

Peterborough Speedway
Objections to the Planning Applications
Retaining Speedway in Peterborough



4 October 2024

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Peterborough Speedway Track 2023

1. Executive Summary

- 1.1 The Peterborough Panthers Speedway Consortium objects to the planning applications said to be made by 'AEPG Limited & East of England Agricultural Society' ('the Planning Applications') which fail to make any provision for Speedway. As a result the Planning Applications are policy non-compliant and for the reasons set out should be refused.
- 1.2 Provision should be made for Speedway at the East of England Showground site for the reasons outlined in this Response.
- 1.3 Those reasons include;
 - paragraph 103 of the National Planning Policy Framework (NPPF)
 - the current Peterborough City Council policies for the preservation of existing culture, leisure, tourism and community facilities on the East of England Showground site
 - the current Planning Permission for Speedway on the East of England Showground site
 - current Peterborough City Council policies to preserve sports facilities
 - the fact that the scheme proposed is contrary to the Peterborough Local Plan
 - the Coventry Stadium Appeal Decision dated 19 January 2024.
- 1.4 These reasons make a compelling legal, planning and policy case for the retention of Speedway at the East of England Showground site and the refusal of the Planning Applications.



Premiership Title Winners 2021

2. Introduction

- 2.1 This Objection sets out Speedway's position and heritage in Peterborough and includes the legal and planning imperatives for Speedway's retention at the East of England Showground site.
- 2.2 Since its introduction in 1970 Speedway has been Peterborough's highest quality and second best attended spectator sport. In that time Peterborough Panthers teams have won their respective league championships five times and have included riders who have won the world individual speedway championship 10 times further details of which are set out in section 7.
- 2.3 In addition to its place in British Speedway's league and cup racing competitions, the East of England Showground track was licensed to hold World Championship events and held the Under 21 World Team Cup Final in 2001.
- 2.4 The legal and planning points have become more significant since the East of England Showground site's closure to Speedway and the current Planning Applications to develop the site without making provision for Speedway.
- 2.5 This Objection outlines why and how national and Peterborough City Council policies should be applied and any application for development which does not make provision for Speedway should be refused.



3. Relevant Parties

- 3.1 Applications 23/00400/OUT and 23/00412/OUT seek planning permission to develop the East of England Showground site.

According to the Application Forms both Applications are made by '*AEPR Ltd & East of England Agricultural Society*'.

The freehold of the East of England Showground site is owned by East of England Agricultural Society.

The terms of an agreement between the East of England Agricultural Society Limited and Asset Earning Power Group (AEPG) Limited, Asset Earning Power Residential (AEPR) Limited or any legal entity controlled by Ashley John Butterfield are unknown.

3.2 East of England Agricultural Society

East of England Agricultural Society (company number 01589922) was incorporated on 7 October 1981.

It is a private company limited by guarantee without share capital.

Its registered office is at Fitzroy House, East of England Showground, Alwalton, Peterborough, England, PE2 6XE.

3.3 AEPR Ltd

The Planning Application forms state that the Applications are made by 'AEPR Ltd'. There is no company with the name AEPR Ltd incorporated in England & Wales and registered at Companies House.

How and why the Applications are said to be made by a company which does not exist is unknown.

3.4 East of England Showground Services Limited

East of England Showground Services Limited (company number 00990944) was incorporated on 6 October 1970.

Its registered office is at 1 The Forum, Minerva Business Park, Lynch Wood, Peterborough, United Kingdom, PE2 6FT.

Its directors are Ashley John Butterfield and Lee Stuart Sharp.

According to its last accounts filed at Companies House for the year ended 31 December 2023;

- it has total assets of £2,254,280 (p. 19)
- £1,822,314 is owed by group undertakings (p. 25)

3.5 Asset Earning Power Group (AEPG) Limited

Asset Earning Power Group (AEPG) Limited (company number 12826427) was incorporated on 20 August 2020.

Its registered office is at 1 The Forum, Minerva Business Park, Lynch Wood, Peterborough, United Kingdom, PE2 6FT.

Its sole director is Ashley John Butterfield was born in September 1975.

