

Case Officer: George Smith

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: Level of public interest

Expiry Date: 22 June 2021

Committee Date: 17 June 2021

SUMMARY OF RECOMMENDATION: DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO:

- 1) THE EXPIRY OF THE CURRENT CONSULTATION PERIOD ON 18 JUNE 2021, AND CONFIRMATION THAT AT THE CLOSE OF THIS CONSULTATION PERIOD NO RESPONSES HAVE BEEN RECEIVED THAT RAISE NEW MATERIAL ISSUES THAT, IN THE VIEW OF THE ASSISTANT DIRECTOR, HAVE NOT BE DEALT WITH IN THE ASSESSMENT OF THE APPLICATION AS SET OUT ABOVE;**
- 2) THE RESOLUTION OF THE OBJECTIONS FROM:
(i) THE LEAD LOCAL FLOOD AUTHORITY;
(ii) THE COUNCIL'S ECOLOGY OFFICER; AND
(iii) BBOWT
INCLUDING THE AUTHORITY FOR ADDITIONAL CONDITIONS TO BE ADDED AS REQUIRED TO SECURE ANY NECESSARY MITIGATION MEASURES); AND**
- 3) SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY):**

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is occupied by a motocross track, accessed off the unnamed lane to the east.
- 1.2. The track is located in open countryside, being 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 and c1.2km from the eastern edge of Alkerton. There are several out-of-settlement dwellings in closer proximity, the closest being Hornton Grounds (550m).

2. CONSTRAINTS

- 2.1. The application site is partially within a Conservation Target Area and partially within a NERC Act S41 Habitat – namely Lowland Mixed Deciduous Woodland. The Traditional Orchards Habitat is located nearby. The site is bound 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 and naturally elevated arsenic, which are common features across the Cherwell District.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks use of the parcel of land for motocross purposes for 65 days per year. This would include 24 event days i.e. the application if approved would not grant permission for 65 event days. The 65 days would include the 24 events, as well as set-up and set-down days either side of an event.
- 3.2. The Transport Statement explains in more detail the nature of the use. A typical event is held on Sunday, with an average rider entry of 160-200, and most riders arriving with immediate family and support crew on the Saturday before the event day. The majority of campers are said to arrive between 5pm and 8pm. The report estimates that 180-220 people would typically camp.
- 3.3. The Transport Statement sets out that, during a Club event, there may be around 600 – 800 people on site over the course of race day, travelling in 250 – 350 vehicles
- 3.4. The Transport Statement sets out that a National event are said to occur once or twice a year and can attract a maximum of 320 competitors and 1,300 to 1,500 people in total. A National event can attract around 400 – 600 vehicles, depending upon how many people travel together in each one.

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. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **3 June 2021**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. Officers have counted the number of objections received as 172 and the number of letters in support to be 11. Four representations have been recorded as *comments*. The representations made by third parties are summarised as follows:

Objection

Principle of development

- The application does not provide any material/substantive information in respect of the claims that the proposals support local policy
- Up until 2017 the track was operated within the 14-day permitted development limited but have not done so since. It should be reinstated to this 14-day use.
- There is no access via public transport and poor walking and cycling routes, which would not reduce need to travel by private vehicle, not offering alternative travel modes.
- Provision of this facility is not needed as four other similar developments and approved sites are within easy travel distance
- Does not support tourism as people camp and do not spend money in local area or mix with local villagers
- It is only a commercial success for the landowner rather than local community
- Could harm local B&Bs and pubs
- Sheep have never been seen grazing at the track
- Track operators have continued to flaunt regulations through this planning application process
- Is suitable as a local club, reverting back to its former use. Is not suitable to be an international track.
- Several third-party representations have raised concern that the track would hold motocross racing or practice on 65 days of the year and made comments on this basis. Whilst the proposal seeks 24 race or practice days, several have raised this ambiguity as a concern.
- There is no local need for the facility.
- At what point does this go from farm diversification to being the primary business.

Landscape and visual impact (including heritage)

- Approval would result in further expansion
- This area is valued for its tranquillity and beauty, something the track is ruining.
- Contrary to the LVIA, the current track does not use natural landform as there has been extensive excavation and raising of the land in many areas. LVIA report contains various misinformation.
- Cherwell District Council themselves have sought to protect the Ironstone Downs in their own Local Plan.

- The landscape assessment identifies that the site is currently in poor condition and the works have been done to a poor standard and further remediation is required to put the site in good condition.
- Track did not used to be visible but can now be seen from 3 different roads and the footpath adjacent. This is as a result of bigger jumps and more prominent features such as railings.
- The resulting highways, visual, and noise impact that would arise from the proposal on the nearby AONB would outweigh its public benefit, contrary to paragraph 172 of the NPPF.
- Events look like a large music festival.

