

PLANNING DEVELOPMENT CONTROL COMMITTEE

24 August 2006

TEMPORARY USE OF LAND FOR MOTOCROSS EVENTS: ENGINEERING WORKS TO FORM CORNERS AND JUMPS FOR MOTOCROSS TRACK AND ASSOCIATED WORKS (RESUBMISSION) (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY) PROPOSED MOTOCROSS SITE, ALRESFORD ROAD, WINCHESTER

REPORT OF DIRECTOR OF DEVELOPMENT

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RECENT REFERENCES:

Report PDC620 - 20 April 2006.

EXECUTIVE SUMMARY:

- 1 This application is in respect only of the proposed Motocross of Nations event to be held on Saturday and Sunday 23<sup>rd</sup> & 24<sup>th</sup> September 2006. It relates both to the use of the land for the event and the operational development involved in the construction of a race track to include jumps and associated works.
- 2 A similar application was considered by committee at its meeting on 20<sup>th</sup> April this year (Ref PDC 620) when it was resolved to refuse planning permission. The event in that case, the British Grand Prix, nevertheless proceeded under the provisions of permitted development over the weekend of 17<sup>th</sup> & 18<sup>th</sup> June but the engineering works originally proposed in the application were much scaled down.
- 3 This application seeks to use the same course construction and associated works, not the more significant works that were the subject of the previous application.
- 4 The provisions of the Town and Country Planning General Permitted Development Order 1995 Schedule 2 Part 4 Class B(2) permit the use of land for racing on up to 14 days in any calendar year.

- 5 National and Local Planning Policies provide a strong presumption against development that would conflict with the objectives of countryside and AONB policies to protect the character of the area.
- 6 In the case of the earlier application there was strong opposition to the development both from Local Parish Councils, amenity societies and residents and from a number of consultees. However, in light of the experience gained from the June event, the more limited nature of this proposal and the more modest engineering works now involved, opposition to this current application is reduced.
- 7 The position regarding permitted development in this case is however less clear as it seems likely that if all permitted development activities that occur at Matterley Farm are taken into account cumulatively the permitted development rights have been used for this year. Further legal advice is being sought on this issue and a verbal update of the conclusions of such advice will be reported at committee.
- 8 If it is concluded that the permitted development rights remain available to the applicant then the event can lawfully proceed without the benefit of planning permission, as it did in June. The applicant has submitted this application therefore to address the need for planning permission in the event that he cannot proceed on the basis of permitted development.
- 9 The Town and Country Planning GPDO provisions do not preclude the temporary use of any land for various purposes. In the case of motor racing activity it is permitted for 14 days in any calendar year. Other uses, such as the music festival, can be held for up to 28 days in any calendar year. Although the provisions of Article 1(5) of the GPDO exclude areas subject to National Park and AONB designation from Permitted Development provisions in some cases that is not the case for Part 4 Class B(2) development. This reflects the Governments view that such short term temporary use of land is not harmful to the broad objectives of countryside policies.
- 10 Having regard to the alternative means by which development control might be asserted it is considered preferable to use the opportunity that the application provides to exercise proactive control over the development through a legal agreement and conditions.

#### RECOMMENDATIONS:

That Temporary Planning Permission be Granted – subject to conditions and a Section 106 Agreement for:

1. Within two weeks of the completion of the event to remove from the land all temporary structures, apparatus and equipment and within eight weeks of the said completion to reinstate all earth works comprising formation of racing track and all associated works to its former condition and suitable for the resumption of arable use to the satisfaction of the Local Planning Authority.

2. The provision of a surety sufficient to enable the Local Planning Authority to carry out the works at 3 above in the event of the applicant failing to do so.