According to its last accounts filed at Companies House for the year ended 31 December 2023;

- it has share capital of £1 (p. 28)
- it is owed £180,534 by group undertakings (increased from £93,034 for y/e 31 December 2022) (p. 33)
- it owes £746,303 to group undertakings (increased from £521,452 for y/e 31 December 2022) (p. 33)
- it has net liabilities of -£343,694 (increased from -£244,885 for y/e 31 December 2022) (p. 28)

Note 2.2 of its accounts states that (p. 30);

'Going Concern

3. Relevant Parties (continued)

The financial statements have been prepared on a going concern basis which assumes that the company will continue in operational existence for the foreseeable future. The validity of this assumption depends on continued financial support from the director, shareholder and group companies. The financial statements do not include any adjustments that would result if such support is not continuing'.

3.6 Asset Earning Power Residential (AEPR) Limited

Asset Earning Power Residential (AEPR) Limited (company number 13198760) was incorporated on 12 February 2021.

Its registered office is at 1 The Forum, Minerva Business Park, Lynch Wood, Peterborough, United Kingdom, PE2 6FT.

Its sole director is Ashley John Butterfield was born in September 1975.

According to its last accounts filed at Companies House for the year ended 31 December 2023;

- it has no assets other than share capital of £1 (p. 35)
- its profit & loss account reports a loss of £1,258,396 (increased from £778,493 for y/e 31 December 2022) (p. 35)
- it owes £1,256,545 to group undertakings (increased from £776,992 for y/e 31 December 2022) (p. 39)
- has net liabilities of -£1,258,395 (increased from -£778,492 for y/e 31 December 2022) (p. 35)

Note 2.2 of its accounts states that (p. 37);

'Going Concern

The financial statements have been prepared on a going concern basis which assumes that the company will continue in operational existence for the foreseeable future. The validity of this assumption depends on continued financial support from the director, shareholder and group companies. The financial statements do not include any adjustments that would result if such support is not continuing'.



4. National Policy Planning Framework

4.1 In December 2023 the Secretary of State for Levelling Up, Housing and Communities published a new National Planning Policy Framework. This NPPF makes no material amendment to the Planning Policies to be applied but it should be noted that the relevant paragraph of the previous versions of NPPF are; 2012 (paragraph 74), 2018 (paragraph 97), 2019 (paragraph 97), 2021 (paragraph 99, 2023 (paragraph 99).

4.2 Paragraph 99 of NPPF 2021 and 2023 is reproduced without amendment as paragraph 103 of NPPF 2023 so that any previous references to paragraph 99 should now be read as references to paragraph 103.

4.3 On 30 July 2024 the government published a revised NPPF for consultation. No amendment to paragraph 103 is proposed.

4.4 NPPF paragraph 103 provides that;

'103. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.



Peterborough Speedway Track 2023

5.1 Policy LP30: Culture, Leisure, Tourism and Community Facilities

Policy LP30: Culture, Leisure, Tourism and Community Facilities
The council will support the development of new cultural, leisure, tourism and community facilities, especially if: - it will help to improve the range, quality, and distinctiveness of facilities that the city and surrounding areas have to offer; - it improves access by sustainable transport modes to such facilities; and - it will help to promote the image of Peterborough and attract more visitors. Culture, Leisure and Tourism Facilities As part of the overall spatial policy for the intensification and regeneration of the city centre, there will be a particular focus on the provision of new and improved cultural, leisure and tourism facilities here, and such proposals, where applicable, should: a. make the most of the existing facilities and assets such as the river frontage and the embankment, protecting this for future events and uses such as festivals and concerts; b. aim to promote a regionally/nationally flexible multi-use venue which can host a range of activities and large-scale events, including concerts; sports, arts and theatre events; a sport village/centre of excellence; leisure pool complex etc. to attract many visitors; c. aim to improve the evening and night time economy, offering a wide range of activities that are socially inclusive and meet the needs of different communities and different age groups, and that also take into account issues of community safety; d. aim to support the development of the University, such as shared sports facilities or libraries; e. assist in the creation and enhancement of water navigation facilities; and f. ensure that there are no detrimental impacts on designated sites, in accordance with policies LP23 and LP27. In exceptional circumstances when there is no appropriate city centre site, due to the nature and scale of the proposed development, other locations for cultural, leisure and tourism facilities will be considered in accordance with a sequential approach to site selection outlined in policy LP12. Community Facilities All development proposals should recognise that community facilities such as libraries, public houses, places of worship and community halls, or any registered asset of community value, are an integral component in achieving and maintaining sustainable, well integrated development. Proposals for new community facilities will be supported in principle, and should: g. Prioritise and promote access by walking, cycling and public transport. Community facilities may have a local or wider catchment area: access should be considered proportionately relative to their purpose, scale and catchment area; h. Be accessible for all members of society; i. Be designed so that they are adaptable and can be easily altered to respond to future demands if necessary; j. Where applicable, be operated without detriment to local residents: this especially applies to facilities which are open in the evening, such as leisure and recreation facilities. Existing Culture, Leisure, Tourism and Community Facilities The loss, via redevelopment, of an existing culture, leisure, tourism or community facility will only be permitted if it is demonstrated that: k. The facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility; or l. The service provided by the facility is met by alternative provision that exists within reasonable proximity: what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area; or m. The proposal includes the provision of a new facility of a similar nature and of a similar or greater size in a suitable on or off-site location.