Noise

- Unfavourable wind direction increases the perceived level of noise, which is the norm rather than the exception due to prevailing wind.
- Was tolerated by locals prior to 2016, but increase in size and the events are now starting earlier, finishing later, are noisier as the size of bikes have increased, and the number of events has virtually doubled
- Causes stress and annoyance for people who want to enjoy peace and quiet in gardens. Note in summer this is particularly vexatious as it is often necessary to keep windows and doors open to keep the house cool. Impacts on mental health and drives people to go away for the weekend.
- Rather than an occasional disturbance a Motocross event can affect a whole weekend if the wind is blowing in a certain direction as the noise is so loud it is not a pleasant experience to be outside in the garden.
- Noise on occasional weekends was tolerable, but noise is now incessant.
- Third party took several noise meter readings in 2019 and have records to show sound levels frequently between 65dB and 95dB during race time.
- Questioning of the usefulness of the noise survey being undertaken on a practice day in the off-season. Evidence is potentially deliberately misleading.
- It may be that measurements of noise are beneath the British Standards and WHO indicative level of 50 decibels, but this may not be the most appropriate measure in an environment with much lower levels of ambient noise.
- Noise nuisance to Indian Queen restaurant and instances of anti-social behaviour.
- The Council's Environmental Health Officer appears not to have taken account of other data provided, outside of the applicant's report. Applicant's report is incorrect on the noise effect.
- Additional screening would not make the noise impact acceptable.

Highways

- Increased vehicle movements, vans and cars going over speed limit through villages of Wroxton, Hornton, the A422 and surrounds.
- There has been an increase in vehicle movements in the locality over a number of years more generally, due to other developments (Hornton Quarry, Banbury expansion etc.)
- Up to 200 vehicles are camped there at weekends impacting on entry and exit on narrow country lanes. Objections to positioning of site entrance
- This road should never be blocked by heavy traffic, which it certainly would be if this planning permission were approved. Limits access for emergency service vehicles
- Would eventually cause death or serious injury
- Access to the site and the surrounding roads should be reviewed and improved if this application is approved. The windy country roads are not suitable for the development. Vehicles travelling to track has led to potholes and damaged verges.
- Unsafe to walk along footpath adjacent to track on race days. Also, a risk to cyclists and children.
- Damage to surrounding roads from the large vehicles and camper vans that are associated with the use. Small roads are unsuitable for 100+ larger vehicles all arriving for weekend use
- Mud is dragged out onto the road from the access

Ecology

- Effect on local wildlife and countryside
- This whole valley forms part of the Northern Valleys Conservation Target Area (NVCTA). The NVCTA is an important wildlife site which has been targeted specifically for biodiversity conservation. Cherwell District Council's (CDC) Local Plan 2040 states that CTAs would be the most important areas to target for biodiversity improvement. Locating large BMX track capable of hosting international motocross events in this CTA is clearly contrary to that ambition.
- Track would have a significant detrimental impact on biodiversity in areas surrounding the site and the loss of at least some of the red list/internationally threatened species in the area.
- The area surrounding the proposed site is richly biodiverse, holding healthy remnant populations of farmland birds, mammals and plants which have experienced huge declines with the industrialisation of agriculture, which continues today. Many of these species are internationally threatened, indicating that this area has International Conservation Importance and must be protected from development.
- The potential risk to contamination from fuel leaks, chemical toilets and general waste of the Sor Brook, including the potential downstream impact to wildlife.

- It is just a few hundred metres from a Site of Special Scientific Interest, managed by the Banbury Ornithological Society, where many rare species of bird can be found including the curlew. The noise pollution from the track may prevent birds from staying in this area as they are sensitive to noise.
- Ecology walk over survey undertaken at massively suboptimal season. Report points at potential for GCN as well as protected species including bats, but no mitigation/compensation is identified.
- Policy ESD11 - insufficient information has been provided to show the proposal adheres with the policy; demonstrating the proposal does not conflict with the aims of the conservation target area as well as identifying constraints and opportunities for biodiversity enhancement.

Pollution

- Diesel fuelled vans travelling large distances to get to event
- Believe the CDC should not be supporting further expansion of a sport which is potentially detrimental to the health of the participants and local people. These are not 'essential' emissions.
- Litter from track including plastic helmet visors are found nearby to track and lining the tributary of Sor Brook, having an impact on ecology also.
- Rubbish is stored or burnt on site.
- Littering along Wroxton main road
- In contravention of Government stated objectives to reduce CO2 emissions which are proven to adversely affect climate

Drainage

- there have been breaches of the Land Drainage Act in that unauthorised works have happened in damming and draining the watercourse
- Drainage and pollution of the water levels threaten the surrounding area.