**Conditions as set out in the detailed section of report.**

## PLANNING DEVELOPMENT CONTROL COMMITTEE

24 August 2006

### TEMPORARY USE OF LAND FOR MOTOCROSS EVENTS; ENGINEERING WORKS TO FORM CORNERS AND JUMPS FOR MOTOCROSS TRACK AND ASSOCIATED WORKS (RESUBMISSION) (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY) PROPOSED MOTOCROSS SITE, ALRESFORD ROAD ,WINCHESTER

#### Report of Director of Development

#### DETAIL:

#### 1 **Introduction**

1.1 Members are advised that this application is only for a single event (The Motocross of Nations) to be held on Saturday and Sunday 23<sup>rd</sup> & 24<sup>th</sup> September 2006. It relates both to the use of the land for the event and the operational development involved in the construction of a race track to include jumps and associated works.

1.2 A similar application, but involving more extensive engineering works, was considered by committee at its meeting on 20 April this year and was refused. Nevertheless the event proceeded on 17<sup>th</sup> & 18<sup>th</sup> June under the provisions of permitted development. The Town and Country Planning General Permitted Development Order 1995, Schedule 2 Part 4 Class B, permits:

*'The use of any land for motor car and motorcycle racing including trials of speed, and practising for these activities on not more than 14 days in any calendar year and the provision on the land of any movable structure for the purpose of the permitted use'.*

These rights do not extend to areas designated a 'Site of Special Scientific Interest'.

1.3 This is much the same situation as is applicable to the holding of the annual music festival (Homelands) which occurs on the same farm but on a different site in the bowl at Cheesefoot Head north of the A272. The difference that necessitated the previous application was that the motocross event at that time proposed large engineering works that fell outside of permitted development and which were required to be retained for two events.

1.4 In the case of the music festival event, permitted development rights extend to 28 days in any calendar year.

1.5 The music festival event has operated now for 8 years and has a well-developed event management plan, including for traffic management and similar traffic management arrangements are to be employed for the proposed motocross event.

1.6 The Homelands event this year (called Hi Fi South 2006) took place over three days and two nights on 27<sup>th</sup> and 28<sup>th</sup> May.

1.7 As already mentioned, the first of the two Motocross events planned for this year, the British Grand Prix, took place under permitted development provisions on 17<sup>th</sup> and

18<sup>th</sup> June. This current application is for the second event, the Motocross of Nations on 23<sup>rd</sup> & 24<sup>th</sup> September, which may not qualify as permitted development, having regard to the cumulative effect of permitted development activities at Matterley Farm. These include Homelands pop festival, tank driving, helicopter leisure flights and the motocross events. Further legal advice is being sought from counsel on this issue and a verbal update will be given at committee.

## 2 Site Description

- Matterley Farm is a large agricultural estate that lies east of Morn Hill between the A31 and A272 roads. Much of it falls within the East Hampshire AONB and it is crossed by a number of public footpaths, most notably the Kings Way and South Downs Way long distance footpath. All of the holding falls within the area of the proposed South Downs National Park.
- The application site lies about 1km due east of the bowl at Cheesefoot Head and adjoins the area described as Temple valley. It comprises a natural dry valley that falls to the north.
- The site immediately adjoins the oil exploration site and currently is part of the arable farmland.
- The site is screened by a belt of woodland along the track to the west and by a block of woodland to the north but is otherwise part of the open downland landscape.

## 3 Relevant Planning History

- W17981 Oil exploration borehole at land off A272, Matterley Farm, Ovington  
Objection raised by WCC 10/12/2002. Temp permission until 31/03/05 granted by HCC 14 January 2003.
- W17981/01 Temporary permission to drill two additional, directional exploratory/appraisal wells including the testing, along with the continued testing of Avington B(2) exploratory well at Avington Exploration Site, Matterley Farm, Nr Itchen Abbas, Winchester  
Objection raised by WCC 05/02/2004. Temp permission for two years granted by HCC 18 February 2004.
- W19917 Temporary use of land for motocross events; engineering works to form a flat paddock area and corners and jumps to form motocross track (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY)  
Proposed Motocross Site, Alresford Road, Winchester, Hampshire  
Permission refused 15 May 2006 for the following reasons:

01 The proposed development is contrary to policies C1, E6, E7, E14 and R3 of Hampshire County Structure Plan Review, proposals C1, C2, C7, HG3, EN7, EN15, RT10 of Winchester District Local Plan, policies C1, C6, C7, HG1, and DP3 of Winchester District Local Plan Revised Deposit and Government national planning policy PPS7, in that:

1 it is not compatible with the character of the countryside and it will have a significant adverse effect on the natural beauty, character and quality of the landscape, which is designated as the East Hampshire Area of Outstanding Natural Beauty.

