

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	16 th May 2012		
Application Number	11/02071/S73A		
Site Address	Field 7860, Lower Fosse Farm, Crudwell		
Proposal	Retention of Rifle Range, Shooting Shelter, Car Parking Area and Use of Land for Stationing of Portacabin (Retrospective Application)		
Applicant	Mr Hill, Corinium Rifle Range		
Town/Parish Council	Crudwell		
Electoral Division	Minety	Unitary Member	Cllr Carole Soden
Grid Ref	394612 194578		
Type of application	Retrospective		
Case Officer	Lydia Lewis	01249 706643	lydia.lewis@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Soden has submitted a request for the planning application to be considered by the committee to assess the safety and environmental issue.

1. Report Summary

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Main Issues

The main issues in the consideration of this application are the acceptability of:

- Noise and Impact on Public Right of Way;
- Range safety;
- Visual Amenity; and
- Highways.

The application has generated an objection from Crudwell Parish Council as well as 7 letters of objection.

3. Site Description

The application relates to a former quarry situated within open countryside approximately 3 kilometres north west of Crudwell. The site is situated approximately half a kilometre from the boundary with Cotswold District Council. The Fosse Way byway runs parallel to the range at a distance of approximately half a kilometre and a bridleway runs across the bottom of the range from south east to north west at a distance of approximately 400 metres.

A mature hedge runs along the south east of the range and a further hedge has been recently planted to the south west of the range.

4. Relevant Planning History		
Application Number	Proposal	Decision
None		

5. Proposal

The range is available for shooting (by appointment only) from 09:00 to 16:00, seven days per week. The range is 100 metres and has 4 lanes meaning it can accommodate 4 shooters at a time. The rifle range slopes down slightly with low level banking to both sides and a bullet catcher beyond a row of targets. The bullet catcher comprises an earth bank maintained by retaining wire with a sand bullet catcher maintained at an angle of 34 degrees.

A shooting shelter has been erected on site, this measures 9.1 metres wide, 4.05 metres deep and 2.5 metres high and is constructed of horizontal wooden cladding to three elevations with a corrugated metal roof.

There is a current portacabin on site providing a meeting point and office. This measures 6.1 x 3.1 metres. Permission is sought for the stationing of a 12.2 x 3.1 metre portacabin. The proposed portacabin would be dark green and clad with profiled metal sheeting.

A hardcore parking area approximately 17.5 x 20 metres in area has been constructed. The facility is accessed via an existing filed gate onto Turners Lane, to the north east of the range.

The facility is used for leisure and training purposes including training for the police, Forestry Commission staff and zoo staff.

Works were undertaken in February and March 2010 with the facility opening in June 2010.

6. Planning Policy

North Wiltshire Local Plan 2011

C3 – Development Control Policy
 NE15 – The Landscape Character of the Countryside
 NE18 – Noise and Pollution

7. Consultations

Wiltshire Police (Firearms Licensing Department) – Have visited the site on a number of occasions. The range was completed towards the end of 2010 and is categorised as a 'no danger area' range. The range is registered with the Wiltshire Police and it is stated that the intention is to utilise the range for the testing, zeroing, demonstration and repair of firearms in conjunction with the business.

Due to the complexities of firearms legislation, difficulties were encountered with firearm owners attending the range to test and zero their weapons. Firearm certificates are conditioned for specific use (such as vermin or deer control) and certificate holders often found that the strict conditions did not allow them to shoot at the range.

In view of this, the applicant decided to set up a shooting club, thus allowing more flexibility for certificate holders to shoot at the range as members. He applied to the Home Office for their approval in August 2010. The required checks were carried out by Wiltshire Police Firearm Licensing Department and recommendation was made to the Home Office for the club to be

approved. Account was taken of the provision of a safe shooting environment, the written constitution of the club, experience and qualifications of the applicant and Mr Blant as range officer. The Home Office granted approval shortly after.

The applicant has taken account of recommendations made in respect of the installation of additional warning signs and flags at and around the area of the range. Whilst the range is on private land, it is possible that persons in the area hearing shooting would be curious and attempt to approach the area of the range. Red flags and warning signs would now clearly indicate that live firing was taking place and would warn of the dangers of approach.