Other

- Disregard for planning and process
- Implies weekday events as well as weekends
- Devalues properties
- Why CDC has allowed this Wroxton Motocross development to get to this point without adequate planning permission.

Support

- Safe and accessible motorsport facilities is key to avoid illegal riding and driving on roads
- Benefits to physical and mental health

- Supports local businesses
- Oxfordshire has insufficient motorsport facilities relative to size
- Additional screening would reduce the noise impact

6.3. 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 at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. HORNTON PARISH COUNCIL: **Objects** – for reasons summarised below:

- Unjustified and unsustainable form of development in a rural location – contrary to the provisions and aims of SLE1, SLE4 and ESD1 of the Local Plan
- Development is an alien feature within the rural landscape, out of scale and character within setting. Detrimental visual impact on rural character and appearance of locality, including adverse disturbance for wildlife habitats and species and harm to the rights of way amenity and open rural landscape of the area – contrary to Policies ESD13 and ESD15.
- Adverse traffic congestions on Friday – Sunday, with hundreds of vehicles using the narrow local lane network. The proposals are therefore contrary to saved Policies TR10 and C31 of the 1996 LP and ESD15 of the CLP 2015.
- The change of use cannot be to a mixed agricultural use as the vast majority of the racetrack is bare mud and could not support sheep grazing.
- The application form, Design and Access Statement and technical submissions contain numerous factual inaccuracies.
- A Hornton Parish Council commissioned “Expert Witness Statement” from Air Photo Services Ltd Report, taking evidence from aerial and satellite photography and Lidar data, concluded that between 2012 and 2020; the racing track was lengthened by over 500m (33%), the track area and bare earth features increased by over 1500sqm and the average width of the track increased from 11.08m to 12.15m.
- A Hornton Parish Council commissioned “Noise Impact Assessment Review” from Clarke Saunders Acoustics has been submitted, which considers that the applicants Noise Impact Assessment does not address many key requirements, concluding that it cannot be relied upon to describe the community impact of the proposals.
- The Parish Council have provided a list of events, stating that greater events had taken place (or at least been planned) than the applicant asserts, with 26 events having been listed in 2019.

7.3. WROXTON AND BALSCOTE PARISH COUNCIL: **Objects** – for reasons summarised below:

- Brings no benefit to the local economy as competitors and guests stay in caravans on-site and are likely to self-cater.
- Disbenefits in terms of noise, increased traffic, damage to verges and anti-social behaviour
- Wroxton and Balscote residents in general accepted the original intention of the operation for the first 35 years or so i.e. recreational activities for local people on several weekends annually. However, the nature of the activity has changed, increasing in size and frequency and interfering significantly with the local environment
- Wroxton and Balscote Parish Council would support strict conditions imposed limiting the number of racing/practice days, to the prior acceptable volume of activity. Conditions should also protect immediate environmental requirements i.e. litter, toilets and protection of watercourses.

7.4. SHENINGTON AND ALKERTON PARISH COUNCIL: **Objects** – for reasons summarised below:

- Noise nuisance to parish residents. 65 days is unreasonable, the applicant should request a more reasonable level of activity. The Parish Council would like to see calendar coordinated with Shenington Kart Club as the noise complaints are received for this as well.

7.5. HORLEY PARISH COUNCIL: **Objects** – for reasons summarised below:

- Increased intensity of the use of the site.
- Parish Council are concerned about increased number of events to 65 days per year, over one per week.
- Noise pollution is a major concern which can already be heard throughout the village – increasing if this is approved.
- Parish Council has received individual complaints from residents in the village regarding existing site.

CONSULTEES

- 7.6. CDC ECOLOGY: **Comments** – that the information is currently insufficient in relation to ecology enhancement and great crested newt mitigation
- 7.7. CDC ENVIRONMENTAL HEALTH: **No objections** – on grounds of noise, contaminated land, air quality, odour or light.
- 7.8. CDC LANDSCAPE: **Comments** that a landscaping scheme and management/mitigation measures are required.
- 7.9. CDC ARBORICULTURE: **Comments** – that the landscaping plan as submitted requires further clarifications.
- 7.10. CDC DRAINAGE: **Comments** – that the Flood Risk Assessment is acceptable in hydraulic terms. Comments that the watercourse could be affected by ecology in regard to siltation and loss of amenity to allow fish/invertebrate passage along the watercourse, however they note that they are not qualified to comment on this aspect.