2 it fails to make satisfactory provision for a programme of archaeological investigation and recording before or during development, on a site which is considered to be of archaeological interest.

#### 4 **Proposal**

- The current application is for temporary permission until the end of September this year for use of land for motocross events, the formation of motocross track and associated works, with reinstatement thereafter.
- The application is accompanied by a supporting statement and detailed plans of the track layout.

#### 5 **Consultations**

##### AONB

- The South Downs joint committee considered the application at its meeting on 14/08/06 and resolved to raise objection on grounds that:
  - 1 Although the track, as constructed, has a less substantial impact on the landscape than the original proposal, the joint committee is still concerned that the event itself would be detrimental to views within the AONB, and the noise caused by the motorbikes, public address systems and spectators would result in disturbance in a rural area in the AONB, reducing enjoyment of the tranquillity and opportunities for quiet recreation.
  - 2 If the City Council is minded to grant consent, the Joint Committee would wish to see this subject to conditions ensuring that full restoration of the land takes place immediately after the event, that full monitoring of the event takes place, both in terms of noise and impact on wildlife, and that permission be temporary for the duration of the event only.
  - 3 The Joint Committee is also concerned that the applicant may wish to hold future events. Such events would again cause disturbance to the rural area and reduce enjoyment of the tranquillity and opportunities for quiet recreation. In addition, subsequent events would be likely to result in the eventual erosion of the land, even if restoration were carried out between each event. Therefore, the Joint Committee would wish to see an Article 4 Direction placed on the land to ensure that no future activities (including, but not limited to, motorbike races) can take place without the need to seek Planning Permission.
  - 4 The Joint Committee would also welcome the imposition of a noise curfew if an Entertainment Licence is to be granted.

##### Countryside Agency

- The Agency's planning policy statement 'Planning Tomorrow's Countryside' recognises the importance of the planning system in helping to secure its social, economic and environmental objectives for the countryside. It goes on to emphasise that the Agency's role in the planning system is at a strategic level and involvement in development control and site base planning will be restricted to proposals that:

- 1 Set a national precedent where government advice is lacking
  - 2 Have a major impact on an important Countryside Agency Initiative; or
  - 3 Have a fundamental effect on the intrinsic character of a National Park, Area of Outstanding Natural Beauty, or Heritage Coast.
- It is noted that although the previous application was refused planning permission by WCC it nevertheless went ahead under permitted development provisions. It is understood that this application seeks retrospective permission for the track and associated works and that the ramps created are smaller than previously proposed and covered with soil thus helping to reduce their visual impact in distant views.
  - Although we are still concerned that the September event itself would be detrimental to views within the AONB, to its tranquillity and its quiet informal enjoyment, we decide not to object to this proposal, providing the permission for the maintaining of the track is valid only until the September 2006 event and that full restoration of the land immediately after the event is required. We are indeed concerned about the cumulative impacts on the AONB of the motocross activity with other temporary activities taking place on adjacent land. We also would stress the importance of respecting the amenities of the South Downs Way National Trail.

#### Archaeology

- This application is for a temporary licence for a further motocross event at this site and retrospective consent for the existing track and associated engineering works undertaken in relation to a previous motocross event.
- As such I advise that I have no objection to the granting of a temporary licence for a further motocross event nor wish to recommend a condition. Archaeology could however be a material consideration in regard to any future proposals on the site.

