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Our ref: TAY5/2 (SAG)
Your ref: 24/03099/FULL

30 September 2025

Attn. Venezia Ross-Gilmore – Planning Officer

By email only: planning@southkesteven.gov.uk;
Venezia.ross-gilmore@southkesteven.gov.uk

Dear Council,

Brandon Shoot
Application ref: 25/1468

- 1 We are instructed by Brandon Wood Clay Shoot Residents' Association ("our client") in relation to the above-mentioned application. The Brandon site is divided into three separate areas A, B and C (see Fig 1 below); the applicant is applying for up to 106 days shooting across all three areas of the site.

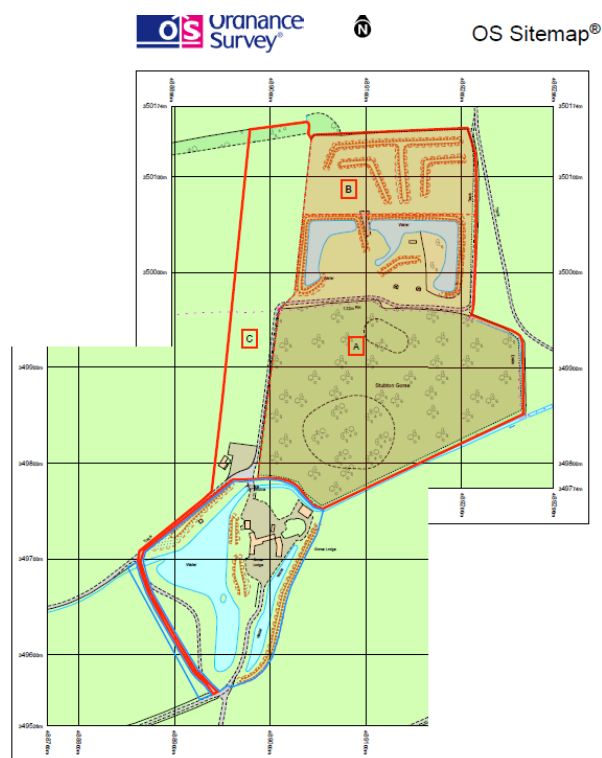


Fig 1¹

Background

- 2 The history of shooting on this site is long and well-known. It begins with a 3-year permission in 1995 made permanent in 2000 (“the 2000 permission”). That 2000 permission is now accepted by all parties as the basis of what may take place on Area A, ie 50 days per annum.
- 3 We highlight certain themes in the planning history:
 - (1) throughout its history the Council has adopted a precautionary approach to the shoot, granting permissions temporarily or refusing extensions;
 - (2) impact on residential amenity is the leitmotif of the Council’s concern, clearly stated in reasons for refusal;
 - (3) the shoot has since 2017 operated in excess of its permitted use both on Area A but also Areas B and C;
 - (4) Throughout subsequent applications in relation to the site until 2019 the 2000 permission has been consistently referenced as the default or extant position; each subsequent application for extension has been framed as a variation of the condition attached to the 2000 permission.
- 4 We do not propose to go through the history in detail save to summarise key points:
 - (1) October 2003 application S03/1093/71 to increase the operational hours was refused
 - (2) In 2004 application S04/0345 was refused for a Shop, Office, WC block, Tower and an increase in the operating hours.
 - (3) In June 2008 a new temporary (15 month) permission S07/1583/31/71 was granted to increase of number of shooting days to 120. The Planning Committee limited the permission to 15 months (Condition 14), with a condition limiting noise to 55dB(A). Several preconditions were never carried out. Accordingly, it is generally accepted by all parties that when the permission expired the position reverted to the 2000 permission.
 - (4) In October 2018 an application S18/0075 to increase to 120 days was refused.
 - (5) On 26 October 2018 the Breach of Condition Notice was served, and was appealed ref 3216945, but the Council withdrew the EN before the Inquiry on promise of support for a fresh application for 150 days. This application reference S20/0098 was refused in committee on 17 November 2022. The reason given was “*relating to noise impact from the increased number of days shooting on the amenity of local residents*” with exact wording delegated to the officer to draft. The decision notice gives as the reason for refusal:

“It has not been satisfactorily demonstrated that the shooting noise management plan will reduce adverse noise impact to a level which would be appropriate to justify the proposed use of land for 150 shooting

¹ Mike Sibthorp Planning Statement

days. The noise impacts associated with the current position and fall-back position are acknowledged, however, it is considered that the proposed increase in the number of shooting days would result in an adverse impact on the amenity of local residents...”

This decision was not appealed. However, the Cranes continued using the site intensively for shoots well in excess of the 2000 permission.

(6) On 14 December 2023 the Council served a second Enforcement Notice, which was appealed. It was declared a nullity by the Inspector on a technical point. The Inspector therefore did not have to address the substantive points raised. During the course of the Inquiry negotiations took place between the applicant and the Council and again, a deal of sorts appears to have been achieved whereby the Council indicated support for shooting 106 days per annum.