5. Peterborough City Council Policies LP30 & LP36 (continued)

5.2 Policy LP36: East of England Showground

Policy LP36: East of England Showground

Within the East of England Showground, as defined on the Policies Map, the following uses will be supported in principle, subject to, if the proposal is of a significant scale, an approved masterplan for the Showground:

- Facilities directly related to the function of shows on the Showground itself;
- Conference facilities (D1 and D2);
- Employment related development;
- Residential development of around 650 dwellings.

Proposals for development should not have an unacceptable adverse impact on the surrounding uses (especially on occupiers of nearby residential properties), and all development should ensure that the character of the area is maintained.

A comprehensive master plan in advance of, or alongside, any significant proposals will be required and, if approved by the council in advance, this would become a material consideration in the determination of future planning applications. Such a master plan must demonstrate how the functioning Showground will be retained.

The loss of any existing leisure and sports facilities will not be supported unless replacement facilities are provided in accordance with policy LP30.



6. Coventry Stadium Appeal Decision

- 6.1 An application for planning permission to demolish the Coventry Speedway Stadium, Rugby Road, Coventry, CV8 3GP was submitted to Rugby Borough Council by Brandon Estates Limited in 2018 (R18/0186) in which the Applicant sought to demolish the Speedway and Stock Car track and facilities and permission for residential development and the construction of a 3G sports pitch on the basis that the Stadium was surplus to requirements and that motorsport operation was not viable.
- 6.2 This planning application was refused by the unanimous vote of the Rugby Council Planning Committee on 9 November 2022.
- 6.3 The Applicant appealed the Planning Committee's refusal (Appeal ref.:APP/E3715/W/23/ 3322013).
- 6.4 The Applicant attempted to support its appeal by the arguments that;
- (a) the motorsport facility was surplus to requirements
 - (b) reinstatement of motorsport was not viable.
- 6.5 A Planning Inspector was appointed by the Secretary of State. The Appeal was heard in the Rugby Town Hall over 9 days between 19-21, 26-29 September and 27 -28 November 2023. The Planning Inspector inspected the Appeal Site on 19 September 2023 and heard evidence from 22 witnesses.
- 6.6 By the Appeal Decision of 19 January 2024 the Appeal against the refusal of planning permission was dismissed (p. 1).
- 6.7 In dismissing the Appeal the Planning Inspector held that;

(a) At paragraph 33 (p. 6);

'The number of motorsports facilities is declining nationally. A number of tracks are under threat. Four clubs have closed as the owners have seen an opportunity to realise their asset through redevelopment proposals. This does not indicate a sport in severe decline, rather it reinforces the need for existing stadiums to be retained.'

(b) At paragraph 75 (p. 12):

'I acknowledge that the provision of a 3G pitch would be of significant local benefit. However, Coventry Stadium was not just a local facility but was a stadium hosting local, regional, national, and international events. The value of a 3G pitch, cannot compare to a facility, of which there are relatively few in the country, which can hold events generating such wide interest, with the social and wellbeing benefits for those that attend. I therefore conclude that the benefits of the alternative provision do not outweigh the loss of Coventry Stadium.'

- 6.8 The relevant parts of the Appeal Decision should be applied to any proposed allocation, application or development of the East of England Showground site which does not reprove for Speedway.

