity through increased numbers of days and hours of racing/operation, including 'more sensitive' Sundays

This is considered a balanced case with persuasive arguments both in favour of and against the proposed expansion of, and revisions to, the approved patterns of karting activity at the Raceway.

It is also recognised that a balance will always need to be reached between the levels of karting activity - including racing which has been historically the principal source of concerns in regard to noise - that it hosts and the impact upon the living conditions of residents and the wider character, in particular the tranquillity, of the NL.

The requirement to further the purposes of the National Landscape is a key consideration here. While there would be a very minor loss of tranquillity overall given the likely noise impact and frequency of its occurrence this needs to be balanced against the economic and tourism objectives of the MP which the proposals would positively address.

The fundamental test in this case is whether an **appropriate** balance would continue to be maintained in regard to these matters.

Having regard to the above, it is felt that the overall balance weighs marginally in favour of allowing the proposed revisions to the pattern of karting activity.

This position in particular acknowledges:

- the absence of objection to the proposals from the Council's EHOs in regard to noise nuisance and impact upon the living conditions of residents
- the broader context in terms of the ratio of racing to non-racing days throughout the year
- the 'trading' of an increase in the number of race days for more neighbour-sensitive finishing times
- the view that the NMP, via planning condition, **can** effectively ensure more robust control over, and enforcement of, the appropriate management of events and activities than exists at present, with or without a fresh legal agreement in place

The proposals have been the subject of close scrutiny by the Council's Environmental Health Officers who conclude that the karting activity at the Raceway does not constitute a statutory noise nuisance and, furthermore, that this situation would not be altered as a result of the proposed operational changes that are being sought provided that the controls and assessment/review processes set out within the NMP are adhered to.

Their position has been informed by a comprehensive review of the applicants' Noise Impact Assessments, Technical Advice Notes and, critically, the NMP itself, which is seen as the key tool for maintaining control over the operation of the Raceway going forward.

In the light of this, it is maintained that objection to the proposals on noise and NL tranquillity grounds would be difficult to support, albeit it is fully recognised that the proposals would increase the numbers of days' racing activity at the circuit, including Sunday racing days. However, given the current levels of activity in terms of the

overall percentage of days per year that it is conducted, alongside the comparatively modest level of increase proposed in the context of the number of days in a year, on balance it is felt that the proposals would be acceptable.

It is therefore recommended that all three VAR applications be permitted with the relevant conditions removed and/or amended and replaced with appropriately worded conditions to require compliance with the NMP.

Alongside this, it is also considered that the 2010 legal agreement can be discharged since its provisions would otherwise be at odds with those of the NMP and these fresh permissions, if granted.

Conversely, should Members be minded to resolve to refuse the VAR applications (i.e. effectively maintaining the status quo as regards the existing controls over the patterns of activity at the Raceway), it follows that the discharge of the existing legal agreement should also be refused.

Overall therefore, it is considered by officers that the proposed changes to the pattern of karting operations at the Raceway would be acceptable subject to conditions being attached to each of the planning permissions to secure compliance with the submitted NMP. The other conditions attached to the historic permissions (i.e. that are not proposed for removal or variation) are reiterated.

It is also recommended that the current 2010 section 106 agreement be discharged so as to avoid conflict between the obligations that it contains and the conditions attached to the 'new' variation permissions.

## **RECOMMENDATIONS**

### **25/0382/VAR**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
2. The extended track as permitted shall only be used under the same terms and conditions as the existing track, namely for;
  - a) time trials
  - b) go-karting
  - c) sprints (other than connected with drag racing)
  - d) and excluding drag racing, auto cross and grass track racing.

(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining,

Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)

3. The management and operation of Dunkeswell Raceway shall be carried out strictly in accordance with the measures for the management of noise and their review and the complaints procedure as set out in the Noise Management Plan (report ref.: AS13341.250129.NMP.V1.8.docx) dated 10th October 2025 prepared by Dunkeswell Raceway and Restaurant and Clarke Saunders Acoustics.

(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)

4. No amplifier, loudspeaker or public address system shall be used at any time.

(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)

### **25/0383/VAR**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)

2. The extended track as permitted shall only be used under the same terms and conditions as the existing track, namely for;

- a) time trials
- b) go-karting
- c) sprints (other than connected with drag racing)
- d) and excluding drag racing, auto cross and grass track racing.

(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)

3. The management and operation of Dunkeswell Raceway shall be carried out strictly in accordance with the measures for the management of noise and their review and the complaints procedure as set out in the Noise Management Plan (report ref.: AS13341.250129.NMP.V1.8.docx) dated 10th October 2025 prepared by Dunkeswell Raceway and Restaurant and Clarke Saunders Acoustics.  
(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)
4. No amplifier, loudspeaker or public address system shall be used at any time.  
(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)

**25/0384/VAR**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
2. The management and operation of Dunkeswell Raceway shall be carried out strictly in accordance with the measures for the management of noise and their review and the complaints procedure as set out in the Noise Management Plan (report ref.: AS13341.250129.NMP.V1.8.docx) dated 10th October 2025 prepared by Dunkeswell Raceway and Restaurant and Clarke Saunders Acoustics.  
(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)
3. No more than 24 karts shall be in use on the circuit at any time.

(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)

4. No amplifier, loudspeaker or public address system shall be used at any time.  
(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)

### **25/0944/V106**

That the Section 106 Agreement dated 6<sup>th</sup> July 2010 be discharged

#### **Plans relating to these applications:**

Location Plan      Restricted plans and 20.02.25 documents

#### **List of Background Papers**

Application file, consultations and policy documents referred to in the report.

### **Statement on Human Rights and Equality Issues**

#### **Human Rights Act:**

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

#### **Equality Act:**

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149.

The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.