

Case Officer: Gemma Magnuson

Applicant: Hedges & Kerwood

Proposal: Creation of a motocross track and soft landscaping scheme and the change of use of agricultural land to hold moto-cross events including set-up, take down and private practice sessions, with associated camping site, for up to 65 days per year and agricultural grazing (retrospective)

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr Chapman, Cllr Reynolds, and Cllr Webb

Reason for Referral: To update Members on progress following the resolution to grant planning permission and seek approval of Members prior to issuing the decision

Expiry Date: 22 June 2021

Committee Date: 13 July 2023

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site consists of an existing motocross track situated in the open countryside to north-west of the town of Banbury. The villages of Shenington, Alkerton, Balscote, Wroxton, Horley and Hornton are positioned around the motocross track, the closest of these being Hornton at a distance of 1km. There are several dwellings beyond the built-up limits of settlements in closer proximity to the site, the closest being Grade II listed Hornton Grounds Farmhouse around 500m to the north-west of the track.
- 1.2. The site sits within a rural context, with agricultural fields and associated boundary hedgerows surrounding. A tributary of the Sor Brook flows alongside the northern boundary of the site.

2. CONSTRAINTS

- 2.1. The application site is partially within a Conservation Target Area and partially within a Natural Environment and Rural Communities Act Section 41 Habitat – namely a Lowland Mixed Deciduous Woodland. A Traditional Orchards Habitat is located nearby. The site is bounded on the western side by a footpath (339/18/10). Another footpath (255/4/10) runs close to the entrance to the site from the west. The site sits on potentially contaminated land that has naturally elevated arsenic.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. On 16 February 2021 the applicant applied for retrospective planning permission for the creation of a motocross track, together with a soft landscaping scheme, and the change of use of agricultural land to hold motocross events, including the set-up, take down, private practice sessions and associated camping, for up to 65 days per year. The site would also be used for agricultural grazing.
- 3.2. The applicant requests that 65 days use per year include 24 event days, with set-up and set-down days to either side of an event (i.e. not 65 race days).

- 3.3. With regard to visitors to the site during race days, a national event can be expected to attract around 400-600 vehicles, consisting of a maximum of 320 competitors and 1,300 – 1,500 people in total. Smaller club events are expected to attract around 600-800 people, travelling in 250-350 vehicles.
- 3.4. Typically events are held on a Sunday, with competitors arriving with immediate family and support crew on the Saturday before the event day and camping overnight. The majority of campers are expected to arrive between 5pm and 8pm, with around 180-220 people camping.
- 3.5. This application was originally reported to Cherwell District Council Planning Committee on 17 June 2021 where the Council formally resolved to grant planning permission subject to:
- An amendment to condition 1 limiting the total number of days the track could be used for racing or practising to be no more than 20 days in any calendar year (as opposed to the 24 days requested) where the motocross track is used for racing or practising , with the timings and frequency of these 20 days to be agreed in consultation with the Ward Members for the Cropredy, Sibfords and Wroxton Ward, and the applicant.
 - No responses being received before the expiry of the consultation period that raise new material issues that, in the view of the Assistant Director for Planning and Development, have not been dealt with in the assessment of the application.
 - The resolution of objections from the Lead Local Flood Authority, the Council's Ecology Officer and Berks, Bucks and Oxon Wildlife Trust.
 - Conditions (and any amendments to those conditions as deemed necessary) as set out in the appended printed minutes.
- 3.6. A copy of the original Committee report, written updates and minutes from the meeting have been appended to this report.
- 3.7. It is now over two years since Members resolved to grant retrospective planning permission for the creation of a motocross track, together with associated landscaping and camping site, and the use of the site for motocross events including set-up, take down and private practice sessions for up to 65 days per year, with agricultural grazing. Since this time, Officers have been in discussions with the applicant and relevant consultees in order to seek to overcome the objections that were outstanding when the original resolution was passed on 17 June 2021.
- 3.8. Officers now consider that all of the requirements from the original resolution have been met. Due to the length of time that had elapsed, and an amendment to the blue line area on the site location plan, Officers are returning the item to Committee prior to the issuing of the decision. In addition, and although covered within the resolution, officers seek Members' agreement to the proposed changes to the conditions as resolved by Members in June 2021 and the wording of further conditions added pursuant to the resolution of consultee objections.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

20/02126/CLUE - Certificate of Lawfulness of Existing Use for the use of the land for a mixed use of agriculture and as a motocross track with race meetings for up to 24

days a year (excluding set up, preparation, clear up and private practice sessions) – Withdrawn

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

6.1. Due to the change made to the blue line on the site location plan, that is its increase to cover a wider area than that indicated on the original site location plan, Officers considered it prudent to re-publicise the application via site notice and neighbour letter. The final date for comments was **14 February 2023**. 70 responses have been received in total during 2023; 51 objecting to the application and 19 commenting. Numbers correct as of 27 June 2023

On 17 June 2021 a total of 172 objections, 4 comments and 11 comments in support of the scheme were reported as having been received. A further 5 objections and 5 comments were received following publication of the Committee report. Please refer to the Appended 17 June 2021 Committee report and written update for a summary of the comments raised by third parties in 2021.

6.2. The comments raised by third parties in 2023 are summarised as follows:

- Visual impact – planting will not screen, little confidence it will be maintained
- Noise impact – planting will not screen
- Ecological impact
- Protected species
- Club from South Wales booked in July 2023 – not for local use
- Unauthorised widening of gateway
- No use of circuit until planning process is complete
- Centred on commercial proposition
- Littering on race days
- If approved, implies Cherwell has no real interest in decreasing use of fossil fuels or carbon footprint – generating carbon
- Damage to local roads
- Require stringent conditions
- Drainage – watercourse damage, silting has already occurred, abstracting water from pond, creation of syphon pond , damming stream
- Lack of detail on landscaping
- Cherwell needs to take same approach as other authorities with regard to motocross
- Conditions need to be monitored
- Undesirable precedent
- Already have to contend with quarry/tip expansion
- Large volume of traffic
- Devalue properties
- Contrary to Policy
- Impact on setting of Area of Outstanding Natural Beauty
- Inconsistency in presented information
- Comments on draft conditions – inadequate/ambiguous – suggested revised wording
- Number of gaps in statutory requirements
- No Banbury Motocross Club anymore – no local riders or events
- Replace with electric bikes
- Had no idea motocross location existed

