

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: 09 March 2023

1. PURPOSE OF REPORT

- 1.1. This application was reported to Cherwell District Council Planning Committee on 17 June 2021 where the Council formally resolved to grant planning permission subject to:
1. 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.
 2. The resolution of objections from the Lead Local Flood Authority, the Council's Ecology Officer and Berks, Bucks and Oxon Wildlife Trust.
 3. Conditions (and any amendments to those conditions as deemed necessary) as set out in the appended printed minutes.
- 1.2. A copy of the original Committee report and written updates referred to have been appended to this report.
- 1.3. The purpose of the report is to
- (i) update Committee on the position of the Lead Local Flood Authority ("the LLFA"), the Council's Ecology Officer and Berks, Bucks and Oxon Wildlife Trust ("BBOWT"),
 - (ii) to inform Members regarding a change to the blue line on the site location plan, and
 - (iii) to seek Members' approval on altered wording of conditions that the Assistant Director for Planning and Development proposes to attach to the decision.
- 1.4. As the Planning Committee has already made a formal resolution, it is not the purpose of this report to return the application to the Committee for full reconsideration. The

focus of this report is those items set out in the resolution as reported at para 1.1 above.

2. WHAT HAS HAPPENED SINCE JUNE 2021

- 2.1. It is now almost 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.
 - 2.2. Officers now consider that all of the requirements from the original resolution have been met. Due to the length of time that had passed 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 and the wording of further conditions added pursuant to the resolution of consultee objections.
 - 2.3. Each requirement of the original resolution has been dealt with in turn:
 1. **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.**
 - 2.4. The consultation period expired on 18 June 2021 and no further responses were received between the Planning Committee meeting on 17 June 2021 and 18 June 2021. Officers therefore consider this requirement has been met.
 - 2.5. However, due to a change in a blue line plan referred to at para 1.3 above, a further period of consultation was undertaken and these are addressed below.
 2. **The resolution of objections from the Lead Local Flood Authority, the Council's Ecology Officer and Berks, Bucks and Oxon Wildlife Trust.**
- Lead Local Flood Authority
- 2.6. Paragraph 7.14 of the Committee report advised that Oxfordshire County Council Drainage, as Lead Local Flood Authority (the LLFA), objected to the application as a detailed surface water management strategy had not been submitted.
 - 2.7. The author of the original Flood Risk Assessment (FRA) liaised with the LLFA regarding their concerns. Officers received an email from the LLFA on 23 February 2022 advising 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 will 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.
 - 2.8. The response from the LLFA informed the wording for condition 2, that is a new condition, requiring the development to be carried out in accordance with the approved drainage system detailed in the FRA prepared and submitted by Lidar-Logic, reference Report LL071 - February 2021.

CDC Ecology Officer

- 2.9. Paragraph 7.6 of the Committee report advised that the CDC Ecology Officer considered the information submitted with the application to be insufficient in relation to ecology enhancement and great crested newt mitigation. Paragraph 9.70 of the Committee report explained that the Ecology Survey submitted with the application had failed to demonstrate that the proposal would not cause harm to any protected species or habitat, which is reasonably likely to be present and affected by the development.
- 2.10. However, paragraph 9.71 of the Committee report went on to explain that a Great Crested Newt Survey and Habitat Enhancement Map, Ecological Enhancement Measures and Great Crested Newt Mitigation Measures had been submitted, upon which a two week re-consultation had commenced at the time of writing. It was considered that, provided the additional information addressed the objections raised by the CDC Ecologist and BBOWT, the refusal of the application on ecological grounds would not be warranted, hence the recommendation to Committee that authority was delegated to Officers to resolve the outstanding issues.
- 2.11. The initial response from the CDC Ecologist was received on 28 June 2021 and raised concerns regarding the proposed ecological enhancement measures and great crested newt mitigation measures. The applicant submitted additional information in July 2021, with the CDC Ecologist responding in October 2021 to request the submission of a Landscape Ecology Management Plan ('LEMP') to resolve outstanding landscape issues and further information regarding baseline habitats for the biodiversity metric. It was considered that a reasonable net gain was possible, although this would heavily depend on the management of the habitats and operational procedures employed on site. Any LEMP should also include monitoring to ensure that there are regular checks by an ecologist so that any adjustments could be made to the management of habitats as required. There did, however, remain concern regarding the feasibility of the proposed enhancement.
- 2.12. With regard to the great crested newts, the CDC Ecologist referred to the applicant's Ecologist suggestion of the installation of a barrier alongside the pond, although there was a lack of clarity as to how this barrier would impact upon the intended use of this pond as a silt trap, and there was concern regarding the impact upon the aquatic habitat of the pond. It was therefore suggested that the opinion of Natural England was sought on the matter.
- 2.13. The applicant responded to these points through the submission of a Great Crested Newt Mitigation measures document dated 11 March 2022. This document included reasonable avoidance measures to minimise the risk of an offence occurring and confirmed that, as long as these measures were fully implemented, no Conservation of Habitats and Species Regulations derogation Licence should be necessary.
- 2.14. The CDC Ecologist confirmed on 25 April 2022 that the Great Crested Newt Mitigation Plan should protect the newts on site and avoid an offence occurring, suggesting the addition of a monitoring visit for the mitigation ponds created after a year.
- 2.15. There remained an outstanding issue with regard to the accuracy of the Biodiversity Metric Calculation, something that had been raised by BBOWT on 25 July 2022 and drawn to the attention of the CDC Ecologist. BBOWT had also 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.