Wiltshire Police are not aware of any specific complaints being made in respect of the club activities at the range and there have been no reported issues in respect of the use of the range.

A condition of the applicants dealers certificate is that no weapons or ammunition is to be stored at the range when it is not in use.

Cotswold District Council – No observations.

Environmental Protection – Neither Wiltshire Council, nor Cotswold Council have received noise complaints thus far, but this does not mean that complaints could not be received in the future. The activity may intensify and lead to an adverse impact, despite its remoteness.

It is recommended that the proposal on page 16 of the noise report be accepted, to limit the use of un-moderated firearms to no more than 28 days per year by way of a condition.

A temporary permission of two years, initially is recommended. It is further recommended that the number of days shooting in that year is submitted to the Council at the end of that period.

This does not mean that if a complaint is received, then this will jeopardise any permanent consent, as any complaint will need to be substantiated.

Equally, if there are no complaints in the temporary period and then residents are concerned that a permanent permission will lead to a 'carte blanche' operation, then the Council still has powers to investigate and act under its noise nuisance legislation (Environmental Protection Act 1990).

Crudwell Parish Council – In summary:

- It is stated that the range has gained the necessary Home Office and police approvals. There is no objective evidence to justify these claims;
- There is no evidence presented that a robust Safety Risk Assessment has been conducted on this firing range by a qualified Risk Practitioner with specific experience;
- There is no evidence presented that the range construction specification is a specification recognised by any National Authority and that this firing range has been constructed to this specification;
- There is no evidence presented that the firing range proprietor is a National Authority qualified Range Conducting Officer as claimed. There is no statement on how firing will be conducted when the Proprietor is not available;
- There are totally inadequate warning signs around the perimeter of the firing range to warn the Public that they may be entering a firing range and when firing is in progress;
- The warning flag that is claimed is always in position on the stop butt of the range when firing is in progress is not visible from all approaches to the firing range;
- It is claimed that the Range Conducting Officer monitors any pedestrian movement on adjacent rights of way when firing is in progress and ceases any firing when pedestrians are in the locality. This is not possible with total confidence due to screening with trees and the land contours;
- It is not specified what type of weapons or ammunition will be used on the range;
- It is not stated how damaged and misfired ammunition will be disposed of;

- There is no indication of how unauthorised shooting will be prevented when the Firing Range is closed;
- The application form does not include a statement for foul sewage and nor does it address hygiene facilities or hazardous substances;
- It is claimed that a night event with 150 personnel in attendance has taken place. Night firing should be considered to be extremely hazardous;
- The requested operation times are 09:00 – 16:00 seven days a week with apparently no exclusions for Bank Holidays;
- There is public perception that the operation of the firing range precludes the enjoyment of the adjacent rights of way for pedestrians, children, dog walkers and horse riders who are startled and nervous at unexpected gun shots aimed in their direction; and
- There is no statement that Public Liability Insurance is established.

County Archaeologist – No comments or observations in relation to the proposals.

County Highways – On the basis that officers are satisfied that this proposal satisfies policy in the Local Plan relating to farm diversity and leisure uses in rural areas no concern is raised (in relation to PPS7 considerations).

Wiltshire Bridleways Association – This is a small agricultural area surrounded on three sides by a lane, a byway and a bridleway, used by walkers riders and carriage drivers in the peaceful enjoyment of the countryside and is totally unsuitable for a firing range. Horses particularly are easily startled, and the sound of nearby gunshots could easily cause a horse to bolt or handlers to lose control with disastrous results.

Public Rights of Way Team – The Rights of Way Warden has not received any complaints regarding the use of the site as a shooting range. However the Rights of Way section objects because the proposed use impacts on the use and enjoyment of the bridleway (HA 1980 s130), but would consider if some form of mitigation were in place to reduce the impact of sudden and unexpected firing. It is suggested that a flag is flown when the range is in use. The use of the range should be such that firing is away from the bridleway.

The British Horse Society – Object to this application on the following grounds: the ‘range’ is sited in fields adjacent to a bridleway and byway; the actual range is firing directly towards the bridleway; no consideration or assurances have been given in the application to the equine users of the Rights of Way; it is not clear from the application the level or type of noise that will be generated from the firearm discharge, and there is no assessment of noise levels reaching the RoW. Although the discharge is not immediately next to the RoW equine hearing is very sensitive; no proper safeguards or conditions are currently proposed for development to protect equine and other users of the RoW, both in terms of noise and physical safety; and it is likely that further development may be considered on the site that could affect the RoW.