- How will conditions be enforced?
- Conditions drawn up without consultation with Hornton Parish Council, environmental agencies or Councillor Phil Chapman
- Conditions are vague, weak, poorly researched, unenforceable, ambiguous, full of loopholes, contain omissions
- Council faces prospect of legal action/Judicial Review
- Ignored conditions suggested by Hornton Parish Council
- Refusal to allow Hornton Parish Council to address Committee meeting
- Urge Members to defer the application so it can be reconsidered in full, or conditions rewritten to ensure that they adopt best practice from other Council's and national bodies, and are enforceable
- Lack of protection for the environment
- Time for fresh look at problematical application – it has taken 18 months to get this far
- Applicant has let watercourse fall into greater disrepair in the meantime
- More conditions of greater complexity than normal – indicates how much is wrong with location/nature of track
- Not too late to refuse permission, numerous valid reasons to refuse that were ignored the first time around
- Applicants have not established lawful use of the site – they withdrew lawful development certificate. Committee should be invited to judge the application on basis that there is no such lawful use – on that basis refusal on landscape impact and residential amenity grounds
- Committee is not bound by resolution of June 2021, Committee may lawfully revisit that resolution and change their minds
- If scaled-up track goes live again massive CDC resources will be needed to enforce, monitor, deal with complaints and legal challenges from at least 6 Parishes (CDC Planning, Environmental Health, Ecology, Enforcement, Building Control and Legal), - measure of how much is wrong with application
- There is another Cherwell national scale motocross at Arcott, Bicester, near the M40, in the right location. Don't need one to desecrate Ironstone Downs conservation-status landscape and ecologically protected wildlife habitat
- Massive number of objections to the application cannot be ignored
- Reports from experts on noise levels and the environment disregarded in draft conditions
- Sanctioning the continued destruction of our precious environment
- Green light to unregulated noise, light, watercourse, flora pollution and/or destruction essential for all our futures, especially those blighted by Committee decision to allow a national motocross track within its authority, with little or no active monitoring or regulation
- Clear lack of local consultation – this planning process is fundamentally flawed
- Demand conditions significantly tightened, measurable and enforceable, with commitment from CDC that they will ensure both measurement and enforcement, and provide resources to do so
- Do not understand how CDC decisions have been consistently skewed in favour of land owner/track operator given significant noise pollution
- Motor cross track does not bring revenue to local economy given it is self-contained site with mobile homes (ergo not local/Banbury based riders) but externalities entirely shouldered by Hornton residents
- CDC presumably wouldn't encourage fly tippers from across the country, so why this?
- Require sound measurement/limits during races but as it stands track will be able to operate without impunity with no redress for Hornton residents

- Track owner has demonstrated in the past willingness to take full advantage of CDC's feeble approach to planning constraints - unless stringent conditions are applied, monitored and enforced effectively, track will continue to abuse the situation
- If other councils have imposed conditions used by the sport's governing body the Auto Cycle Union (ACU) to regulate the operation of motocross tracks then why is Cherwell not proposing the same?
- Applicant should also follow and enforce guidelines laid down by the sports governing body the ACU
- Have been told by Hornton Parish Council that conditions are not fit for purpose but this has been ignored, refused to bring in the conditions to control Wroxton, one of the largest MX tracks in Europe and a track set up without planning permission
- Brought out set of draft planning conditions after no proper consultation and now want to rush them through Committee
- Stipulate 96 decibels, is this in total, each bike, how far away? How will this be checked? Noise travels across our valley and hits all houses on the hills around top of village. 96 decibels is not quiet. Sure that one day there will be electric bikes but not there yet.
- Does not need to be rammed through just so the land owner can make money this summer from hiring out her agricultural field
- Quick fix and getting it passed and off desks is not the best course of action for all concerned, not least for residents of Hornton
- Have you denied Hornton Parish Council a voice at the meeting because you fear we will again highlight areas of concern you have missed or refused to address?
- Loud noise and disruption from this track and racetrack at Shenington, and illegal racing along old ironstone railway and farmland in Parishes of Horley and Drayton, every weekend during fine weather, quite appalling for a number of years
- Waste disposal concerns

The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received during 2022 and 2023, following re-consultation, at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. Please refer to the Appended 17 June 2021 Committee report and written update for a summary of the consultation responses received during 2021.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.3. HORLEY PARISH COUNCIL: **Objects** to the application on the following grounds:

This subject has been raised at Horley Parish Council level by residents of the village. The Parish Council remain to be persuaded that the planned 'soundproofing' will be effective in lowering/dismissing the noise pollution the village has encountered in the past from the current site.

HORNTON PARISH COUNCIL: **Objects** to the application on the following grounds:

- 7.4. *In relation to the specific amendments submitted by the track, in the Parish Council's view, they are wholly inadequate and will do very little to address the track's damage*

to wildlife and the environment. Given the past environmental record (e.g. open plastic incineration) we are sceptical that there is sufficient commitment to long term management of any such scheme.

- 7.5. Officers seeking rubber stamp of complex document of conditions that has taken them almost two years to produce. Given little notice that this was to be an agenda item and have been refused permission to speak at the meeting. Document is seriously flawed – ambiguous, crucial omissions, loopholes, inaccurate, unbalanced and on vital points wholly unenforceable. There was a written commitment that it should be developed in consultation with our Ward Member (and Planning Committee Reserve) Cllr Phil Chapman – this has not happened.
- 7.6. SHENINGTON WITH ALKERTON PARISH COUNCIL: **Objects** to the application on the following grounds:

Continue to object in the strongest terms dur to blight caused by noise at the events – more noise than uses of karting track to west of our village. Concern that the application is made in retrospect – disregard for legal requirements. Dismay at destruction of part of Ironstone Downs, a valued landscape and area of tranquillity. Landscape Officer concerns, applicant now seeking to further avoid requirements of planning system by failing to comply with conditions. Highways around the area do not support volume of traffic. Applicant seems to scorn principle of democracy and proceed solely in self interest. Urge Planning Committee to reject any proposal to proceed on grounds that applicant seems to have failed to demonstrate any understanding of the impact of proposal on local communities, neither have they shown good faith towards the rule of law.

- 7.7. WROXTON AND BALSCOTE PARISH COUNCIL: no comments received at time of writing.

OTHER CONSULTEES

- 7.8. BERKSHIRE, BUCKINGHAMSHIRE and OXFORDSHIRE WILDLIFE TRUST: comment as follows:

We have reviewed the conditions and think they are reasonable so have no further comments.