- 7.11. CDC SPORT AND LEISURE: **Comment** – that there is insufficient evidence which demonstrates that the provision meets a local need, or that its increased use addresses deficiencies in provision.
- 7.12. OCC HIGHWAYS: **No objections** – subject to conditions for; means of access improvements, vision splays to be non-obstructed, provision of two pairs of passing places and for the submission of an Event Traffic Management Plan.
- 7.13. OCC RIGHTS OF WAY: **No objections** – subject to condition relating to fence along western boundary.
- 7.14. OCC DRAINAGE: **Objections** – as a detailed surface water management strategy has not been submitted.
- 7.15. CAMPAIGN TO PROTECT RURAL ENGLAND: **Objects** – due to impact on tranquillity of area
- 7.16. COTSWOLD NATIONAL LANDSCAPE: **Neither support nor object**
- 7.17. ENVIRONMENT AGENCY: **Comments** – that application falls outside remit
- 7.18. BERKS, BUCKS & OXON WILDLIFE TRUST (BBOWT): **Comments** – that they would object to any increase in the extent of the track or increase in events. Comment that there should be less exposed soil overall, particularly next to the brook, and certainly no increase. They advocate requirements to be made for biodiversity net gain, stating this should be at a 20% level, to be achieved on site. A series of recommendations are made.

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 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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

Other material 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)

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

Principle of Development

Policy Context

9.2. The application is retrospective and was submitted as the result of an enforcement investigation. The current application is 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. Figures 1 to 4 below show the gradual expansion of the track over the last 20 years.