- 2.16. The CDC Ecologist confirmed on 02 August 2022 her agreement with BBOWT with regard to the potential impact on the biodiversity of the Sor Brook and Horley Local Wildlife Site, and the requirement to secure mitigation and protective measures for the brook using unambiguous terms for the duration of the tracks use and beyond. The CDC Ecologist also thanked BBOWT for drawing attention to the anomaly in the Biodiversity Metric Calculation and requested a copy of the metric to be submitted. The CDC Ecologist noted that should the net gain prove to be sufficiently lower than projected then it may be necessary to go off site.
- 2.17. On 22 September 2022, the applicant submitted a Biodiversity Metric Calculation that confirmed that net gain would need to be provided off site and a revised Ecological Enhancement Measures document dated September 2022. The ecological enhancement would now include 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 therefore sought and received that included this land.
- 2.18. The CDC Ecologist confirmed on 20 December 2022 that the new full metric that had been submitted was acceptable, aside from relatively small discrepancies between the metric and the enhancement measures document. The off-site habitat enhancement would need to be secured for the lifetime of the operation of the track, and management and achievement of the conditions should be monitored and reviewed through a biodiversity gain scheme to ensure that net gain is achieved.
- 2.19. The CDC Ecologist continued to concur with BBOWT with regard to the ambiguous wording in some of the documentation regarding the control of run off into the brook, and the potential impact of this on the Local Wildlife Site, although considered that this could be resolved with a condition requiring the submission of an overarching document detailing what action would be taken on site in this regard. A later request from the CDC Ecologist requiring the submission of a scheme for external lighting strategy via condition was received on 23 February 2022, in order to avoid potential impacts upon nocturnal wildlife of light spill into the wooded areas and stream.
- 2.20. The CDC Ecologist is therefore content with matters relating to ecological enhancement and great crested newt mitigation, subject to conditions, thus overcoming the original objection to the scheme.

Berks, Bucks and Oxon Wildlife Trust (BBOWT)

- 2.21. Paragraph 7.18 of the Committee report explained that BBOWT had commented that it would object to any increase in the extent of the track or increase in events. Further, there should be less exposed soil overall and certainly no increase, and that they advocate requirements to be made for biodiversity net gain at 20% to be achieved on site.
- 2.22. On 20 May 2022 Officers wrote to BBOWT to clarify the extent of the proposed development and explain that amended Ecological Enhancement Measures had been received following the Committee meeting (July 2021) including a biodiversity net gain of 60% in habitat units and nearly 74% in hedgerow units. In addition, that revised Great Crested Newt Mitigation Measures had been received, dated 11 March 2022, with which the CDC Ecologist was now content, and that the FRA had now been agreed by the LLFA. A number of conditions were also suggested.

2.23. BBOWT responded to this letter on 25 July 2022 advising that whilst the conditions would go some way to addressing their concerns, the following outstanding issues remained:

- Potential impact on the biodiversity of the Sor Brook and on Horley Local Wildlife Site, which lies downstream from the Sor Brook, requiring conditions to ensure that for the duration of the existence of the motocross that management to protect the Sor Brook is maintained and that measures can be taken by the planning authority to require action if the protection of the Sor Brook is not maintained.
- Ambiguous wording through 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 maintenance measures would be both put in place, and maintained for the duration of the existence of the motocross site.
- Anomaly in the biodiversity net gain metric spreadsheet and ecological enhancement measures.

2.24. On 22 September 2022, the applicant submitted a Biodiversity Metric Calculation that confirmed that net gain would need to be provided off site and a revised Ecological Enhancement Measures document dated September 2022. The ecological enhancement would now include 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 therefore sought and received that included this land.

2.25. BBOWT was re-consulted on this amended information and a response was received on 19 October 2022. BBOWT requested the following:

- That conditions are used to ensure that, in the event the authority are minded to approve the application, the measures set out in the revised net gain metric spreadsheet, the ecological enhancement measures and off-site habitat enhancement map are implemented and maintained.
- That the requirements for regular management of the site with regard to drainage, and the securing of an appropriate exit strategy management plan for when the site ceases use as a motocross site, are secured via condition and ensure that for the duration of the existence of the motocross that management to protect the Sor Brook is maintained and that measures can be taken by the planning authority to require action if the protection of the Sor Brook is not maintained.
- That conditions or otherwise are used to ensure that the measures to manage surface water run-off, set out in the Design and Access Statement and Flood Risk Assessment, would be put in place and maintained for the duration.

2.26. On 31 January 2023 Officers sent BBOWT a list of draft conditions that were considered to incorporate their requests. BBOWT responded on 10 February 2023 advising that it considered the conditions to be reasonable and had no further comments.