- 7.9. BRITISH HORSE SOCIETY: no comments received at time of writing.
- 7.10. CAMPAIGN TO PROTECT RURAL ENGLAND: **Objects** to the application on the following grounds:

Continue to strongly object for original reasons expressed in letter dated 07 April 2021 that cannot be addressed by ongoing proposal and its updated documents. Area of rural countryside has been destroyed without planning approval, landowner blatantly ignored authority of the Council and its Planning Committee. Conditions are vague and ambiguous in a number of respects. Given disregard of applicant for Council authority and laissez-faire approach taken to enforcement, it is major concern that once permission has been granted applicant will feel little compunction to comply with conditions, nor will Council supervise or enforce against failure to do so. Landscape Officer has indicated failure to supply necessary level of response and reassurance in respect of landscape requirements, failed to employ someone of adequate expertise, failed to provide sufficient analysis or detail, failed to address list of short comings and requirements to allow proposal to proceed. Further demonstrates overall level of bad faith that applicant has thus far demonstrated. Contrary to principle of democracy – overlooking large number of concerns in favour

of individual local landowner who has shown no regard for neighbours. Noise pollution.

7.11. RAMBLERS ASSOCIATION: no comments received at time of writing.

7.12. OCC SINGLE RESPONSE: do not have any comments for this amendment.

7.13. OCC RIGHTS OF WAY: no comments received at time of writing.

7.14. CDC ARBORICULTURE: **comment** as follows:

Landscape plan shows where trees are proposed but no detail as to species/size etc. Offsite enhancement map only shows flower rich margin/plot creation area, all other features show in legend are largely off the map.

7.15. CDC ECOLOGY: **No objection** subject to conditions requiring the submission of an external lighting strategy and a walkover survey to be undertaken prior to the commencement of any works on site to ensure that no protected species have moved onto the site and to identify habitat changes since the previous surveys were carried out.

7.16. CDC ENVIRONMENTAL HEALTH: no comments to make.

7.17. CDC LANDSCAPE: **comment** as follows:

Landscaping plan does not address the entire area of application site, nor provide sufficient detail and reassurance that site is going to be adequately screened. LVA requires amendments to justify reasoning behind landscape proposals and landscape management plan. 10-year landscape management plan required to ensure the successful establishment of the landscaping, including the offsite habitat enhancement.

7.18. CDC RECREATION AND LEISURE: no comments received at time of writing.

7.19. CDC LAND DRAINAGE: **comment** as follows:

No further substantive comments, applicant requires consents under Section 23 Land Drainage Act for all works on and discharges to the watercourse, in addition to planning or other consents that may be given.

7.20. The comments received can be viewed in full on the Council's website, via the online Planning Register.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

[CHERWELL LOCAL PLAN 2011 - 2031 PART 1 \(CLP 2015\)](#)

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE3: Supporting Tourism Growth
- SLE4: Improved Transport and Connections
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Strategy
- ESD8: Water Resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR7: Minor roads
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design control
- ENV1: Pollution control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- The Town and Country Planning Act 1990
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Highway safety
- Ecology impact
- Flood risk and drainage
- Sustainability and mitigating climate change

Principle of development

- 9.2. Government guidance contained within the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Further, planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 9.3. The NPPF also states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
- 9.4. The NPPF explains that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.
- 9.5. With regard to sport, the NPPF advises that the access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and that existing open space, sports and recreation buildings and land, 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 needs for which clearly outweigh the loss.
- 9.6. Policy BSC 10 of the CLP 2015 states that the Council will ensure there is sufficient quantity and quality of, and convenient access, to open space, sport and recreation through protecting existing sites and addressing deficiencies in provision through enhancement to existing sites or securing new provision. In determining the nature of new provision, the Council will be guided by the evidence base and consult with parish and town councils.
- 9.7. The supporting text notes that development which result in the loss of facilities will be assessed in accordance with the NPPF and will not be permitted unless the Council is satisfied that a suitable alternative site of at least equivalent community benefit in terms of quantity and quality is provided in an agreed time period. Further, paragraph B.161 notes that sites for new provision will also be identified in the Local Plan Part 2.
- 9.8. The current application is retrospective and was submitted as the result of an enforcement investigation. The application is therefore being put forward by the applicant to regularise the existing motocross facility. The applicant states that the track has been in situ since 1981. However, the track has gradually expanded from an informal local facility to one capable of hosting international events, with a

significant upturn in activity at the site c.2018. All activity on site has now ceased pending the outcome of this planning application.

- 9.9. The current application follows the withdrawal of an application for a Certificate of Lawfulness for an Existing Use (CLUE) that sought to demonstrate that the motocross facility was now immune from enforcement action due to the length of time that it had been operating. As per section 171B of the Town and Country Planning Act 1990, development involving a change of use (other than to a single dwellinghouse) is immune from enforcement action should no action be taken within 10 years of such a breach.
- 9.10. The use of the majority of the site for motocross purposes, but for two small sections in the east and north-east, is considered to be well established, having been used for motorsport purposes for approximately 40 years. It is therefore considered that there is a fallback position for the unrestricted use of the site for motocross purposes and Officers have taken this into account as a material consideration. A third party has suggested that a change of use of the site through intensification has occurred, although Officers do not consider that the character of the land has altered – or that the type of land use has changed - as a result of the use of the site for national, as opposed to local, events.
- 9.11. The current application seeks the use of a parcel of land for motocross purposes for 65 days per year, with 24 days where the track is used for practice or racing. On 17 June 2021, Members resolved to approve the application, subject to an amendment to condition 1 restricting the number of days where the track is used for practice or racing to 20 days per calendar year, as opposed to the 24 days requested, and this is reflected in the conditions suggested here.
- 9.12. The site lies within the open countryside and not within a sustainable settlement. Given the remote location, the nature of the development and a lack of public transport alternatives, it is considered that visitors to the facility would be heavily reliant upon the use of the private motor vehicles. Access to the site would be via the route of minor rural roads.
- 9.13. The NPPF provides a definition of a Main Town Centre Use (MTCU), although as a motocross use is not considered similar to the uses listed within the definition Officers conclude that it is not a MTCU. Further, due to its nature, Officers do not consider that a motocross use could reasonably be expected to be provided within a town centre location.
- 9.14. The Council's Sports and Leisure Team did not provide comments as part of the re-consultation, although they had previously advised that there was insufficient evidence to demonstrate that the provision of a motocross facility meets a local need, or that an increased use would address deficiencies in provision. Officers continue to agree with this view and note, based on the submitted information, that the facility hosts national events with participants from across the country, rather than meeting a local need.
- 9.15. Also of relevance to the consideration of this application is that Schedule 2 Part 4 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) enables the site to be used for the purposes of motorcycle racing including trials of speed, and practicing for these activities, and the provision on the land of any moveable structure for the purposes of the permitted use, for a total of 14 days in any calendar year as permitted development. This would be subject to the removal of any permanent structures on the site and the land reverting back to an agricultural use for the remainder of the calendar year.