Area



Figure 1 – 1999 aerial photography



Figure 2 – 2009 aerial photography

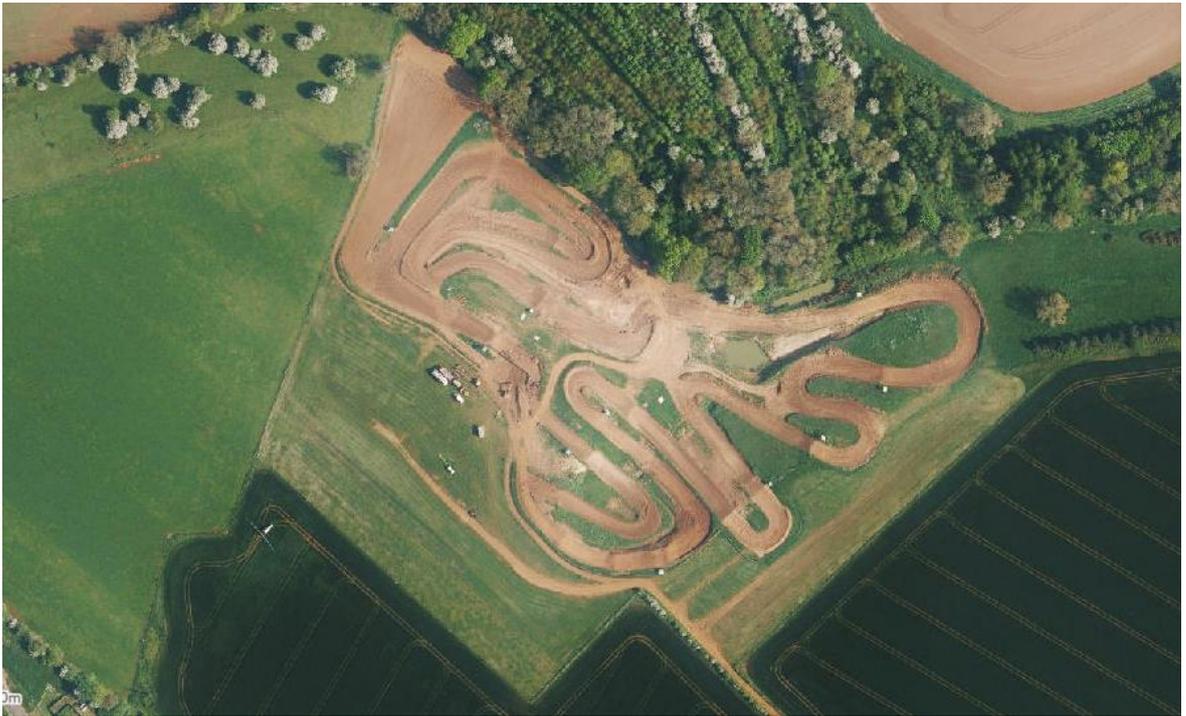


Figure 3 - 2014/15 aerial photography

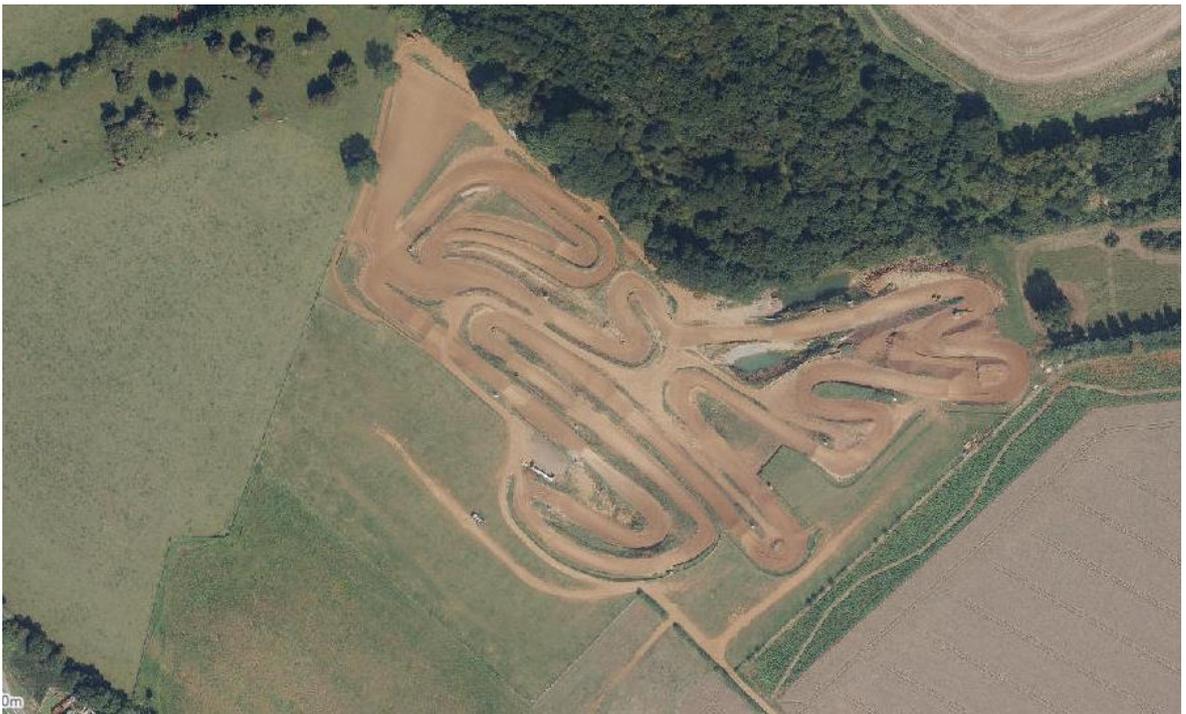


Figure 4 – 2019 aerial photography

- 9.3. Policy BSC 12 of the CLP 2015, which governs the provision of community sporting and recreational facilities states *'Ensuring that development proposals contribute towards the provision of new or improved facilities where the development would generate a need for sport, recreation and community facilities which cannot be met by existing provision.'*
- 9.4. 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 through 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. 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. Paragraph B.161 notes that sites for new provision will also be identified in the Local Plan Part 2 (now the review of the Local Plan).

- 9.5. The NPPF at paragraph 80 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.
- 9.6. The NPPF at paragraph 83 states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 9.7. NPPF paragraph 84 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. It states 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.
- 9.8. Paragraph 86 and 87 of the NPPF state 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.
- 9.9. 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 paragraph 97 of the NPPF states 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.

Assessment

- 9.10. This application seeks use of the parcel of land for motocross purposes for 65 days per year, with 24 days where the track is used. The site is outside of a sustainable settlement and set in a rural context. Given the location, nature of the development and lack of public transport links the proposed development would be heavily reliant on the use of the private motor vehicle to access the facility via the route of minor rural roads.
- 9.11. It is relevant to assess whether the use is a 'Main Town Centre Use' as defined by the NPPF. The NPPF definition names sport and recreation, as well as leisure.

Whilst one might ordinarily deduce that the motocross track could be a leisure use, those two things are intended to be different, i.e. this is under sport and recreation rather than leisure. The question is then whether it's a "more intensive" sports and recreation use, (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls). As this motocross use is not similar to those listed within the NPPF, Officers would conclude that that it is not a main town centre use. It is also not a use that could reasonably be expected to be provided in the town centre due to its nature.

- 9.12. The Council's Sport and Leisure Team states that there is insufficient evidence to demonstrate that the provision meets a local need, or that its increased use addresses deficiencies in provision. Officers agree with this view and recognise based on the submitted information that the facility holds national events and draws participant from across the country, rather than providing a local need. Therefore, Policies BSC10 and BSC12 of the CLP 2015 are not necessarily met.
- 9.13. The applicant contends that the track can currently operate under permitted development right allowances. However, Officers consider the land is not returned to agricultural use whilst the track is not being used for motocross events, and that a permanent change of use has taken place, in particular because there has been operational development, for instance through the formation of track jumps, which require planning permission.
- 9.14. 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. The parcel of land has been used for motorsport purposes for approximately 40 years and but for track expansion having taken place in the preceding 10 years a lawful development certificate would likely have been granted. The use of the majority of the site for motocross purposes, but for two small sections in the east and northeast, is considered to be well established. The lawful development certificate application was subsequently withdrawn and the applicant invited to submit a full planning application.
- 9.15. On this basis, your officers are satisfied that the development is acceptable in principle.