8. Publicity

The application was advertised by site notice and press advert.

7 letters of objection have been received in response to the application publicity. In summary, the key concerns raised are:

- Safety – to those using the public right of way that crosses behind the range (target end), particularly for walkers, runners, horse riders and dog walkers;
- Increased traffic – the access lane is a small quiet lane. An increase in traffic would not be sustainable as there are few places to pass. The junction at the Kemble end is very tight, hidden from a distance and on a slight blind bend. Increased use of the roads would compromise safety; and
- Noise nuisance.

1 comment has been received in response to the application publicity. This states that until Crudwell Parish Council raised this in the community newspaper they were unaware of the existence of the rifle range. No objections are raised to the continuance of the range and its events but of more concern is the excessive speed of traffic along local country lanes.

9. Planning Considerations

Noise and Impact on Public Right of Way

Paragraph 111 of Circular 11/95: The Use of Conditions in Planning Permission considers that where an application is made for permanent permission of a use which may be 'potentially detrimental' to existing uses nearby, but there is insufficient evidence to enable the authority to be sure of its character or effect, it might be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development.

Policy NE18 of the Local Plan states that development will only be permitted where it would not generate, or itself be subject to, harm upon public health or cause pollution to the environment by the emission of excessive noise, light intrusion, smoke, fumes, other forms of air pollution, heat, radiation, effluent or vibration.

Shooting, especially on outdoor ranges, present particular locational issues, meaning that shooting facilities may be better located in the open countryside away from populated areas and no objection in principle is therefore raised to a countryside location for the proposed development.

The range is available for shooting (by appointment) from 09:00 to 16:00, seven days a week. There may be days when there are several appointments and then several days where there is no shooting.

Most shooters visit the site to practice or gain extra tuition shooting around 20 shots per session which usually lasts one hour. All firing takes place inside the shelter which the planning statement advises has been designed to absorb sound.

A Noise Report, prepared by Acoustic Consultants Ltd has been submitted in support of the application. This details that there are two main types of weapon in terms of noise emission. The moderated (with a 'silencer') and the unmoderated. Most modern firearms are fitted with sound moderators to lessen recoil, sound and muzzle blast.

The report states that in 2011 the range was operational for a total of 179 days with a total of 333 people visiting, out of these 333, only 17 used a rifle without a sound moderator.

The report considers the effects of the range on the potentially most noise sensitive dwellings, the Rectory approximately 1,500 metres to the south and the Farmhouse approximately 650 metres to the north, and the bridleway approximately 400 metres to the south.

The relevant clay target shooting criteria was set by the Chartered Institute of Environmental Health; (CIEH) Clay Target Shooting entitled 'Guidance on the Control of Noise', published in January 2003. The noise report identifies this to be the most relevant guidance for the proposed site operations, though the site does not use clay targets.

Chapter 6 provides criteria on noise measurement and assessment and in summary states:

'The BRE research suggests that there is no fixed shooting noise level at which annoyance starts to occur. Annoyance is less likely to occur at a mean shooting noise level (mean SNL) below 55 dB(A), and highly likely to occur at a mean shooting noise level (mean SNL) above 65 dB(A).'

'The SNL is defined as the logarithmic average of the 25 highest shot levels, from the shoot in question, over the 30 minute measurement period. The shot levels will have been obtained from recorded levels corrected where necessary for residual noise.'

Shots were fired at the range using two moderated rifles and one unmoderated rifle and measurements taken at the three noise sensitive locations identified above. The CIEH guidance calls for noise level of the 25 loudest shots over a 30 minute period to be averaged. This is based on clay pigeon shooting where there could be scores of shots taking place in this time. However, on the rifle range, a total of 13 shots were fired during the 30 minute period. Of these a total of 11 were measurable.

The survey was carried out in fairly still wind conditions and it is acknowledged that wind strength and direction will impact upon noise levels. Although wind direction will vary from day to day depending on weather conditions, the prevailing wind is south westerly and greater noise effects would therefore be felt to the north east. The bridleway is situated roughly to the south west of the range.