- 9.16. Therefore, whilst it is accepted that the site is not sustainably located, the nature of the use is not considered compatible with a location within or at the edge of a settlement and, given the scope of permitted development and the length of time that a motorsport facility has existed on the site and potential fallback position, i.e. that the track could be returned to its pre-2018 extent and a lawful development certificate then issued, the principle of the development is considered acceptable.
- 9.17. The overall acceptability of the development is dependent on it not causing material harm in other respects, and these are assessed in the remainder of this section.

Design, and impact on the character of the area

- 9.18. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 9.19. Policy ESD 13 of the CLP 2015 expects development to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Policy ESD 15 of the CLP 2015 requires development to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards. Saved Policy C28 of the CLP 1996 seeks development that is sympathetic to its context.
- 9.20. The application is supported by a Landscape and Visual Impact Assessment (LVIA). The site is solely within the Northamptonshire Uplands, Cotswolds and Chilterns character area. This landscape type includes pastoral and wooded landscapes associated with the steep slopes and valleys of small streams and main rivers.
- 9.21. The site is on agricultural land in the open countryside, with land undulating and sloping down to a small valley with a small stream running along the valley floor.
- 9.22. The position of the site within the valley means that it is not readily visible from the majority of public vistas in the locality. However, the site is clearly visible from the footpath (339/18/10) which runs along the north-western boundary of the site. The submitted LVIA notes that the Motocross track is an established landscape feature in the landscape, with events and races having been held throughout the year for approximately 40 years. It adds that the track has been specially designed so as to reflect the existing site levels which make the track a popular and challenging race circuit.
- 9.23. As noted above, much of the development at least in terms of its size and area has occupied the site for 40 years, although Officers acknowledge that the site has developed more significantly over the last 4-6 years, with the track now longer and wider, with additional jumps and green space reduced within the track confines.
- 9.24. There is no doubt that the motocross track has a landscape impact, being clearly visible from the footpath to the east and in several other vistas, including local roads. The track is not visible from any settlement, due to topography and distance.
- 9.25. The track associated infrastructure such as the toilets and marshal huts also have a visual impact, but this is infrastructure that is clearly related to the use of the site for

motocross purposes and, whilst visible, due to their small size they do not represent intrusive features of the landscape.

9.26. The caravans and motorhomes, which occupy the camping area during an event, also have a visual impact. They occupy a portion of the site to the south and east of the track. If planning permission were to be granted for this application, caravans/motorhomes could occupy the site for 65 days per year.

9.27. The Council's Landscape Officer had raised no objections to the original proposal but explained that it is essential to achieve the appropriate standard of landscaping for this development, and that the landscape proposals must indicate:

- Planting positions of all trees with projected canopy growth at 25 years to ensure a continuously linked canopy
- A double-staggered row hedgerow with planting distances indicated
- Trees and shrub supplied sizes of all the shrubs
- Planting and 2-year aftercare specification.
- A management and maintenance plan for 15 years.
- The access track to the site must be landscaped with native trees and hedgerows to ensure its use is screened on busy race days.
- Latin names of trees and shrubs.
- Tree pit planting details.

9.28. In light of the request from the CDC Landscape Officer, a condition seeking a revised Landscaping Scheme has been suggested, including the requirement for a management and maintenance plan covering 15 years.

9.29. Subject to a suitable landscaping scheme and management and maintenance plans being submitted, which can be sought via condition, Officers are satisfied that the landscape impact of the proposed motocross track, associated infrastructure and the occasional occupation of the camping area can be successfully mitigated against.

9.30. The development is therefore considered to accord with saved Policy C28 of the CLP 1996, Policies ESD 13 and ESD 15 of the CLP 2015 and Government guidance contained within the NPPF in terms of visual impact.

Heritage impact

9.31. The site is approximately 1km from the nearest Conservation Area boundary. Horton Grounds Farm is a Grade II listed building.

9.32. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area with special attention being paid to the desirability of preserving or enhancing the character or appearance of that area.

9.33. Conservation Areas are designated heritage assets, and the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation

(and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2015 echoes this guidance.

- 9.34. Given the nature of the proposal and its distance from the Conservation Area boundaries of nearest villages, Officers are satisfied that the proposal does not result in harm to the setting or significance of heritage assets. The proposal is therefore considered acceptable on these grounds.

Residential amenity

- 9.35. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users.
- 9.36. Policy ESD 15 of the CLP 2015 requires all development to consider the amenity of both existing and future development. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 9.37. The track is located c.1km from the southern edge of Hornton, c.2.8km from the western edge of Wroxton, c2.6km from the eastern edge of Horley, c1.7km from the northern edge of Balscote, c1.2km from the eastern edge of Alkerton.
- 9.38. There are a number of other out of settlement dwellings located closer to the site, the closest being Hornton Grounds Farm at c.550 metres.
- 9.39. The motocross facility is considered to be positioned a sufficient distance from all neighbouring properties to avoid any harm in terms of a loss of light, outlook or privacy. Whilst concern has been raised regarding the burning of waste, the Environmental Health Officer explained within their original comments that this issue would be addressed by the Environmental Protection Team outside of the planning process. The activities on site are also not considered to trigger a requirement for an air quality assessment.
- 9.40. A large number of concerns and objections raised to the development relate to the impact of noise arising from the facility when in use, and the impact that this has in terms of living amenities enjoyed by nearby residents.
- 9.41. The applicant submitted a Noise Impact Assessment (NIA) from Parker Jones Acoustics for consideration. The report sets out that noise emissions, when the track is in typical use of 20-30 bikes at a time, and levels reach 29-33 decibels in the south and central parts of Hornton, increasing to 37 decibels in the northern part of the village where ground levels are higher. Noise levels are at 44-46 decibels at isolated properties closer to the track than Hornton and are at around 32 decibels at the outskirts of Alkerton and Balscote. The report concludes that, whilst noise from the motocross is audible, it is not so significant as to be considered a statutory noise nuisance, i.e. it is at or below the LOAEL (Lowest Observed Adverse Effect Level), which is a sound above 50 decibels.
- 9.42. In response to the applicant's NIA, Hornton Parish Council conducted their own independent Noise Impact Assessment Review undertaken by Clarke Saunders Acoustics. The assessment concludes that the Parker Jones Acoustics NIA is 'highly suspect' and, in some cases, 'fundamentally flawed' in its calculations and reasoning. The consultant also questions the validity of the applicant's report due to

the readings being taken on a practice day rather than a race day, together with a lack of consideration relating to the directivity (orientation of the machines).