#### Cultural Services (Comment from last application remains applicable)

- Support application for its contribution to tourism and the local economy. The events will:
  - a) improve recognition of Winchester as a dynamic destination in overseas and domestic markets, which directly supports the first objective of the city council's adopted tourism strategy;
  - b) generate significant income to the local economy, for the benefit of local businesses, which supports the city council's aspirations for economic development, and
  - c) provide a new and high-profile form of entertainment for local people, which directly supports the second objective of the tourism strategy.
- We believe that with strong visitor management we can minimize negative environmental impacts for local communities, and the tourism service has already been working with the organisers to bring this about. With this in mind, the submission of both a green travel plan *and* a visitor management plan for the event could reasonably be conditioned.

HCC Recreation and Heritage - Tourism manager (Comment from last application remains applicable)

- Support application "The potential for Winchester to gain through direct spend and positive media exposure should not be underestimated. The successfully managed annual Homelands music festival demonstrates that effective inter-agency co-operation can result in limited disruption to the local population and harm to the landscape."

Engineers:Drainage:

- Adequate temporary toilet facilities must be provided and serviced.

Engineers:Highways:

- Refer to HCC for strategic highways comments.

HCC Environment Department (county surveyor):

- No objection, but recommend that a Traffic Management Plan be submitted to and approved by the Local Planning Authority prior to implementation of the planning consent.

HCC Countryside Service (rights of way):

- The proposal may affect the Itchen Valley Bridleway no.2 due to its proximity to it.
- No objection is raised providing:
  - a. All boundary features are retained,
  - b. There will be no surface alterations to the PROW or any works carried out which affect the surface of a right of way without first seeking the permission of the Rights of Way Officer.
  - c. Nothing connected with the development or its future use will have an adverse effect on the PROW which must remain available for public use at all times.

English Nature:

- No objection. The wider conservation interests of the SSSI are unlikely to be adversely affected by the proposal provided conditions as recommended (see below) are attached to any planning permission granted.
  - There is a time limit of operations between March and September 2006;
  - Any subsequent applications that led to this being a regular occurrence will need an EIA;
  - Works that have the potential to affect breeding birds should take place before 31<sup>st</sup> March 2006;
  - No equipment, materials or machinery to be stored within the SSSI;
  - Measures are put in place to prevent any access to the SSSI from the motocross site;



- any litter is cleared up and damage to landscape is reasonably remedied within two weeks of the event taking place

#### Environment Agency:

- No objection subject to informative.

#### Environmental Protection:

- Although motocross can be a source of significant complaints regarding noise the British Grandprix event held at the site in June over two days in very warm weather did not lead to any noise complaints whilst the event was underway. Environmental Health officers were on site throughout the event and although there were traffic management and vehicle/pedestrian interaction problems, noise was not a problem.
- The applicant has applied for a premises licence for the event and comments on potential noise issues arising from live music and DJ's have been raised with the promoter.
- Following the June event it was agreed that the applicant submit an Event Management Plan which he has now provided and a further safety team meeting is planned for the end of August. Environmental Health Officers will be on site throughout the event to ensure public health and safety issues are dealt with, if and when they occur.
- In view of the above comments, I have no adverse comments to make in respect of this application.

#### Landscape:

- Advise submission of a Method Statement submitted as part of the application to define type and extent of works before, during and after event. This will ensure there is minimal detrimental impact on adjacent areas including South Downs Way and vegetation regarding dust during dry periods, churning up of public right of way during wet weather etc. Conflicts with policy objectives of Landscape Character Assessment and the importance of the area identified in Winchester City and its Setting (1998).
- The previous concerns about disturbance to birds nesting is not an issue for this event as it is out of season
- More information required regarding inclusion of car parking and camping areas and any excavations / changes of level eg vehicular route to A272.

#### Forward Plans: (Comment from last application remains applicable)

- Having considered the nature of the proposals, there are a number of policy issues and concerns. However, if this application for a *temporary* permission is to be determined at its face value, I would accept that some of those concerns could be limited, or removed altogether. Of course, the terms and time limits of such a permission would need to be carefully controlled and, not least, with regard to proper reinstatement.
- In relation to traffic and visitor management, landscape impact, archaeological impact and noise issues I can accept, therefore, that the effect of these will be short-term and without ongoing harm. That does not mean to say that those impacts won't be unpleasant within the immediate locality of the site, and for the entire duration of the events.