Collison & Associates Limited Leisure and Community Impact Assessment Report East of England Showground Speedway Assessment

- 6.9 Varous suggestions are made by Collison & Associates Limited in its East of England Showground Speedway Assessment. The suggestions made are false and misleading and are rejected. The identity of the author, their qualification and experience are not identified. The website of Collison and Associates Limited describes it as a '*rural, agri-food and agricultural consultancy on the Norfolk, Lincolnshire, Cambridgeshire border*'.
- 6.10 The nature of its business is recorded at Companies House as; '*01450 - Raising of sheep and goats, 70229 - Management consultancy activities other than financial management and 85600 - Educational support services*'. The qualification, knowledge and expertise to produce an assessment of Speedway at the East of England Showground are unknown.

6. Coventry Stadium Appeal Decision (continued)

- 6.11 The Collinson & Associates Limited document suggests that the Planning Inquiry made a judgment on five main issues in deciding the Appeal;
- (1) Whether the proposed development forms inappropriate development in the Green Belt
 - (2) Whether the Stadium is surplus to requirements having regard to national and local planning policies
 - (3) Whether it is financially viable to reinstate the Speedway Stadium
 - (4) Whether there is an identified need for the alternative sports provision proposed
 - (5) Whether the benefits of the alternative sports provision outweigh the loss of the former Speedway use.
- 6.12 Collinson & Associates Limited suggest that the Coventry Stadium Appeal Decision is not relevant, a suggestion which is rejected.
- 6.13 First, the Green Belt issue is not relevant to the Peterborough Planning Applications.
- 6.14 In relation to point (2) above the Appeal Decision held that the Coventry Stadium is not surplus to requirements having regard to the relevant policies. I believe that this applies to the Speedway track at the East of England Showground and refer to the following extract from paragraph 33 of the Appeal Decision (p. 6);
- 'A number of tracks are under threat. Swindon has closed, though there are efforts being made to replace it with a new facility. Speedway at Wolverhampton is set to end after the 2023 season as their tenancy is not being renewed, and I am advised that Birmingham Speedway may also close.... Four clubs have closed as the owners have seen an opportunity to realise their asset through redevelopment proposals. This does not indicate a sport in severe decline, rather it reinforces the need for existing stadiums to be retained.'*
- 6.15 In relation to point (3) above the viability of reinstatement of the Speedway Stadium related to a policy of the Neighbourhood Plan relevant to the Coventry Stadium site. I am not aware of any such policy being relevant in relation to these applications. No such reason or policy justification is advanced by Collinson & Associates Limited.
- 6.16 What the Collinson & Associates Limited suggests about the viability of reinstatement at point 3 is fundamentally misconceived. First, Speedway did not enjoy unrestricted use of the East of England Showground. As a licensee Speedway was only able to use the East of England Showground on parts of about 20 days each year. Decisions about other uses were in the exclusive control of the freeholder and, more recently, the Applicant. To attempt to suggest that Speedway should be the sole source of income from the East of England Showground where Speedway had access to the site on only part of about 20 days each year is irrational and provides no basis to support these Planning Applications.
- 6.17 Secondly, the East of England Showground could be used for other purposes in addition to Speedway. The infield is sufficiently large to be used for football, rugby, hockey or American football.
- 6.18 Thirdly, the Speedway track, safety fence, pits and racing facilities can be restored and the start – finish line and referee's box repositioned at minimal cost. The Grandstand is not required and Speedway racing can be restored without the use of the Grandstand.
- 6.19 In relation to points (4) & (5) above it is accepted that the sports provision proposed is different to that proposed at the Coventry Stadium site. However, the Coventry Appeal Decision sets a precedent for the protection of Speedway tracks when under the threat of land use for other sports.
- 6.20 Parts of the Coventry Stadium Appeal Decision are directly relevant and material and should be applied as a precedent for the East of England Showground Planning Applications. The Collinson & Associates Limited conclusion that *'none of the five material conditions for dismissal in Coventry being met at the East of England Showground, the decision to dismiss Brandon Estates appeal to re-develop the Coventry Stadium, is not believed to set a precedent for the development of the East of England Showground'* is at odds with the facts and is rejected.

6. Coventry Stadium Appeal Decision (continued)

6.21 The relevant parts of the Appeal Decision should be applied to the Planning Applications and any development of the East of England Showground which does not provide for Speedway.

AEPG Updated Statement : Speedway at the East of England Showground November 2023

6.22 This document does not support the Planning Applications with any relevant planning policy or reason and should be disregarded.