- 9.43. The Council's Environmental Health Officer originally raised no objection to the application and has provided no further comments as part of the latest re-consultation exercise. On 01 June 2021 the Environmental Protection Officer provided further comments on the issue of noise and addressed the conclusion drawn by the consultant in the Noise Impact Assessment Review undertaken by Clarke Saunders Acoustics. They commented as follows:
- 9.44. *"The first complaint was received in 2016. An officer visited the circuit on a day when events were not running and gave advice to the organisers. A second complaint was received in 2018, an officer visited and observed the noise levels from locations close to the track and from various locations around Hornton. They concluded that the noise did not constitute a nuisance. Three further complaints were received at the same time in 2019. The complaints had been made after an email was sent out by a complainant to other residents of Hornton encouraging them to voice their displeasure at the noise from the motocross track.*
- 9.45. *Measurements were taken with a sound level meter in Hornton during full race events on 15/09/19, 22/09/19 and 20/10/19. Measurements were taken at locations in both the north and south of Hornton, with the noise being close to inaudible at the southern side of the village compared with on the northern side. During the first two of these events the wind was blowing from the south, carrying the noise of the track towards Hornton, on the third site visit the wind was northerly and, as such, the racing was barely audible anywhere in Hornton. Over the course of all three events the noise was not determined to be significant enough to constitute a nuisance in Hornton.*
- 9.46. *I have reviewed the report submitted on behalf of Hornton Parish Council by Clarke Saunders and the report submitted by Parker Jones Associates on behalf of Wroxton MX Track, along with the materials submitted by Hornton Parish Council. While the measurements taken for the noise report compiled by Parker Jones Associates were from a practice session, they consistent with the levels measured when CDC visited to measure the noise in relation to complaints from Hornton parish Council in 2019. While the directivity of motorcycle engines is an important factor in determining the noise levels on or close to the site, the nearest receptors are between 800 m and 1 km away. Therefore, when assessing the impact of the noise from the track on nearby sensitive receptors we do not believe the directivity to be an important factor, especially given the bikes continuous change in direction as they travel around the track."*
- 9.47. Your Officers have no reason to disagree with the assessment of the Environmental Protection Officer and, on the basis of the advice received, it is not considered that a refusal on the grounds of an unacceptable noise nuisance could be sustained at appeal.
- 9.48. However, Officers do accept the potential for the motocross facility to generate noise nuisance in the future and therefore recommend that the planning permission be subject to a condition requiring the submission of a Noise Management Plan.
- 9.49. It is for the above reasons that your Officers do not consider that the development would generate detrimental levels of environmental pollution, subject to the suggested conditions, in accordance with saved Policy ENV1 of the CLP 1995, Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

Highway safety

- 9.50. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users, and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.51. Policy SLE 4 of the CLP 2015 requires all development, where reasonable to do so, to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement is also given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. Policy ESD1 also aims to mitigate the impact of development on climate change by delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce the dependence on private cars. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should be designed to deliver high quality safe places to live and work in.
- 9.52. Regarding the access to the site, the Local Highway Authority (LHA) recognises that motocross events have been taking place here for a number of years, so the principle of the access to the highway is well established. However, given the size and quantity of vehicles that now use this access, the LHA considers that the entrance must be formalised with a kerbed bell mouth junction and asphalt surfacing. A condition has been suggested accordingly.
- 9.53. Regarding traffic, the LHA notes that congestion can occur on connecting roads to and from the A422. The LHA states that this is not necessarily a road safety issue and is relatively short term in duration and thus cannot reasonably form an objection. The number of visitors would also be capped by the space available within the site for parking/camping. Officers have suggested a condition requiring agreement as to the number of vehicles that can be accommodated on the site, and that the number of vehicles shall not exceed that specified number at any time. Further, a condition has been suggested requiring the submission of a Spectator and Access Strategy for consideration, to include details of how the calendar of events would be regulated, an event ticketing strategy and a vehicle permitting strategy. Your Officers consider that the suggested conditions would alleviate queuing or congestion on the highway.
- 9.54. The LHA has advised that a passing place condition could be required should Members see this as necessary, to mitigate against highway impacts at peak times, although they have not stated that this condition is necessary for the development to be acceptable.
- 9.55. The OCC Rights of Way Officer considers that a fence should be erected on the western boundary, to ensure that members of the public do not enter the site from this side. A fence would also go some way to avoiding the public footpath being used as an informal toilet facility, as has also been raised as a concern by OCC Rights of Way. Officers have suggested a condition requiring a revised Landscaping Scheme and a fence can be sought as part of this.

9.56. Overall, subject to conditions, the proposal is considered not to have a severe detrimental impact on the highway network or safety of its road users. The proposal is therefore considered in accordance with Policies SLE4 and ESD15 of the CLP 2015, and Government guidance contained within the NPPF.

Ecology impact

9.57. Government guidance contained within the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others):

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.58. Further, it goes on to state that when determining planning applications, local planning authorities (LPAs) should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.59. Planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of 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 the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.60. Policy ESD10 of the CLP 2015 echoes Government guidance, requiring relevant habitat and species surveys to accompany applications which may affect a site, habitat or species of known or potential ecological value, seeking net gains in biodiversity, the protection of existing trees and the protection, management, enhancement and extension of existing resources along with the creation of new ones.

9.61. Policy ESD 11 of the CLP 2015 states that where a development is proposed within or adjacent to a Conservation Target Area biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement. Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted. Where there is potential for development, biodiversity enhancement will be sought to help achieve the aims of the Conservation Target Area.