- This leaves me with one issue. That of effect on the EHAONB/Proposed SDNP and on the related recreational use and enjoyment of the South Downs Way and Kings Way, both of which pass close to the site and are well used. I question, therefore, the extent to which the proposal **can** accord with the tranquillity and quiet recreational objectives of the AONB and Proposed NP. I conclude that this concern may, however, be overwhelmed by other factors, including the fairly obvious economic and tourism benefits to the area.

## 6 **Representations:**

### Itchen Valley Parish Council

- Object - contrary to countryside policies of Local Plan Review, harmful to wildlife, traffic, intensification of non-agricultural use of the farm, availability of motocross facilities elsewhere in Hampshire, Grassing over of jumps may not be honoured as it hasn't been in the case of the track around Matterley bowl.
- Request application be considered by committee.

### The Upper Itchen Valley Society

- The society reiterates its previous objection of June - inappropriate, harmful to AONB and proposed South Downs National Park and would set a precedent. Taken cumulatively with other uses over intensive use for non-agricultural purposes.

### Winchester Ramblers

- Object – previous application comprehensively rejected by Planning Committee but organisers subsequently ignored the views of the Planning Committee and staged the event on site.
- The current application should therefore be seen as an attempt to approve these developments retrospectively. We would ask the Planning Committee to act consistently and again reject this application. Our reasons remain as previously stated:-
  - Will disfigure landscape in area of open countryside designated AONB and proposed National Park, conflict with users of South Downs Way which crosses proposed access route.
  - Proposed access route for spectators and competitors vehicles from A31 is also along the route of a public footpath.
  - Within close proximity the area already accommodates oil drilling rig, tank driving course and annual pop festival, how much more non-agricultural activity should the area be expected to contend with?.

### Letters of representations have been received from 2 people

- Motocross use inappropriate in AONB (proposed national park), will permanently damage landscape, will detract from visual amenity and tranquil enjoyment of countryside especially for users of the South Downs Way and other footpaths.
- Contrary to countryside policies.

- Noise
- Disturbance to wildlife
- Traffic

Other uses (homelands, oil exploration, tank driving) already injurious to character of area this proposal takes diversification of agricultural business too far.

## **7 Relevant Planning Policy:**

### Hampshire County Structure Plan Review:

- C1, E6, E7, E12, R3, T4, T5,

### Winchester District Local Plan Review 2006:

- CE.5, CE.6, CE.28, RT.13, DP.3, T.1,

### Supplementary Planning Guidance:

- Winchester Sites and Monument Record
- Hampshire Historic Landscape Assessment
- Winchester District Landscape Character Assessment
- Winchester District Landscape Assessment
- The Hampshire Landscape: A Strategy for the future
- Itchen Valley Management Strategy
- Hampshire Biodiversity Action Plan
- Site of Importance for Nature Conservation (SINCS): Winchester District

### National Planning Policy Guidance/Statements:

- PPS 1 Delivering sustainable development
- PPS 7 Sustainable Development in Rural Areas
- PPS 9 Biodiversity and Geological Conservation
- PPG 13 Transport
- PPG 16 Archaeology and planning
- PPG 17 Planning for Open Space, Sport and Recreation
- PPG 18 Enforcing Planning Control
- PPG 21 Tourism
- PPG 24 Planning and Noise

## **8 Planning Considerations**

### Overview of proposed development

- It is firstly important to recognise that this application is not seeking to establish a permanent motocross track for regular meetings. It is only seeking approval for the Motocross of Nations event in September.
- Nevertheless this is a very large international gathering with teams from 28 nations and is the 60<sup>th</sup> anniversary meeting but only the 4<sup>th</sup> time it has been held in Britain. The site could accommodate crowds of up to 60,000 although the expected crowd is more likely to be

around 40,000. The British Grand Prix event held at the site in June is stated to have drawn crowds of about 20,000 over the two days.