The Fall-back position

- 5 The Council and applicant during the enforcement notice Inquiry (see para 4(6) above) agreed that the fall-back position was 106 days ie Area A 50 days under the 2000 permission, plus Area B 28 days under permitted development rights (“PD rights”), and Area C a further 28 days under PD rights. That is the position put forward by the applicant, who argues that the fall-back position gives no protection (eg the Noise Management Plan) to residents but also is operationally undesirable from their point of view.
- 6 We have instructed Ben Fullbrook of counsel to give his view and enclose his Advice. His legal analysis is detailed, but in summary he concludes the actual fall-back position is not what the applicant relies upon. In fact, it is 50 days on Area A, of which 28 days may be on Area B (PD rights) and 28 days on Area C (PD rights). To be clear, this is **50 days’ shooting across the whole site, but permissible in different locations within that 50 day period**. And even then, the 28 days PD rights are only available but if the relevant area can be restored to its former condition within the 28 days. The issue of PD rights is therefore a red herring. There is bunding to Area B. In addition, there is evidence of significant lead contamination.² Restoration to the existing agricultural use is therefore impossible. This is not 50+28+28 = 106 days.
- 7 The significance of the actual fall-back position is not just the number of days; it is also because Area C is closer to residents of Fenton yet has no acoustic bunding in place. Use of Area C will therefore expose residents to even more disturbance.

Noise & Noise Mitigation

- 8 The applicant has relied upon their Acoustic report with Noise Management Plan (“NMP”) from 2020³ with no material changes, despite apparently updating the NMP in 2024. In our objection to the 2020 application (reference S20/0098) we submitted a

² See Briefing Note of Mr Rawlins April 2022: “The nearest equivalent study of lead levels in soil involved a clay pigeon shoot near Bolton in Lancashire where shooting had been undertaken for 20 years. Mellor & McCartney (1994) measured soil and crop (oilseed rape) lead levels. The results revealed high total lead levels in the soil between 80 and 140 metres from the shooting stands where they ranged from 5000 to 10,600 mg/kg. By contrast, a study by the British Geological Survey to define the normal background concentrations for soil contaminants in England, found that lead concentrations throughout the majority of England (94%) were approximately 180 mg/kg.”

³ Sustainable Acoustics 2020

review we commissioned from Richard Fenton Environmental (“RFE”), which we enclose again with this letter. In it, RFE highlighted:

- Gaps in baseline measurements, definition of risk, practicality of the management plan, impact of cumulative noise,
- the absence of any data about karting/motorsport noise yet the assumption of likely impact
- factual errors, for example, the reliance erroneous information as to the historic shooting days to establish a very misleading “baseline”.

RFE concluded:

“the proposed target shooting noise levels are not appropriate for the number of shooting days proposed and it is questionable, based on the evidence presented, whether they could even be achievable at all receptors”

and further:

“it is unlikely that the strategy set out in the shooting noise management plan will be capable of reducing adverse noise impact to a level which could be considered appropriate to justify the proposed increase in shooting days”

9 This was also the Council’s concern at Inquiry in 2024:

“On review of the Noise Management Plan there are concerns that some of the suggestions to minimise the impact of noise may not be practicable.”⁴

And further⁵:

“There appears to be agreement and acceptance on the part of the Appellant’s commissioned consultants that Shooting Noise Levels can exceed the levels provided by the CIEH guidance and other relevant guidance such as BS 8233: 2014 and WHO. There also appears to be an acceptance by the Appellant’s noise consultants in principle that the noise should be controlled to protect amenity. The Council agrees with this position.

However, there is a lack of clarity from the information available as to how often the SNL exceeds guidance levels along with exactly which variable factors coincide to create conditions where SNL exceedances occur. Whilst weather conditions and wind direction are thought to be key, it is possible other factors such as cloud coverage, type of gun used, type of cartridge used, direction of shot taken and specific stand used that may also influence the SNL received at noise sensitive receptors. There are also NSRs at various proximities to the Site in differing directions surrounding the shooting ground. It is also notable that there has been no assessment of noise impact when shooting takes place in the western part of the Site, which is subject to this enforcement appeal. This is an open area and closer to Fenton, which is the village which appears to be most affected by noise from the shoot.

In summary, the Council considers that the distinctive characteristics of the likely noise and disturbance emitting from shooting activities through

⁴Para 8.1 Council’s Response to Ground A Appeal June 2024

⁵ Ibid Paras 5.3-5.5

intermittent short-term events is likely to be easily discernible against the ambient noise. It is clear from the consistent complaints received from local residents that noise from the appeal Site has led to material changes in behaviour, such as having to go indoors when shooting, under certain conditions, is taking place. Consequently, the quality of life of nearby residents is diminished due to the change in the acoustic character of the area when shooting is taking place. It is therefore concluded that the use of the land for clay pigeon shooting, if not appropriately controlled by conditions and in particular an NMP, can or could cause significant adverse effects to the amenity of nearby residents by reason of noise and disturbance.”