The noise report further identifies that the mode of firing differs to clay target sites as the line of fire is always in the same direction and angled slightly downwards whereas clay target firing is upwards inclined and in numerous directions.

The table below has been taken from the noise report and summarises the results of the noise measurements undertaken:

Location	223 (5.56) Moderated Rifle SNL (dB)	308 (7.62x51) Moderated Rifle SNL (dB)	308 (7.62x51) Unmoderated Rifle SNL (dB)
Bridleway	45	51	63
Rectory	Inaudible	Inaudible	47
Farm House	Inaudible	Inaudible	53

It can be seen from the table above that moderated rifles are inaudible from both of the nearest residential properties. Unmoderated rifles are audible but do not exceed the SNL recommended by the CIEH guidance in relation to clay pigeon shooting. In relation to the bridleway, the noise generated by moderated rifles is within the CIEH guidelines but not for unmoderated rifles. A bolting horse poses a danger to its rider and other bridleway users as well as itself and it is noted that even if the risks could be eliminated, the range could reduce the pleasure of using the bridleway particularly by inexperienced riders or nervous horses.

As previously stated, in 2011 unmoderated rifles were used on 17 days of the year and it must be remembered that permitted development rights allow use of the site for moderated or unmoderated rifles on 28 days in any calendar year and this has to be taken into account. The noise report concludes that the use of unmoderated firearms could, be limited to no more than 28 days per annum.

The Council's Environmental Protection team have advised that consent be granted on a temporary 2 year basis in order to test any noise impact. It is recommended that details of the timing, location and arrangements for the future monitoring of the ranges noise impact be submitted within three months of the date of this permission. Given the results of the noise assessment already submitted, it is recommended that this is on the basis of the bridleway only.

On the basis of a temporary 2 year consent as outlined above and a further condition restricting the use of unmoderated firearms to no more than 28 days per calendar year it is not considered that a refusal on the basis of noise could be substantiated. A further condition relating to hours of use is recommended to restrict hours to 09:00 – 18:00 Monday to Saturday and 09:00 – 16:00 on Sundays with no firing on Bank Holidays.

Although it is recommended that the use of unmoderated rifles be restricted to within the permitted development rights of 28 days per year, it would be helpful if horse riders could know when shooting of unmoderated rifles was to take place i.e. if it were restricted to certain days of the week to allow alternative routes to be used. The applicant has been asked to consider this and has advised that this could lead to operational difficulties owing to the nature of the business which often involves resolving problems that people have with their rifles which can include firing a few shots with the silencer removed.

Range Safety

The Home office circular 031/2006 'Firearms' makes it clear that range safety is primarily the responsibility of range owners and operators. Paragraph 11 states that it is anticipated that most ranges will use The National Small-bore Rifle Association and the National Rifle Association scheme. However, it is for each range owner / operator to decide what steps to take to ensure their range is safe.

The applicant has submitted the following in support of the application:

- Home Office certification;
- National Rifle Association certification; and
- Lantra (land and training skills organisation) certification.

All rifle owners must make an appointment to shoot and are supervised at all times. There is no unattended use of firearms at the site. Experienced shooters are required to bring their firearms certificate with them before they are permitted to use the range and the applicant is duty bound to report unlicensed or inappropriate behaviour to the police. No guns are stored at the facility.

The planning statement identifies that prior to shooting, red flags are placed upon the highest point on the bullet catcher to alert walkers and equestrians that shooting is imminent. The applicant is always in attendance during shooting practice and monitors the bridleway requiring shooters to hold from firing while a walker or horse rider is on the bridleway.

Although range safety is primarily the responsibility of range owners and operators, appropriately worded conditions can reinforce it, for example to ensure that appropriate range certificates are obtained and range records are kept.

Visual Amenity

Policy NE15 of the Local Plan states that the landscape of North Wiltshire and its locally distinctive characteristics shall be conserved and enhanced, development will be permitted if it does not adversely affect the character of an area and features that contribute to local distinctiveness.

The range itself is situated within a former quarry and both the shooting shelter and proposed portacabin are of a limited scale and constructed of materials that would blend in with the character of the surrounding area. The range is largely screened by an existing mature hedgerow ensuring that views are restricted from the wider public realm with views limited to close quarters. The rifle range is not considered detrimental to the visual amenity of the local area.