Conclusion

- 9.16. The site is not sustainably located, but a similar facility could be achieved here within permitted development rights. The nature of the use means that it is not likely compatible with a location within or at the edge of a settlement. The principle of the development is therefore considered acceptable; its overall acceptability is dependent on the proposal not causing material harm in other respects. These are outlined in more detail below.

Design and landscape and visual impact

Policy Context

- 9.17. Policy ESD13 of the CLP 2015 advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is not expected to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures.

- 9.18. Policy ESD15 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.
- 9.19. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. Saved Policy C8 seeks to resist sporadic development in the open countryside. The accompanying text for Saved Policy C8 includes that development in the countryside must be resisted if its attractive, open, rural character is to be maintained. The NPPF at paragraph 170 states that planning decisions should recognise the intrinsic character and beauty of the countryside.
- 9.20. National Planning Policy Framework, Section 12 'Achieving well-designed places', paragraph 127 states that planning decisions should:
- (a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - (b) be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - (c) be sympathetic to local character and history, including the surrounding built environment and landscape setting,
 - (d) establish or maintain a strong sense of place.
- 9.21. Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions.

Assessment

- 9.22. 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.
- 9.23. The Landscaping Scheme identifies that 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.
- 9.24. The site's position within the valley means that it is not readily visible from the majority of public vistas in the locality. The site is clearly visible from the footpath (339/18/10) which runs along the north-western boundary of the site.
- 9.25. The applicant's LVIA notes that the Motocross track is an established landscape feature in the landscape, with events and races having been held for approximately 40 years throughout the year. 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.

- 9.26. As noted above, much of the development at least in terms of its size and area has occupied the site for 40 years. Much of the development would have been immune from enforcement action under the 10-year rule.
- 9.27. Officers note that the site has developed more significantly over the last 3-5 years, with the track now longer and wider, with additional jumps and green space reduced within the track confines. 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.
- 9.28. The track associated infrastructure, i.e. toilets and marshal huts also have a visual impact, but this is infrastructure that is clearly related to the use of the site for these purposes. They are structures which are not particularly large so, although visible from some public vantage points, they are not considered intrusive.
- 9.29. 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. Were planning permission to be granted for this application, caravans/motorhomes could occupy the site for 65 days per year.
- 9.30. The Council's Landscape Officer had raised no objections to the proposal as originally submitted but states 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.
- 9.31. 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.
- 9.32. The applicant has latterly submitted a revised landscape plan, contained within the Ecological Enhancement Measures documentation. As this alters the existing landscaping provision that our Landscape Officer had commented on, planning officers considered this warranted re-consultation. The recommendation to Planning Committee reflects this consultation.

Conclusion

- 9.33. Subject to conditions and no new issues being raised by consultees, the development subject of this application is considered to be acceptable in visual and landscape terms, compliant with Policy ESD13 and ESD15 of the CLP 2015 and relevant paragraphs of the NPPF.

Heritage Impact

- 9.34. The site is approximately 1km from the nearest Conservation Area boundary.
- 9.35. 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: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.36. Conservation Areas are designated heritage assets, and paragraph 193 of 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.
- 9.37. Given the nature of the proposal and its distance from 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 impact

Policy

- 9.38. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development. Local Plan Saved Policy ENV1 of CLP 1996 states development likely to cause materially detrimental levels of noise, vibration or other types of environmental pollution will not normally be permitted.

Assessment

- 9.39. 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.
- 9.40. There are other out of settlement dwellings located closer to the site, including, but not exclusively; Meddoms Farm Barn (c.900m), Manor Farm (c.750m), Hornton Grounds (c.550m), The Dairy Cottage (c.700m), Wroxton Hall (c.700m), Heath Farm (c.700m) and Langley House (c.900m).
- 9.41. Given the nature of activity and proximity to neighbours, no third party is considered materially harmed in terms of loss of light, outlook or privacy.
- 9.42. The Council's Environmental Health Officer (EHO) notes the concerns raised around disposal of waste through burning but advises this will be dealt with by the Environmental Protection team outside of the planning process.
- 9.43. Furthermore, the EHO notes that the activities at the site do not trigger a requirement for an air quality assessment.