9.62. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

- 9.63. The original Committee resolution was to approve the application subject to the objections from the CDC Ecology Officer and Berks, Bucks and Oxon Wildlife Trust ('BBOWT') being overcome.
- 9.64. Due to proximity of the site to a stream, and with a number of mature trees and hedgerows both within and adjacent to the site, it was considered that the site had the potential for suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates. An Ecology Survey was submitted with the original application, although the CDC Ecologist and BBOWT both raised objections as it failed to demonstrate that the proposal would not cause harm to any protected species or their habitat, which is reasonably likely to be present and affected by the development.
- 9.65. Prior the Committee meeting on 17 June 2021 the applicant carried out a Great Crested Newt Survey and submitted a Habitat Enhancement Map, Ecological Enhancement Measures and Great Crested Newt Mitigation Measures, although at the time of the meeting a period of re-consultation had not yet expired. Officers considered that, provided the additional information addressed the objections by the CDC Ecologist and BBOWT, a refusal of the application on ecological grounds could not be warranted.
- 9.66. Since the Committee resolution to approve the application on 17 June 2021, discussions have taken place between the applicant, BBOWT and the CDC Ecologist in order to address concerns regarding the impact of the development upon protected species and their habitat. In summary, these discussions related to the following:
- Great crested newt mitigation.
 - Biodiversity enhancement using a Biodiversity Metric Calculation
 - A Landscape Ecology Management Plan
 - The silting of the Sor Brook impacting upon biodiversity and the Horley Local Wildlife Site
 - An Exit Strategy Management Plan for when the motocross use ceases
- 9.67. The Great Crested Newt Mitigation measures document submitted on 11 March 2022 included reasonable avoidance measures to minimise the risk of an offence occurring and confirmed that, as long as the measures were fully implemented, no Conservation of Habitats and Species Regulations derogation Licence would be required.
- 9.68. The Biodiversity Metric Calculation submitted during September 2022 indicated that the net gain would need to be provided off-site. This net gain would consist of an area of modified grassland with a nectar rich arable margin in the field to the east of the motocross site. This off-site enhancement would be within land that is owned and controlled by the applicant, although due to the scale of the original site location plan the blue line area did not include the entirety of the land. A revised site location plan was sought and received by Officers that included this land. Officers consider that a condition requiring the submission of a revised Landscaping Scheme, to include details of planting, retained trees and hedgerows, a Schedule of Landscape Maintenance and a Landscaping Amenity Plan would meet the requirements of the CDC Ecologist with regard to the management of the habitat enhancement.

- 9.69. With regard to the potential silting of the Sor Brook impacting upon the biodiversity of the watercourse and the Horley Local Wildlife Site, both the CDC Ecologist and BBOWT had raised concern regarding the use of phrases “have been recommended” or “has identified”, as opposed to “will take place” or similar, in the Design and Access Statement and Flood Risk Assessment that do not give sufficient surety to ensure that all of the measures would be both put in place, and maintained for the duration of the existence of the motocross site. Officers consider that this would be resolved via a condition requiring the submission of an overarching document detailing what action would be taken on site with regard to the control of run-off into the brook and the potential impact of this on the Local Wildlife Site. A condition has therefore been suggested by Officers that would require the submission of this document within three months of the date of this decision.
- 9.70. BBOWT had also raised concern regarding the potential silting of the Sor Brook impacting upon the biodiversity of the watercourse and the Horley Local Wildlife Site should the motocross use cease. Officers have suggested a condition requiring the submission of an Exit Strategy Management Plan that would specify the works to be undertaken and ongoing management regime to be implemented at the site when activities cease.
- 9.71. A later request was received from the CDC Ecologist for a condition requiring the submission of an external lighting strategy and for the site to be checked for protected species prior to the first use of the track. Officers have included these in the suggested conditions.
- 9.72. Both BBOWT and the CDC Ecologist are now content with the scheme. Officers therefore consider the proposal to accord with Policies ESD 10 and ESD 11 of the CLP 2015 and Government guidance contained within the NPPF in terms of protected species and their habitat, and biodiversity enhancement.

Flood risk and drainage

- 9.73. Government guidance contained within the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 9.74. Policy ESD 6 of the CLP 2015 echoes Government guidance, requiring the submission of a Flood Risk Assessment (FRA) and demonstration that developments would be safe and remain operational (where necessary), and that surface water would be managed effectively on site and that the development will not increase the flood risk elsewhere. Policy ESD 7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 9.75. The site is located in Flood Zone 1, which has the lowest probability of flooding. A Flood Risk Assessment and drainage strategy had been submitted with the original application, although the Lead Local Flood Authority (LLFA) had advised that the applicant had failed to demonstrate that the development would provide adequate drainage on the site to ensure that the development does not lead to problems of surface water flooding both on the site and to adjoining sites. The applicant subsequently provided further clarification, although at the time of the Committee meeting on 17 June 2021 a response had not been received from the LLFA.

Officers had commented that providing the additional information addressed the objections raised, the refusal of the application on flood risk and drainage grounds would not be warranted. Delegated authority was sought from Members for Officers to resolve this outstanding issue.

- 9.76. After direct contact between the applicant and LLFA on 23 February 2022, the LLFA advised that after having reviewed all the relevant documentation they had no objection to the application. They advised that there are no works being carried out to increase impermeable areas to the site. The submitted FRA (Lidar-Logic, Report LL071 - February 2021) shows that the existing drainage system on site would be retained and ongoing maintenance is carried out through the year by Wroxton Motocross. Therefore, as long as the maintenance regime as per the FRA is carried out, the LLFA has no objection to the application.
- 9.77. The response from the LLFA informed the wording for a suggested condition requiring the development to be carried out in accordance with the approved drainage system detailed in the FRA. Officers therefore consider the development accords with Policies ESD 6 and ESD 7 of the CLP 2015 and Government guidance contained within the NPPF in terms of flood risk and drainage.

Sustainability and Mitigating Climate Change

- 9.78. Sustainability, particularly in the context of meeting the challenge of climate change, is one of the key issues at the heart of the NPPF and is also sought by Policies ESD1 to ESD5 of the CLP 2015. The proposal must therefore demonstrate how it achieves sustainable objectives, including the need to show how it promotes sustainable modes of transport, including walking and cycling, along with utilising sustainable construction methods and measures to reduce energy consumption.
- 9.79. Local Plan Policy ESD1 requires developments to be designed to reduce carbon emissions and use resources more efficiently including water. It contains the requirement to reduce the need to travel and encourage sustainable travel options including walking, cycling and public transport. It also promotes the use of decentralised and renewable or low carbon energy where appropriate.
- 9.80. Policy ESD2 of the CLP 2015 requires developments to achieve carbon emissions reductions by use of an energy hierarchy as follows:
- Reduce energy use, in particular by the use of sustainable design and construction measures
 - Supplying energy efficiently and give priority to decentralised energy supply
 - Make use of renewable energy
 - Make use of allowable solutions
- 9.81. Policy ESD 3 of the CLP 2015 relates to Sustainable Construction. It requires developments to achieve BREEAM level Very Good and to maximise both energy demand and energy loss, passive solar lighting and natural ventilation and resource efficiency. The policy supports the incorporation of recycled and energy efficient materials and locally sourced building materials. It also calls for a reduction in waste and pollution and requires developers to make adequate provision for the recycling of waste. The policy also covers sustainable drainage methods. The reduction of the impact on the external environment and the maximising of opportunities for cooling and shading are key requirements.