Peterborough City Centre Rally November 2023

7. Speedway in Peterborough

- 7.1 Speedway at Peterborough has been of the highest quality and apart from Peterborough United FC its the best attended and most popular spectator sport in the city and surrounding area since its introduction to Peterborough in 1970. Peterborough Speedway at the East of England Showground has been of local, regional, national and international importance and significance since its introduction in 1970. No other Peterborough Sports team has won as many national championships.
- 7.2 Peterborough Panthers have predominantly raced at the top two levels of speedway in the UK, 23 years racing in the Elite League & Premiership (Division 1) 1995 - 1997, 1999 - 2013 & 2019 - 2023 and 31 years racing in British League Division 2, National League, Premier League and the Championship (Division 2) 1970 - 1994, 1998, & 2014 - 2018 in addition Peterborough have also competed in Division 3 with the Thundercats in 1996 - 1997 & the Pumas in 2000 - 2003.
- 7.3 Racing as the Peterborough Panthers the club have enjoyed considerable success which have been witnessed by healthy crowds numbering tens of thousands and since 1999 have appeared live on Sky Sports, Eurosport, BT Sport and Warner Brothers Discovery Channels.
- 7.4 Peterborough Panthers have at;

Division 1 level

- won 2 League Championships (Elite League) in 1999 & 2006
- won 1 League Championship (Premiership) in 2021
- won 2 Knockout Cups in 1999 & 2001
- won 1 Elite League Fours Championship in 1997
- won 1 Craven Shield in 1999
- won 1 Elite Shield in 2007

Qualified for the Play Offs on 7 Occasions winning in 2006 & 2021

Division 2 Level

- won 1 British League Championship in 1992
- won 1 Premier League Championship in 1998
- won 2 Knockout Cups in 1992 & 2017
- won 4 National League Fours Championships in 1977, 1978, 1988 & 1989
- won 1 British League Fours Championship in 1992
- won 1 Premier League Fours Championships in 1998
- won 2 Championship Fours Championships in 2017 & 2018
- won 1 Premiership in 1993
- won 1 Premier League Pairs Championship in 1998
- won 1 National League Riders Championship Ian Barney in 1984
- won 2 Premier League Riders Championships in 1998 & 2015
- won 1 National League Grand Slam Champion in 1989
- Qualified for the Play Offs twice.

Division 3 Level

British Amateur League Champions in 1997

British Conference League Champions in 2002

Peterborough Panthers teams have included riders who between them have;

- won 10 Individual World Speedway Championships
- won 73 Speedway Grand Prix
- won 8 World U21 Speedway Championships
- won 24 Speedway World Cups
- won 12 Speedway World Team Cups
- won 1 Speedway World Pairs
- won 6 Speedway of Nations
- won 22 British Championships
- won 17 British U21 Championships
- won 2 Elite League Riders Championships

7. Speedway in Peterborough (continued)

- won 2 British Championships
- won 1 British U21 Championship
- won 69 National Championships.

- 7.5 Peterborough Panthers have won a total of 9 Fours Championships at both Division 1 and Division 2 level, they have also hosted the finals of this competition a total of 35 times, having the added advantage of being one of the largest and fairest tracks in the country Peterborough is centrally located and has excellent road links being located alongside the A1. Several finals have had attendances of over 10,000. They have also staged the British U21 Championship Final in 1999 and the semi final in 2017. And staged the Elite League Riders Championship in 2010.
- 7.6 Peterborough has also been FIM ("Federation International Motorcycles" the World's Governing Body for Motorcycle Sports) approved and hosted the Televised Speedway World Cup Race Off & Final in 2002 as well as the Speedway World U21 Final in 2001, both events drawing crowds in excess of 5 figures. In addition they hosted the Speedway World Cup semi final in 2009.
- 7.7 Peterborough have staged several international test matches between England and various countries over the years including Australia, Australasia, Czech Republic, Poland, Sweden and Russia and have also completed international club matches against teams from Denmark and the Czech Republic.
- 7.8 Peterborough have used over 300 riders in its 54 years of operation and as well as riders from the UK have used riders from all over the World including Australia, Argentina, Czech Republic, Denmark, Finland, France, Germany, Hungary, Italy, New Zealand, Poland, Slovenia, South Africa, Sweden and the USA and which includes 69 National Individual Speedway Champions from Australia, Czech Republic, Denmark, Germany, Hungary, Italy, New Zealand, Poland, Slovenia, South Africa, Sweden and the USA.