- The music festival this year estimated an attendance of <40,000.
- Like the music festival event, the motocross event in June took place without the need for express planning permission as it was deemed to be 'Permitted Development' under the provisions of the Town and Country Planning General Permitted Development Order 1995, albeit in the case of motor racing activities it is limited to 14 days in any calendar year rather than 28 days as is the case for the music festival.
- This was made clear in report PDC620 to Committee 20 April 2006 when the application for the engineering works to construct the race track was considered. Although planning permission was refused for those works the applicant re-designed the track to maximise the use of the natural topography of the site and significantly scaled down the size of ramps and did not undertake the cut and fill exercise to form the area of hardstanding.
- The works undertaken to construct the track, which involved screening the topsoil to remove flints and the mounding of topsoil to form jumps, has remained in place and seeding after the June event has resulted in the track greening over. All other temporary structures and works were removed after the event including the concrete hardstanding of 35m x 6m, which is required as a wash down area for bikes.
- The large field where the track is located, which forms part of the South Downs is classified grade 3 agricultural land and comprises part of a gently sloping dry valley to the north of the rounded but prominent crest line of the A272. Sloping generally to the north and flanked to the west by another dry valley called Temple valley, Matterley basin as it is referred to provides for the visual containment of the track in the landscape and good viewing characteristics for spectators.
- The topography varies between 120m and 160m and the race track will be approximately 1600m long x 10m wide. The area of the site, including the track and hardstanding, extends to approximately 24.42 hectares.
- Overnight camping at the previous event was sited on the south side of the track on the ridge adjacent the A272 and was visually very intrusive as well as not being satisfactory in access terms and layout. For the September event up to 7,000 people could be requiring overnight camping with a predominance of camper vans expected. The event management plan shows camping in the same area with an additional area for family camping on the west side at cheesefoot Head. It is however proposed that access will not be from the A272 but from the A31 via gate1.
- Within the site area a large area is needed for paddocks where the supporting trucks of competing teams park and set up the substantial support infrastructure that is needed. The original application envisaged this requiring a purpose made area of hardstanding, which was to be levelled by way of a cut and fill operation. Following refusal of the previous application this did not happen and the facility was able to be sited on a naturally level part of the site and temporary matting used for surfacing.
- Other facilities include an array of retail and catering stalls, entertainment facilities, fun fair VIP marquee, TV, police ambulance and other services as well as toilets, water and refuse provisions.

- Officers and a member of the council attended the June event to observe the facilities, organisation, public health and licensing issues and to monitor the impact of the event on the surrounding communities, particularly in terms of noise and traffic.
- An event Management Plan for this event has been prepared in liaison with the Council's Licensing and Environmental Health teams having regard to the concerns that arose from that monitoring exercise.

### Traffic & Parking

- Although the traffic management for the June event was agreed in liaison with the police and based on the tried and tested traffic management plan employed for the Homelands events, some problems did occur on the A272 and A31 especially due to the access to the camping area and at the time when the crowds were leaving because coning was removed prematurely and signing was inadequate.
- The traffic management for the September event will require its own TMP to be agreed with the police and highway authority. The provisions will however essentially comprise the following.
- The A31 crossovers between the Morn Hill and Alresford by-pass roundabouts will be temporarily closed.
- All event traffic will be routed into and out of the site from the westbound lane of the A31 via two gates that correspond to the existing farm access points and these will feed into two parking areas of 44 acres (car park A in the triangle formed by the A31 and the two access tracks to the dairy building) and 32 acres (car park B to the west of the dairy building and main access track). These parks will respectively hold 9,240 and 6,720 vehicles and an overflow park will also be available to the east of car park A in the unlikely event that they reach capacity. For the June event park A was only filled to about 60% capacity.
- Traffic flows will be managed to avoid queuing on the A31 and all traffic exiting the site will be via gate 2 and will be left turn only westwards into the inside lane of the A31, which will be coned off from other traffic using the A31 west bound in the outer lane, which will be subject to speed restrictions.
- A third access (gate 3) is provided onto the A272 via the track to the east of great clump but this will be used only by competitors and officials (approximately 350) and by the emergency services. All turning in an exiting via this access will be left turn only.
- Public transport services will be provided between the site and Winchester station and the Broadway.