- 9.44. The applicant has submitted a Noise Impact Assessment (NIA) from Parker Jones Acoustics. The report sets out that noise emissions, when the track is in typical use of 20-30 bikes at a time, 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.
- 9.45. It is noted that Hornton Parish Council has objected on the grounds of noise nuisance and several third-party representations have objected on these grounds. Hornton Parish Council has conducted an independent Noise Impact Assessment Review, from Clarke Saunders Acoustics. This concludes that the Parker Jones Acoustics NIA is 'highly suspect' and, in some cases, 'fundamentally flawed' in its calculations and reasoning. The HPC 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 (i.e. orientation of the machines).
- 9.46. The Council's EHO has commented on this application, offering no objections. The EHO undertook their own noise measurements of three full race events in 2019. The EHO acknowledges that the NIA was undertaken on a practice day but notes that the measurements are consistent with the findings of Council Officers in 2019. The EHO notes that, whilst directivity is an important factor in determining noise levels on or close to the subject, the distance of nearest receptors in this case, together with the continuous change of direction as the bikes travel around the track, means that this is not an important factor in this case.
- 9.47. Your Officers see no reason to disagree with the assessment made by the EHO in this case and on the basis of the advice given do not consider that a refusal reason on these grounds of an unacceptable noise nuisance could be sustained. Therefore, for the level of activity proposed, Officers consider that the proposal is acceptable in this regard.

Conclusion

- 9.48. For the reasons set out, the proposed development would not have a significant detrimental impact upon residential amenity in terms of reduction in privacy, impact upon light, light pollution, air quality and noise and vibration which cannot be mitigated via a planning condition. The proposal is therefore considered acceptable in terms of residential impact, compliant with Policy ESD15 of the CLP 2015 and relevant paragraphs of the NPPF.

Highway safety

- 9.49. Strategic objective 13 of the CLP 2015 aims to reduce the dependency on the private car as a mode of travel and to increase opportunities for travelling by other modes. 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.
- 9.50. 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 LPA considers that the entrance must be formalised with a kerbed bellmouth junction and asphalt surfacing. This can be conditioned.

- 9.51. 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. Your Officers have considered factors which could mitigate queuing or congestion on the highway, for instance an access management condition. However, we do not consider that such a condition would meet the tests of paragraph 55 of the NPPF. We note that OCC Highways have suggested that this condition could be imposed, but do not state that this is required to make the development acceptable.
- 9.52. OCC Highways also advise that a passing place condition could be required should members see this as necessary, to mitigate against highway impacts at peak times. Again, OCC Highways have not stated that this condition is necessary for the development to be acceptable.
- 9.53. The OCC Rights of Way Officer considers that a fence shall be erected on the western boundary, to ensure that members of the public do not enter the site from this side. This matter can be controlled via condition.
- 9.54. Overall, the proposal is considered not to have a severe detrimental impact on the highway network or safety of its road users, subject to conditions. The proposal is thus considered in accordance with Policy ESD15 of the CLP 2015 and relevant paragraphs of the NPPF.

Ecology Impact

Legislative context

- 9.55. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.56. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.57. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.58. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.59. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.60. Paragraph 170 of 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.

9.61. Paragraph 175 states 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; d) 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.

9.62. Paragraph 180 of the NPPF states that 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.

9.63. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

- 9.64. 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.
- 9.65. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.66. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

- 9.67. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to a stream and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 9.68. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England (NE) would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.69. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that NE will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether NE will grant the licence then the Council may grant planning permission.
- 9.70. The Council's Ecologist and BBOWT have raised objections related to the information submitted with the application. The Ecology Survey submitted with the application fails to demonstrate that the proposal would not cause harm to any protected species or its habitat which is reasonably likely to be present and affected by the development. At present the proposal is therefore contrary to Policy ESD10 of the CLP 2015, advice contained in the PPG and NE's Standing Advice, and section 15 of the National Planning Policy Framework.

9.71. That said, the applicant has latterly carried out a Great Crested Newt survey and has submitted a Habitat Enhancement Map, Ecological Enhancement Measures and Great Crested Newt Mitigation Measures, on which a two week re-consultation has commenced. Providing that the additional information addresses the objections raised by the Council's Ecologist and BBOWT, then officers consider that a refusal of the current application on ecological grounds would not be warranted. The recommendation to Planning Committee reflects this.

Conclusion

9.72. At present, Officers are not satisfied that the development has shown to be acceptable on ecology grounds. Officers therefore request that authority is delegated to Officers to resolve this outstanding issue.

Flood risk and drainage

9.73. A Flood Risk Assessment and drainage strategy is submitted with the application in line with the requirements of Policy ESD6 of the CLP 2015 and the NPPF. Policy ESD7 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.