Highways

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria including amongst other things: have a satisfactory means of access, turning, car parking and secure cycle storage and not result in a detrimental impact upon highway or pedestrian safety.

The applicant has provided a breakdown of the numbers of people, cars and shooting days at the rifle range extracted from the range log over a 14 month period from June 2010 to July 2011 inclusive. The range log records individual private shooters and shooters on training courses. Open days are not recorded in the log.

During the 14 month period outlined above, the range hosted shooting on 183 days, including a training course in July with 8 attendees. With regards the number of open days which can be held at the site, the applicant is limited to 12 per year under Home Office approval regulations, to date there have been three, the most recent of which was held in June 2011 when around 25 people attended, arriving in approximately 20 cars.

The highways team have reviewed the application and have raised no objection. Conditions are recommended to ensure the parking area remains for such purposes and that there shall be no more than 3 events / open days, lasting no more than 2 days, per calendar year.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The rifle range is not detrimental to the visual amenity of the surrounding area and does not result in material harm to highway safety. The development therefore complies with policies C3 and NE15 of the North Wiltshire Local Plan 2011. The safety of the range is primarily the responsibility of range owners and operators but conditions are recommended to reinforce this. A temporary 2 year consent is recommended in order to further test the noise impact of the rifle range on the bridleway and to ensure its compliance with policy NE18 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. The Portacabin hereby permitted shall be begun not later than three years from the date of this decision.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No external lighting shall be installed or used at the site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Those details shall include the number, type, technical specification and luminescence of each light source, as well as of any shielding proposed. Development shall be carried out in accordance with the approved details and shall be retained thereafter.

REASON: To minimise light pollution and in the interests of the amenities of the area in accordance with policies C3 and NE15 of the North Wiltshire Local Plan 2011.

3. Shooting shall not take place on the site other than between the hours of 09:00 and 18:00 Monday to Saturday and 09:00 to 16:00 on Sundays. There shall be no shooting on Bank or Public Holidays. On Remembrance Sunday, normal shooting hours will be permitted with the exception that the two minute silence shall be observed at 11:00 hours.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area in accordance with policy NE18 of the North Wiltshire Local Plan 2011.

4. The area allocated for parking set out on drawing number KCC 3 (block plan) shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

5. Unless otherwise agreed in writing beforehand by the Local Planning Authority, no more than 3 events / open days, lasting no more than 2 days shall be held on the site per calendar year.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area in accordance with policy NE18 of the North Wiltshire Local Plan 2011.

6. The use hereby permitted shall be discontinued and the land restored to its former condition in accordance with a scheme of work submitted to and approved by the Local Planning Authority to include a timetable for restoration. Within three months from the date of this permission, the timing, location and arrangements for the future monitoring of the ranges noise impact on the bridleway to the south west during the temporary period shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: The use may be potentially detrimental to users of the bridleway, but there is insufficient evidence to enable the authority to be sure of its character or effect.

7. Appropriate safety certificates for the range hereby permitted obtained from the National Small-bore Rifle Association and / or the National Rifle Association shall be renewed at an interval of not less than three years and shall be made available for inspection by the Local Planning Authority within 48 hours of any written request to this effect.

REASON: To ensure that the range operates within the guidelines set out in Home Office Circular 031/2006.

8. Records shall be kept of the use of the range hereby permitted, including the type and number of firearms used, the number of rounds fired and the hours used. These records shall be kept for a period of not less than ten years and shall be made available for inspection by the Local Planning Authority within 48 hours of any written request to this effect.

REASON: To ensure that the range operates within the guidelines set out in Home Office Circular 031/2006 and to ensure compliance with condition 9 of this consent.

9. Shooting of unmoderated firearms shall be used on no more than 28 days in any calendar year.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area in accordance with policy NE18 of the North Wiltshire Local Plan 2011.

10. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

- KCC 1 – Site location plan
- KCC2 – Location plan
- KCC3 – Block plan
- KCC4 – Elevations, floor and roof plan – shooting shelter
- KCC5 – Elevation – proposed portacabin
- Sk/Cir/001 – 100 metre limited danger area range

All date stamped 10th June 2011

REASON: To ensure that the development is implemented as approved.