- 10 The applicant, however, now misrepresents this NMP as “*formed part of the agreed conditions*” within the appeal⁶. The Council in 2024 were concerned that the NMP was inadequate, and anticipated further work would be done with the applicant upon it. This does not appear to have been carried through.
- 11 Following CIEH Guidance:
 - “*planning permission should not normally be granted for a major shoot if the mean SNL exceeds 55dB where the background level is less than 45dB*”⁷
 - There should be a buffer zone of at least 1.5km to protect local residents
 - Control should be shaped in terms of “cumulative hours” within days of permitted operation
 - Controls *inter alia* on the number of shooting stands⁸, entrants⁹, rounds per entrant¹⁰, low noise cartridges¹¹, and noise barriers¹²
- 12 The proposed NMP does not reflect any of the above. The applicant is of the view that such additional controls (beyond the weak NMP proposed) would be unworkable, however the guidance is not of that view. Our client would want to see a 55dB limit additionally imposed, as has been achieved elsewhere: see in particular the appeal decision in Blyth (reference APP/A3010/W/17/3183805). The Inspector in the appeals for the shoot at Lodge Farm, Wrexham in 2021¹³ relied upon evidence the shoot was operating above a 55bB SNL ¹⁴limit. He did not consider it impossible to monitor noise levels in this way. CIEH guidance has been upheld throughout these appeals as a “gold standard” which should not be departed from¹⁵.

Expectations

- 13 It important to note the several occasions in the history of this site when elected councillors have looked at the applications before them and decided against their officer’s recommendations. This is dealt with in Mr Fullbrook’s Advice at para 49:

⁶ Planning Statement para 98

⁷ CIEH Guidance on the Control of Noise 2003 chapter 4

⁸ CIEH Guidance on the Control of Noise 2003 para 5.4

⁹ Ibid 5.5

¹⁰ Ibid 5.5

¹¹ Ibid 5.6

¹² Ibid 5.7

¹³ APP/H6955/A/19/3241654, and APP/H6955/A/19/3241655 see DL 2.6.21

¹⁴ Mean shooting noise level

¹⁵ See Southdown Farm, Yarnscombe APP/W1145/A/11/2155564; Woodland Park, Talachddu APP/T6850/A/08/2065084; Manor Farm, Gotherington APP/G1630/X/09/2102426 amongst many others.

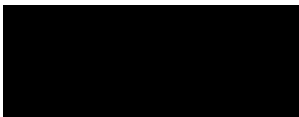
“As a matter of public law, local planning authorities cannot fetter their discretion to pre-determine applications for planning permission.”

- 14 Undoubtedly, the Council felt under pressure during the 2024 Inquiry to find some workable solution to the problem. Our client does not agree the compromise the Council and the applicant agreed at Inquiry can be sufficient (indeed any) protection of their amenity. However, our client does appreciate the dilemma the officers perceived. We would emphasise again that the enforcement appeal failed on a technicality; the Inspector did not decide upon the merits of any of the submissions before him. Mr Fullbrook has set out the actual fall-back position should this application be refused; it is entirely open to the Council to decide to refuse it as contrary to local and national policy¹⁶.

Conclusion

- 15 The shoot currently has permission on Area A only, for 50 days. The proposed extension to 106 days across the whole site will adversely impact residential amenity and run contrary to policy and it would be open to the Council to refuse permission.
- 16 However, that will not resolve the situation in the longer-term. Our client is a group of reasonable, fair-minded individuals. They are reconciled to an increased number of shooting days as a practical solution but with the significant caveat that their amenity must be protected. The NMP offers no real protection. It is so fundamental to overcoming the harms of the proposed extension that it must be properly set out and considered as part of the application.
- 17 As a bare minimum, it should include strict control on hours of operation, equipment, acoustic defences (including bunding) to Area C, and a 55dB SNL limit. This latter has been resisted by the applicant, but has been successfully imposed by other local planning authorities (see para 12 above). If the Council is adamant in its agreement with the applicant that a 55dB limit is impossible to impose, then they must together come up with strict controls to ensure the **volume** of noise is adequately limited, as well as the **incidence**. Any NMP must be approved and capable of operation before the permission is implemented ie **before** there are any days' shooting beyond the 50 day fall back permission.
- 18 If sufficient robust protection will not be put in place, the Council should **refuse**, confident that the fall-back is significantly less than 106 days.

Yours faithfully



RICHARD BUXTON SOLICITORS

Encl. Opinion of Ben Fullbrook dated 26.09.2025

Technical Noise Report – Desktop Review of Acoustic Evidence dated April 2022

¹⁶ Local Plan policies SD1, E5, E7, DE1, EN4, Policy NE1 of the Stubton Neighbourhood Plan, and paragraph 198 of the NPPF