

URGENT REPRESENTATION – FOR IMMEDIATE DISTRIBUTION TO PLANNING COMMITTEE MEMBERS

16th June 2026

Dear Members of the Planning Committee,

Wroxton Motocross - Proposed Article 4 Direction
Schedule 2, Part 4, Class B (Temporary Use of Land for Motor Racing Events)

We write on behalf of the landowner and occupier in respect of the Officer's report proposing the making of a non-immediate qualified Article 4 Direction at tonight's meeting. The occupier remains entirely committed to the responsible and collaborative management of events on this land. However, the Direction as drafted contains fundamental legal, procedural and evidential deficiencies that render it unworkable and if made, vulnerable to Modification or Cancellation by the Secretary of State.

Members should be aware of the following deficiencies:

1. The EMP Mechanism

The Direction purports to condition permitted development rights upon the prior written approval of an Event Management Plan (EMP) by the Local Planning Authority. This mechanism has no statutory basis and is legally unfounded:

- The GPDO 2015 contains no provision, processing framework, fee structure or appeal route for the standalone LPA approval of an EMP outside a full planning application.
- No binding timescales are imposed on the LPA for determining a submitted EMP. Without a deemed-consent provision, for example, automatic approval if not determined within 28 days, the landowner faces open-ended commercial uncertainty, making forward booking of events and the securing of insurance practically impossible.
- There is no basis for independent appeal if an officer unreasonably withholds, delays or conditions approval of an EMP.

As drafted, the Direction would allow officers to veto lawful permitted development, with no statutory safeguard for the landowner.

2. The 120-Rider Threshold

Under paragraph 54 of the NPPF, an Article 4 Direction must be based on robust evidence that the exercise of permitted development rights would cause wholly unacceptable harm to local amenity.

The 120-Rider threshold is arbitrary and no evidence in terms of acoustic, transport or

technical assessments has been produced to demonstrate why an event of 121 riders crosses the threshold of wholly unacceptable harm while an event of 120 riders does not.

The impact of an event is a function of management quality, not participant numbers. A poorly managed 80-rider event may produce greater impacts than a rigorously controlled 150-rider event. The threshold therefore fails to address the harm it purports to control.

The proposed Direction would therefore clearly not withstand scrutiny from an Inspector or the Secretary of State.

3. Procedural Unfairness and Disproportionality

The landowner was notified of this committee item on 10th June, fewer than five working days before tonight's meeting. This is wholly insufficient notice given that the Direction would fundamentally and permanently restrict the economic viability of a lawfully operating facility.

There needs to be a particularly strong justification for the withdrawal of permitted development rights and the Council has also made no attempt to explore less restrictive alternatives, such as a negotiated Service Level Agreement or Operational Management Protocol, before resorting to an Article 4 Direction.

Conclusion

If the Committee resolves to make the Direction in its current form, the landowner will have no alternative but to:

- Engage fully in the mandatory statutory consultation window;
- Instruct legal advisers and technical specialists (acoustic, transport and planning) to submit a comprehensive formal objection;
- Apply to the Secretary of State for immediate Modification or Cancellation of the Direction; and
- Seek a costs award against the Council on the grounds that the Direction is both procedurally unfair and evidentially deficient.

To avoid the Committee making a Direction that is indefensible, we respectfully urge Members to defer this item tonight to allow officers to engage in meaningful dialogue with the landowner with a view to arriving at a lawful, proportionate and workable solution.

Yours sincerely,

