

Draft email to Samuel Kur

Dear Mr. Kurtz

I am asking for your help as one of your constituents. I have lived at [REDACTED]
[REDACTED], for over 12 years and in the area all my life.

I have just discovered that the Welsh Government is considering extending permanently the number of days allowed for temporary use without planning permission under the Town and Country Planning (General Permitted Development) Order, 1995.

May I explain why this matters so much to my neighbours and myself:

Last year, 2021, a large motocross track was constructed on 23 acres of what had been farm land immediately adjacent to my house and that of my neighbour [REDACTED]
[REDACTED]. The track comes within 122 metres of my house. We live in the heart of the country, previously enjoying rural tranquility. The track is in entirely the wrong place.

Although its construction entailed extensive 'engineering operations' - using large earth-moving machines to create the track with jumps, plateau, banking etc - this was done without planning permission.

In March 2021 [REDACTED] began intensive use of the track including for racing and practicing, also without planning permission. The excessive noise causes serious harm and loss of amenity to those within earshot. While the track is in use the noise in my house is unendurable, forcing us to leave. In addition to noise there is a considerable amount of dust on dry days, and the motocross generates far more traffic on local minor roads than they can safely bear. Local people are also concerned about pollution, and damage to the environment - the 23 acres of agricultural land were effectively laid waste.

There were a large number of complaints to the [REDACTED], in particular about the noise and dust. Eventually, in August 2021, use of the track was stopped by the Council, as the days allowed under the Permitted Development Order had been considerably exceeded.

In September 2021 the owner of the site, who had apparently granted a licence to [REDACTED] applied for planning permission for change of use of the land from agriculture to a [REDACTED] and thus to be allowed to use it for motor cycle practice and racing. There were a large number of objections to the application. I submitted a report from an acoustic expert as to the noise impact of the [REDACTED] use. On 16 December 2021 the Council refused the application, in particular because of the 'detrimental impact on the amenity of third parties in terms of noise and disturbance', and because of the detriment to 'highway safety' caused by the traffic generated by the motocross.

[REDACTED] made it clear that they intended to reopen this year relying on permitted development rights, and they did so this last Easter weekend, again causing great disturbance and upset in the vicinity. I had to take my wife and child away for the rest of the day. [REDACTED] have announced that, weather permitting, they intend to use the track on 4 days in each month.

I found out about the proposed increase in the permitted days very recently when my attention was drawn to the Welsh Government's consultation document 'Amendments to permitted development rights Gov. Wales', the proposal being that the 'temporary use' days allowed by the 1995 Order be doubled: from 28 to 56 days in a calendar year, with the days for racing and practicing being increased from 14 to 28. Unfortunately the consultation period expired on 15 February 2022. Of course I had no idea this proposal was being considered until a few days ago. The position of myself and other local people is in reality that we had no way of knowing about the consultation document until a friend came upon it by chance. There must be a considerable number of people in Wales who may be adversely affected by the proposed increase now or in the future, who will have no opportunity of protesting against it – in contrast to the motorcycle clubs, who may well know about it.

I hope very much that it is not too late to make representations as to why the proposal should not be implemented. The reasons why I am so concerned is obvious from the history that I have given. It is bad enough for my [REDACTED] that [REDACTED] should use the track for 28 days in the coming year, with 14 days for racing and practicing – and that is without any limit on the noise made or times for which the track is in use. That will ruin all our summer weekends. We face the prospect of the harm to us being doubled.

I and my family are in an awful position. I am being harassed, threatened and abused because of my public opposition to the [REDACTED]. This is very upsetting for my [REDACTED]. We have had to remove him from the local school. We wish to move ourselves, but cannot sell our house with the [REDACTED] next door. The harassment has been reported to the police.

Please will you do all you can to stop the proposal being implemented, and also advise us as to whom else we should be making these representations and whether there is any other action we can take. Once I know that it is not too late, I will inform [REDACTED] of the proposal, for I am sure many of them will be as concerned as I am.

Aside from my own position, it is surely wrong that an activity as potentially disturbing and harmful as [REDACTED] can be started up anywhere without planning permission, regardless of how close it is to people's homes, and then carried on without any restriction for a significant portion of the year. The justification suggested in the consultation document is the benefit to the local economy and tourism. That would certainly not be the benefit in this area, where tourism depends on rural tranquility. People are attracted by the joys, and peace and quiet, of the countryside. A number of the objections to the planning application were from [REDACTED]

Their visitors will not come if they are going to be subjected to [REDACTED]

May I in addition ask for your help and advice as to a related problem. [REDACTED] enforcement officer refuses to take any action in respect of the construction of the track without planning permission. One reason that he has given is that the [REDACTED] were or could have been 'formed naturally by attrition', i.e. by the use of the land for [REDACTED]. This is nonsense. They were formed by heavy earth-moving machinery mainly in the spring of 2021, as shown in photographs posted by [REDACTED] on Facebook. The enforcement officer's current attitude is particularly difficult to understand as he sent me an email on 17 September, 2021, saying that 'the track has engineered features such as a

plateau and therefore requires permission for this reason alone', and that he had emailed 'the operator .. to restore the land to its former agricultural use & appearance within 6 weeks'. Obviously that was not done. The enforcement officer has not explained his complete change of mind.

We have also pointed out to the Council's enforcement officer that [REDACTED] cannot lawfully use this land for motocross without planning permission. The law is plain: permitted development rights are available for temporary use where the land reverts thereafter to its permanent use, here agriculture. [REDACTED] a national organization for [REDACTED] [REDACTED] has issued a guide which states the position clearly and succinctly: 'Permitted development rights deal with *temporary* changes of use, and the site must afterwards revert to its principal use (e.g. agriculture).' The enforcement officer does not appear to dispute that this is the law, but suggests the land may be remaining 'fallow'. His approach is entirely unreasonable and has no evidential basis. The land is not arable; it was previously used for pasture – grazing sheep and cattle. There has been no agricultural use of it at all since before the creation of the [REDACTED] You have only to look at the site to see that in its entirety it has been turned into a [REDACTED] and really cannot be used for anything else.

This surely is case in which it necessary and expedient for the Council to take enforcement action, having regard in particular to the nature and extent of the breaches (the loss of a large amount of agricultural land and large-scale environmental damage), their flagrant nature, the importance of upholding the planning system, and the reasons for which planning permission for motocross was refused, especially the detriment to local amenity and to highway safety.

I would be most grateful for your help in persuading [REDACTED] to reconsider the matter, and to carry out their public duty to uphold the planning laws, having proper regard for citizens whose welfare is threatened by their breach.

[REDACTED]

I am sorry to trouble you with these problems, but they are of the greatest importance for the happiness and well-being of my family and many of my neighbours. I would be most grateful if you could reply as soon as possible, for I am worried that there may be very little time for us to make an effective protest against the proposed extension of the permitted development days.

Yours etc.