9.74. The site is located in Flood Zone 1, which has the lowest probability of flooding and is considered to be appropriate for such facilities.

9.75. The LLFA has commented on the application and states that the FRA submitted with the application has 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.

9.76. The applicant has provided further clarification. This information has been published on the Council's website and officers have initiated a two week consultation on the additional information submitted.

9.77. Providing that the additional information addresses the objections raised, then a refusal of the application on flood risk and drainage grounds would not be warranted in this case. Officers seek delegated authority to resolve this outstanding issue.

Sustainability and Mitigating Climate Change

Policy

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: Mitigating and Adapting to Climate Change requires developments to be designed to reduce carbon emissions and use resources more efficiently including water. ESD1 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. Local Plan Policy ESD3 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. Local Plan Policy ESD4 covers Decentralised Energy Systems and promotes the use of such systems providing either heating or heating and power to all new developments.
- 9.83. ESD5: Renewable Energy 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.

Assessment

- 9.84. 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, it would not be reasonable for such a condition to be inserted on any planning permission given.
- 9.85. 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 and landscape impact. The development has impacts on ecology and drainage / flood risk which need to be

resolved. The proposal has some benefits in terms of sport and recreation, though it contributes little to the local economy. However, subject to resolution of the ecology and drainage issues, the adverse impacts of the development do not demonstrably outweigh the benefits and officers therefore recommend that planning permission be granted subject to resolution of outstanding matters relating to ecology and drainage.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO:

1) THE EXPIRY OF THE CURRENT CONSULTATION PERIOD ON 18 JUNE 2021, AND CONFIRMATION THAT AT THE CLOSE OF THIS CONSULTATION PERIOD NO RESPONSES HAVE BEEN RECEIVED THAT RAISE NEW MATERIAL ISSUES THAT, IN THE VIEW OF THE ASSISTANT DIRECTOR, HAVE NOT BE DEALT WITH IN THE ASSESSMENT OF THE APPLICATION AS SET OUT ABOVE;

2) THE RESOLUTION OF THE OBJECTIONS FROM:

- (i) THE LEAD LOCAL FLOOD AUTHORITY;**
- (ii) THE COUNCIL'S ECOLOGY OFFICER; AND**
- (iii) BBOWT**

INCLUDING THE AUTHORITY FOR ADDITIONAL CONDITIONS TO BE ADDED AS REQUIRED TO SECURE ANY NECESSARY MITIGATION MEASURES); AND

3) SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY):

CONDITIONS

1. The site shall not be used for motocross purposes for more than 65 days in any calendar year and that 65 days shall be comprised of no more than 24 days on which the motocross track is used (that is, for racing or practising) in any calendar year. The site shall not be used for motocross purposes for more than 18 days in any three-month period and in that three month period the motocross track shall not be used (that is, for racing or practising) for more than 6 days.

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

2. There shall be no further practising or competitive racing unless and until 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 means of access shall be constructed in strict accordance with the approved details prior to any further practising or competitive racing and shall be retained and maintained as such thereafter.

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

3. The vision splays shown in the plans approved pursuant to the requirements of Condition 2 of this permission shall not 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 Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. There shall be no further practising or competitive racing unless and until a landscaping scheme has been submitted to 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.

Reason – To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies 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.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies 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.

6. Within three months of the date of this planning permission, a schedule of landscape maintenance for a minimum period of two years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to the Local Planning Authority.

The development shall not take place other than in accordance with the landscape maintenance schedule approved pursuant to the requirements of this condition.

Reason - To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies 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.

7. There shall be no further practising or competitive racing unless and until a landscape amenity plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The site shall not be used for the purposes stated in the application description other than in strict accordance with the approved details.

Reason - To safeguard the character and appearance of the area, and the surrounding landscape, and to comply with Policies 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.

8. 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. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

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.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this permission.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy 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.

9. The existing hedgerow adjacent to the access trackway of the site shall be retained and properly maintained at a height of not less than three metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy 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.

10. Notwithstanding the details submitted, there shall be no further practising or competitive racing no development shall take place until a Detailed Design, Surface Water Management Strategy and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. There shall be no further practising or competitive racing unless and until the approved drainage system has been implemented in accordance with the approved Detailed Design

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.

11. Notwithstanding the details submitted, there shall be no further practising or competitive racing until further ecological surveys have been carried out (in optimum conditions) and the results and mitigation measures have been submitted to and approved in writing by the Local Planning Authority. There shall be no further practising or competitive racing unless and until the approved mitigation measures have been implemented and the said measures shall be retained as such thereafter.

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.

CASE OFFICER: George Smith