Peterborough Panthers 2022

- 7.9 Speedway in Peterborough was regularly broadcast live on television. British Speedway is currently broadcast by Warner Brothers Discovery which is investing \$100 million over a 10 year period in Speedway broadcasting worldwide. It is also broadcast by the streaming service British Speedway Network.
- 7.10 Speedway in Peterborough has supported and been supported by numerous sponsors, many of them local, some of which have been national and international including Coca-Cola, Ford & Skoda.

7. Speedway in Peterborough (continued)

7.11 Speedway in Peterborough enjoys a significant social media reach.



Sold Out Film Night 2024

7.12 Despite the eviction of the Speedway Team from the East of England Showground at the end of the 2023 season, there is a thriving Supporters Club with over 100 members. Regular quiz and events were held during 2024 with a sold out film night of the Club's 2021 League Title success.

7.13 In conjunction with the Peterborough Speedway Consortium on 18 November 2023 the Supporters Club held a rally in Peterborough City Centre to bring attention to Speedway's eviction and the efforts being made to preserve Speedway at the East of England Showground site.

7.14 In 2022 the Ben Fund Bonanza Meeting was hosted by Peterborough Speedway at the East of England Showground which raised a total of £28,000 for the Speedway Riders Benevolent Fund. The Supporters Club also makes regular charitable donations to the Speedway Riders Benevolent Fund.

7.15 In recent years Peterborough Speedway has had various charity partnerships. Both Sue Ryder and the East of England Air Ambulance Service have been the club's charity partners as a result of which both charities have benefited from Peterborough Speedway's media coverage.



Signatures Collected at Peterborough City Centre Rally November 2023

8. Legal Non-Compliance

The Peterborough City Council must be satisfied about the Applicant's standing and its ability to perform any legal obligations. In relation to these issues and due diligence about the legal compliance of the Applicant and its director attention is drawn to a number of legal compliance failures.

8.1 Information Commissioner

Subject to a limited number of exceptions the General Data Protection Regulation (GDPR) requires companies which collect, store or process personal data to register with the Information Commissioner's Office.

In accordance with the legal requirements East of England Showground Services Limited is registered with the Information Commissioner's Office (p. 40).

The website of 'AEPG / AEPR' confirms that both companies handle personal data (p. 41).

However in breach of the legal requirements neither Asset Earning Power Group (AEPG) Limited nor Asset Earning Power Residential (AEPR) Limited are registered with the Information Commissioner.

No explanation for the failure to comply with this legal requirement has been offered.

8.2 Butterfield Hotel Leisure And Property Management Limited

Butterfield Hotel Leisure And Property Management Limited (Company number 07758936) was incorporated on 1 September 2011 ('the Company').

Ashley Butterfield, born September 1975, was its sole director and secretary.

Section 451 Companies Act 2006 provides that;

451 Default in filing accounts and reports: offences

- (1) If the requirements of section 441 (duty to file accounts and reports) are not complied with in relation to a company's accounts and reports for a financial year before the end of the period for filing those accounts and reports, every person who immediately before the end of that period was a director of the company commits an offence.
- (2) It is a defence for a person charged with such an offence to prove that he took all reasonable steps for securing that those requirements would be complied with before the end of that period.
- (3) It is not a defence to prove that the documents in question were not in fact prepared as required by this Part.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale and, for continued contravention, a daily default fine not exceeding one-tenth of level 5 on the standard scale one-tenth of the greater of £5,000 or level 4 on the standard scale.

The Company failed to file Accounts and/or an Annual Return.

On 8 January 2013 the Registrar of Companies gave notice of the Company's failures and of the intention to strike the Company off the Register and dissolve it.

Despite the Notice of the Registrar of Companies the Company failed to file its Accounts and/or its Annual Return.

The Company was struck off the Register of Companies and dissolved on 23 April 2013.

In response to written requests Ashley Butterfield of AEPG;

- (a) has confirmed that he was the director and secretary of Butterfield Hotel Leisure And Property Management Limited
- (b) has failed to confirm or deny;

8. Legal Non-Compliance (continued)

- (i) whether he has been convicted pursuant to section 451 Companies Act 2006 or otherwise in relation to his directorship and/or management of Butterfield Hotel Leisure And Property Management Limited
- (ii) if a Late Filing Penalty was imposed;
 - (i) the date of the Late Filing Penalty / Penalties
 - (ii) the amount(s)
 - (iii) the date(s) of payment of the Late Filing Penalty / Penalties



9. Accounts

- 9.1 In support of the Planning Applications a number of misconceived, misleading and irrelevant suggestions are made about Speedway trading accounts. It is also erroneously suggested that charity assets have been used to support Speedway whereas it appears that Planning Applications and the speculative private development proposed is being funded by income generated from charity assets.