2.27. The draft conditions that were sent to BBOWT have since been revised further in an attempt to improve enforceability, and to seek additional information that had been omitted from the draft list, such as the requirement for a revised scheme for the

management of the drainage of the site to remove ambiguous wording and ensure compatibility with the ecological measures on site, and to seek an external lighting strategy at the request of the CDC Ecologist. The conditions have not, officers consider, been altered in such a way as to weaken their requirements with regard to the specific concerns of BBOWT.

- 2.28. The requirements of the CDC Ecologist and BBOWT have informed the wording for conditions 3, 5, 8, 10 and 11.
- 2.29. Condition 3 requires the development to be carried out in accordance with the Ecological Enhancement Measures dated September 2022 and Mitigation Measures for Great Crested Newts dated 11 March 2022.
- 2.30. Condition 5 requires the submission of an External Lighting Strategy in order to avoid light spill impacting upon nocturnal wildlife.
- 2.31. Condition 8 requires the submission of an Exit Strategy Management Plan to specify works to be undertaken and an on-going management regime to be implemented at the site when activities cease, in order to avoid silt entering the watercourse and protect the biodiversity of the Sor Brook and Horley Local Wildlife Site.
- 2.32. Condition 10 requires the submission of a revised maintenance regime with regard to the drainage of the site within three months of the date of the decision. An informative note states that the revised maintenance scheme should detail specific steps that will be carried out as part of the maintenance of the site without ambiguity, in order to address concerns relating to ambiguous wording and to avoid incompatibilities between the landscaping scheme, the ecological enhancement measures and great crested newt mitigation measures (e.g. the timing of silt removal and erection of barriers).
- 2.33. Condition 11 requires the submission of a revised landscaping scheme detailing retained and proposed planting, a Schedule of Landscape Maintenance and Landscape Amenity Plan in order to seek further details of the proposed landscaping, ensure compatibility with the ecological enhancement measures and secure the long-term management and monitoring of the landscaping, to include consideration of the restoration of the land once the motocross use ceases.
- 2.34. The objections from the LLFA, CDC Ecologist and BBOWT are therefore considered to have been satisfactorily overcome – subject to the recommended conditions.

3. Conditions (and any amendments to those conditions as deemed necessary) as set out in the appended printed minutes.

- 2.35. Since the resolution of Committee to grant retrospective planning permission for the development, the wording of the conditions has been amended and additional conditions have been included. Officers consider that the amended and additional conditions strengthen the position of the Council with regard to their enforceability, and that they meet the requirements of the LLFA, CDC Ecologist and BBOWT in overcoming their original objections to the scheme.
- 2.36. The final set of conditions are included in the recommendation at section 6.

3. RESPONSE TO PUBLICITY

- 3.1. 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**. 48 responses were received in total; 44 objecting to the application and 4 commenting.

3.2. The comments raised by third parties, which relate mainly to matters already considered by Planning Committee and not to the matters subject of the resolution, 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?

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

4. RESPONSE TO CONSULTATION

4.1. Due to the blue line on the site location plan covering a wider area than that indicated on the original site location plan, Officers considered it prudent to undertake re-consultation. Note, the Ecology Officer and BBOWT were re-consulted when the off-site habitat enhancement had originally been proposed and so were not included in this re-consultation.

4.2. 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

- 4.3. 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.

- 4.4. HORNTON PARISH COUNCIL: **objects** to the application on the following grounds:

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.

- 4.5. 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.

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

OTHER CONSULTEES

- 4.7. BRITISH HORSE SOCIETY: no comments received at time of writing.

- 4.8. 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.

- 4.9. RAMBLERS ASSOCIATION: no comments received at time of writing.

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

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

4.12. 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.

4.13. CDC ENVIRONMENTAL HEALTH: no comments received at time of writing.

4.14. 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.

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

4.16. 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.

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

4.18. The comments of Hornton, Horley and Shenington with Alkerton Parish Councils relate to matters already considered by the Planning Committee on 17 June 2021 and not to matters in the scope of the Committee's resolution.

5. CONCLUSION

5.1 The requirements of the original Committee resolution on 17 June 2021 have now been met. Due to the extent of alterations to the blue line on the site location plan and wording of the original conditions, Officers seek approval from Planning Committee that they are content with the decision being issued as recommended.

6. 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 2D-4

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

Schedule of Activity and Events

4. (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

(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, Sherington with Alkerton Parish Council and Horley Parish Council.

External Lighting

5. 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 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 FOR PRACTICE OR COMPETITIVE RACING

Access Details

6. 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

7. 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

8. 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 10 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 ESPM 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 4(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 4(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

9. 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

10. 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

11. 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 five 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

12. 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.

Noise and Operating Hours

13. The noise levels at or from the site shall not exceed 96dB(A) and the track shall only be used for motocross purposes 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

14. The vision splays shown in the plans approved pursuant to the requirements of Condition 6 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.

CASE OFFICER: Gemma Magnuson