9.82. Policy ESD 4 of the CLP 2015 covers Decentralised Energy Systems and promotes the use of such systems providing either heating or heating and power to all new developments. Policy ESD 5 of the CLP 2015 states that the Council supports renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily. The potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications.

9.83. As previously mentioned, the use of the site for a motocross use is long established. It is hoped that the evolution of the electric vehicles would allow in the future for electric bikes to participate, in line with local and national directives. However, bearing in mind the long-established use, Officers do not consider that it would be reasonable for such a condition to be attached to any planning permission given. There is also very little built development on site (i.e. only marshal huts and a shelter for portable toilets). Therefore, sustainable construction and renewable energy principles do not apply.

10. PLANNING BALANCE AND CONCLUSION

10.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.

10.2. The principle of the motocross track development is considered acceptable, and the development has no significant impact in heritage terms, and subject to conditions, is acceptable in terms of highway safety, residential amenity, landscape impact, ecology, flood risk and drainage. The proposal would deliver some benefits in terms of sport and recreation, although it contributes little to the local economy. However, it is considered that the adverse impacts of the development do not demonstrably outweigh the benefits and Officers therefore recommend that planning permission be granted subject to the suggested conditions.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

Approved Plans

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be in accordance with the application forms and the following plans and documents: Design and Access Statement dated February 2021, Planning Statement dated February 2021, Ecological Appraisal dated January 2021, Flood Risk Assessment dated February 2021 reference Report LL071, Transport Statement dated February 2021, Wroxton MotoCross Circuit - Mitigation Measures for Great Crested Newts by Chris Seabridge & Associated Ltd dated 11 March 2022, Biodiversity Metric 3.1 dated 09 September 2022, Ecological Enhancement Measures by Chris Seabridge & Associates Ltd dated September 2022, Drawing No's: KERWOOD PL-01 Rev. 0, KERWOOD PL-02 Rev. 1, KERWOOD PL-03 Rev. 2, SU2192 2D-1, SU2192 2D-2, SU2192 2D-3, SU2192

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Drainage System

2. Except where otherwise stipulated by conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the approved drainage system detailed in the Flood Risk Assessment prepared and submitted by Lidar-Logic, reference Report LL071 - February 2021.

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure compliance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Ecological Enhancements

3. Except where otherwise stipulated by conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the recommendations set out in the Wroxton Motocross Circuit – Ecological Enhancement Measures by Chris Seabridge & Associates Ltd dated September 2022, and The Wroxton MotoCross Circuit - Mitigation Measures for Great Crested Newts by Chris Seabridge & Associated Ltd dated 11 March 2022 unless otherwise agreed in writing by the Local Planning Authority. The 'Reasonable Avoidance Measures' set out in the Mitigation Measures for Great Crested Newts by Chris Seabridge & Associated Ltd dated 11 March 2022 shall be followed at all times that the site is in use for the development hereby approved.

Reason - In the interests of wildlife and nature conservation and to ensure compliance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1 and Government guidance within the National Planning Policy Framework.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE FIRST USE OF MOTORCROSS SITE

Ecological Walkover Survey

4. Prior to any ground disturbance on site, including reinstatement works of the track, practising or competing, a walkover survey shall be carried out by a qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site and to identify habitat changes on site since the previous surveys were carried out. Should any protected species be found or changes in habitat identified, full details of any additional mitigation, avoidance measures or EPS licensing required to prevent harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - In the interests of wildlife and nature conservation and to ensure compliance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1 and Government guidance within the National Planning Policy Framework.

Schedule of Activity and Events

5. (a) Prior to the first use of the motocross site hereby approved, a schedule of

proposed activity and events for the remainder of the calendar year in which it is first used shall be submitted to and agreed in writing by the Local Planning Authority; and thereafter

(b) Prior to 31 December of each year, a schedule of proposed activity and events for the following calendar year shall be submitted to and agreed in writing by the Local Planning Authority.

The motocross site hereby approved shall be operated in accordance with the schedules agreed under this condition, unless otherwise agreed in writing by the Local Planning Authority.

The submitted schedule shall include details of each event, including:

- the intended programme of track use including practicing and racing;
- likely number of participants and spectators; and
- a written supporting statement demonstrating how the proposed programme of events has been designed to ensure that there are periods of inactivity between race events.

Notwithstanding the details of any agreed schedule, practice or race days upon the site shall not exceed 20 days in any calendar year. The total number of days that the site is used for motocross purposes shall not exceed 65 days in any calendar year.

Reason – In the interests of highway safety, the general amenity of the area, the living conditions of local residents, and to comply with saved Policies ENV1 of the Cherwell Local Plan 1996, Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Informative:

You are advised that there is an expectation that there will be a maximum of 6 race days within any 3 month period. Any schedule of proposed activity and events submitted under this condition that seeks to secure approval of a programme that fails to accord with this frequency should set out:

- (i) why this is necessary; and
- (ii) what mitigations are proposed to protect the amenity of local residents.

The Local Planning Authority's assessment of any submission made under this condition shall be circulated to the Ward Members for the Cropredy, Sibfords and Wroxton Ward, and Hornton Parish Council, Wroxton and Balscote Parish Council, Shenington with Alkerton Parish Council and Horley Parish Council.

External Lighting

6. Prior to the first use of the motocross site hereby approved, an External Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved strategy prior to the first use and retained as such thereafter.

Reason - In the interests of wildlife and nature conservation, the general amenity of the area, and to ensure compliance with Policies ESD10 and ESD 15, saved Policies C28 and ENV1 of the Cherwell Local Plan 2011- 2031 Part 1 and Government guidance within the National Planning Policy Framework.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE FIRST USE
OF MOTORCROSS SITE FOR PRACTICE OR COMPETITIVE RACING

Noise Management Plan

7. Prior to the first use of the motocross site hereby approved for practice or competitive racing, a Noise Management Plan detailing how the operator will manage noise levels at or from the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the use of the motocross site for practice or competitive racing shall be undertaken in accordance with the approved Noise Management Plan. This plan shall include:
- (a) Identification and specification of noise generating sources throughout the site, to include any amplified sound such as sound systems and P.A. systems;
 - (b) Monitoring of noise levels from individual bikes on track in accordance with current Auto Cycle Union (ACU) noise standards;
 - (c) A written procedure for excluding bikes from the site exceeding the current Auto Cycle Union (ACU) noise standards;
 - (d) Notwithstanding point (b) the noise from the bikes shall not exceed 81 dBA at 100 metres from the track edge;
 - (e) A statement detailing any noise mitigation and commitment to its maintenance, which could include the use of silencers;
 - (f) Details of the procedure for managing noise from bikes not on the track;
 - (g) Details of the procedure for limiting the number of bikes on the track at any one time;
 - (h) Details of the procedure for off-site noise monitoring during events.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Access Details

8. Prior to the first use of the motocross site hereby approved for practice or competitive racing, full details of the means of access between the land and the highway, including position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The details required by this condition shall include the formation of a kerbed bellmouth junction where the site access road meets the unnamed public highway between Wroxton and Hornton, and the surfacing of the area alongside the carriageway, opposite to the site entrance, which has been worn away by vehicles making the turn into and out of the site. The means of access and vision splays shall be constructed in strict accordance with the approved details prior to any practice or competitive racing and shall be retained and maintained as such thereafter.