First, the Planning Applications attempt to criticise Peterborough Speedway's solvent trading accounts. The legal and accounting basis for doing so is not stated and is unknown.

The criticism in the Planning Applications is fundamentally misconceived. It ignores the fact that Speedway did not enjoy unrestricted use of the East of England Showground and that as a licensee Speedway was only able to use the East of England Showground for part of about 20 days each year.

The inference that Speedway should be the sole source of income from the East of England Showground where Speedway had access to the site for only about 5% of a year is irrational.

- 9.2 Secondly, in relation to the use by private companies of income generated from charity assets the attention of the Planning Committee is drawn to the following. It appears from the accounts filed at Companies House that cash from East of England Showground Services Limited is being transferred to Asset Earning Power Residential (AEPR) Limited and Asset Earning Power Group (AEPG) Limited to finance its trading, operations and the Planning Applications.
- 9.3 The freehold of the East of England Showground is owned by the East of England Agricultural Society which has granted a lease to East of England Showground Services Limited.
- 9.4 Ashley John Butterfield and Lee Stuart Sharp are the directors of East of England Showground Services Limited.
- 9.5 Ashley John Butterfield is the sole director and shareholder of;
- Asset Earning Power Residential (AEPR) Limited
 - Asset Earning Power Group (AEPG) Limited.
- 9.6 According to the accounts for the year ended 31 December 2023 Asset Earning Power Residential (AEPR) Limited;
- had no assets (p. 35)
 - owed group undertakings which is believed to include East of England Showground Services Limited £1,256,545 (y/e 31 December 2022 £776,992) (p. 39).
- 9.7 Asset Earning Power Group (AEPG) Limited;
- had net liabilities of -£343,694 (up from y/e 31 December 2022 -£244,885) (p. 28)
 - owed group undertakings which is believed to include East of England Showground Services Limited £746,303 (up from y/e 31 December 2022 £521,452) (p. 33).
- 9.8 As a result these two companies owe group undertakings which is believed to include East of England Showground Services Limited £1,298,444.
- 9.9 The East of England Showground Services Limited accounts filed at Companies House for the year ended 31 December 2023 refer to the sum of £1,822,314 (up from y/e 31 December 2022 £1,205,409) being owed by group undertakings (p. 25).
- 9.10 Asset Earning Power Residential (AEPR) Limited has no assets and does not appear to be in a position to repay from its assets.
- 9.11 Asset Earning Power Group (AEPG) Limited has net liabilities of -£244,885 and does not appear to be in a position to repay from its assets.
- 9.12 It appears from the accounts filed at Companies House that cash from East of England Showground Services Limited is being transferred to Asset Earning Power Group (AEPG) Limited and Asset Earning Power Residential (AEPR) Limited to finance its trading and operations.
- 9.13 It is right to conclude that the funds transferred by East of England Showground Services Limited

9. Accounts (continued)

to Asset Earning Power Residential (AEPR) Limited and Asset Earning Power Group (AEPG) Limited have been generated from the commercial exploitation of charity assets and are being used to finance the Planning Applications.

- 9.14 Under the circumstances it is right to infer from the accounts filed at Companies House that income generated from charity assets is being used for private gain as a result of the financial support of private limited liability companies.

10. Conclusion

10.1 The Planning Applications should be refused because;

- (a) no Assessment had been produced
- (b) they are at odds with the current planning permission for Speedway
- (c) they are at odds with the National Planning Policy Framework
- (d) they are at odds with Peterborough City Council policies
- (e) they are at odds with the Peterborough Local Plan
- (f) they are at odds with the Coventry Appeal Decision precedent
- (g) the necessary legal and/or planning requirements have not been satisfied
- (h) of the numerous objections from statutory consultees
- (i) of the numerous public Objections.

10.2 The Planning Inspector is asked to take note of the approximately 2,500 Objections to the Planning Applications.

10.3 For the legal and planning facts and matters in this Objection, the relevant national and local policies and the Coventry Stadium Appeal Decision Peterborough City Council should refuse the Planning Applications which fail to make provision for Speedway at the East of England Showground site.

Save Peterborough Panthers Consortium
4 October 2024