Reason - In the interests of highway safety and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Spectator and Access Strategy

9. Prior to the first use of the motocross site hereby approved for practice or competitive racing, a Spectator and Access Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Spectator and Access Strategy shall include:

- How the calendar of events would be regulated
- An event ticketing strategy
- A vehicle permitting strategy

The site shall not be used for practice or competitive racing other than in accordance with the approved Spectator and Access Strategy.

Reason - In the interests of general amenity and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996, Policies SLE4 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Exit Strategy Management Plan

10. Prior to the first use of the motocross site hereby approved for practice or competitive racing (and notwithstanding the details set out within the Wroxton Motocross Circuit – Ecological Enhancement Measures by Chris Seabridge & Associates Ltd dated September 2022, The Wroxton Motocross Circuit - Mitigation Measures for Great Crested Newts by Chris Seabridge & Associated Ltd dated 11 March 2022 or the Flood Risk Assessment prepared and submitted by Lidar-Logic reference Report LL071 - February 2021, and maintenance regime approved pursuant to the requirements of Condition 12 of this permission, an Exit Strategy Management Plan (ESMP) shall be submitted to and agreed in writing by the Local Planning Authority. The purpose of this ESMP is to specify the works to be undertaken and ongoing management regime to be implemented at the site when activities cease in order to protect the biodiversity of the Sor Brook and the Horley Local Wildlife Site from silt migrating downstream.

The submitted ESMP must include:

- i. Landscaping Scheme: This shall detail positions for the re-instatement of grass cover across the site, planting of additional hedgerows and scrub along land contours. The scheme shall identify the planting arrangements and timings, together with details of inspection and maintenance protocols and responsibilities to ensure the identification and then timely replacement of any dead, dying or diseased landscaping elements for a minimum period of five years from the point of initial planting.
- ii. Monitoring and Management Plan: A scheme for the monitoring and management of the site once motocross activities cease, to include provisions to ensure that silt ponds are cleaned out on a set schedule in a manner that is compatible with the landscaping of the site and ecological mitigation and enhancement measures.

Where no submission has been made to the Local Planning Authority to discharge condition 5(b) prior to 31 December, the commencement of the agreed Exit Strategy Management Plan (ESMP) shall be triggered. Thereafter the agreed ESMP shall be implemented in full unless a new schedule of proposed activities and events for that calendar year has been submitted to and agreed in writing by

the Local Planning Authority under the terms of condition 5(b).

Reason - In the interests of wildlife and nature conservation and to ensure compliance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1 and Government guidance within the National Planning Policy Framework.

Parking Provision

11. Prior to the first use of the motocross site hereby approved for practice or competitive racing, a plan showing parking provision for a specified number of vehicles to be accommodated within the site shall be submitted to and approved in writing by the Local Planning Authority. The parking area approved by this condition shall be provided in accordance with the approved details prior to the first use of the motocross site for practice or competitive racing and shall remain unobstructed and retained for the parking of vehicles at all times thereafter. The number of vehicles using the approved parking area shall not exceed the number specified upon the approved plan at any time.

Reason - In the interests of highway safety, to ensure the provision of off-street vehicular parking and to comply with Policies SLE 4 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE WITHIN THREE MONTHS

Revised Drainage Maintenance Regime

12. Within three months of the dates of this decision (and notwithstanding the details contained within the Flood Risk Assessment prepared and submitted by Lidar-Logic reference Report LL071 - February 2021) a revised maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the maintenance regime shall be carried out in accordance with the approved details at all times that the site is in use for motocross purposes.

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal in a manner that is compatible with the landscaping of the site and ecological mitigation and enhancement measures, and to ensure compliance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Informative:

The revised maintenance regime shall detail specific steps that will be carried out as part of the maintenance of the site without ambiguity. The applicant should ensure that maintenance regime is compatible with the proposed landscaping, ecological enhancement measures and great crested newt mitigation measures.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE PLANTING SEASON

Revised Landscaping Scheme

13. Prior to the first full planting season after the date of this permission (mid-November to end of March) (and notwithstanding any details shown with the Ecological Enhancement Measures by Chris Seabridge & Associates Ltd dated September 2022) a revised landscaping scheme shall be submitted to and

approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:

- (a) Details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas;
- (b) Details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation;
- (c) A Schedule of Landscape Maintenance for a minimum period of fifteen years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting;
- (d) A Landscape Amenity Plan, to include the timing of the implementation of the plan, long term design objectives (to include consideration of the restoration of the land), management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas. The Landscape Amenity Plan shall also include provisions to ensure that the existing hedgerow on the south-east boundary adjacent to the access trackway of the site shall be retained and properly maintained at a height of not less than three metres, and that sections of the hedgerow that die or are damaged are replaced.

The details approved under points (a) (b) (c) and (d). of this condition shall be implemented in the first full planting season (mid-November to end of March) following their approval and shall be carried out in accordance with the most up to date and current British Standard.

The Schedule of Landscape Maintenance shall be carried out in full accordance with the implementation details agreed pursuant to point (c) above.

The Landscape Amenity Plan shall be carried out in full accordance with the implementation details agreed pursuant to point (d) above.

No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

Reason – To safeguard the character and appearance of the area, and the surrounding landscape in a manner that is compatible with the ecological enhancement measures being secured at the site to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

Restriction on use

14. There shall be no use of the track or set-up or take down of events on the first

Bank Holiday Monday in May of each year.

Reason – In the interests of highway safety and to comply with Policies SLE 4 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Operating Hours

15. The track shall only be used for motocross purposes, to include both the operation and maintenance of the race circuit, between the hours of 9:00am and 6:00pm.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Vision Splays

16. The vision splays shown in the plans approved pursuant to the requirements of Condition 8 of this permission shall not at any time be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

Reason - In the interests of highway safety and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Informative

1. The applicant is advised that any alteration to the layout and/or configuration of the track from that hereby approved would likely require planning permission.