The main considerations in respect of this application are:

### Principle of development

- As the planning application is only seeking temporary permission for the works until after the September event this year and states that the land will then be restored it is not considered that the development will have any lasting adverse impact.
- However, it is understood the applicant has obtained promotional rights to run the British Grand Prix and international motocross events until 2009, so if this years events prove

successful it is likely that the site will be the subject of similar proposals in subsequent years.

- Whilst development Plan and national planning policy does not preclude such development it does place considerable weight in favour of protecting the character of the countryside, especially that benefiting from AONB designation as in this case.
- PPG 17 (Planning for Open Space, Sport and Recreation) (paragraphs 27 & 28) state:
 

"Designation of areas as National Parks or Areas of Outstanding Natural Beauty does not preclude the use of land for sporting and recreational activities, but noisy or other intrusive activities should be restricted to locations where they will have minimal or no impact on residents or other recreational users.... "In Areas of Outstanding Natural Beauty local planning authorities should look to meet the demands for sporting and recreational activities where the proposals are consistent with the primary objective of conservation of the natural beauty of the landscape, and the needs of agriculture, forestry and other uses".
- PPS 7 (Sustainable Development in Rural Areas) (Paragraph 21) notes that:
 

"National Parks and AONB's have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas."
- Structure Plan policy E7 states:
 

"In determining proposals for development within or adjacent to Areas of Outstanding Natural Beauty, the conservation of the natural beauty of the landscape will be the major consideration whilst having regards to the economic and social well-being of the area. Any development which would have a significantly adverse effect on the natural beauty, character and quality of the landscape will not be permitted".
- WDLPR policy CE.28 permits recreation and tourist development in the countryside subject to 4 criteria and RT.13 sets 5 criteria to be satisfied in the consideration of proposals for noisy sports. However it states: "The development of sites within the Area of Outstanding Natural Beauty, Sites of Special Scientific Interest and Sites of Importance for Nature Conservation will not be permitted".
- Although the policy position is thus clearly unsupportive so far as any permanent works are concerned there are situations where temporary development can occur without undue harm to the environment.
- This is recognised by the provisions of the Town and Country Planning General Permitted Development Order which notably does not preclude this type of event from AONB's, notwithstanding that it does in the cases of other classes of development by virtue of Article 1(5).
- In this case planning permission is required for the engineering works, but upon conclusion of the temporary development it is intended the land be restored to its former condition and there is no reason to doubt that this is achievable. The jumps have been created only by the mounding up of topsoil which can be simply spread back across the field.

- The event will be beneficial to the local tourist industry and the international profile of Winchester. Hotel and guest house accommodation has already been booked up. The events will be televised internationally.

#### Environmental Impact Assessment

- The Town and Country Planning (Environmental Impact) Regulations 1999 includes within schedule 2 'permanent racing and test tracks for motorised vehicles' and suggests that the threshold of when the requirement for an EIA may be applicable is where the area of the development exceeds 1 hectare.
- The fact that the area is designated AONB also means that is deemed to be a 'sensitive area' for the purpose of the Regulations.
- The applicant sought a screening opinion in respect of the previous application and the Council determined, with the benefit of legal advice, that the development fell outside of the scope of the EIA Regulations
- The temporary nature of the proposal (so far as this application is concerned, being only until after September this year) and in consideration of the stated intention to reinstate the land to its former use and appearance thereafter means there is no permanent environmental impact.
- The adjacent oil exploration site application was supported by an Environmental Impact Assessment and in the event of a proposal for this site that involved a more permanent impact upon the environment it is the view of officers that the scope of the Regulations would then be likely to be applicable.

#### Impact on the character of the area

- The impact of the event will be significant for the two days of the race meeting and on the days immediately before and after as the site is made ready and cleared away but, as with the Homelands event, this disruption has no long term damage and must be balanced with other interests such as the benefit to the local economy.
- Temporary events such as agricultural shows, outdoor concerts and sporting events are a summertime tradition in Britain and provide enjoyment for many people. In most cases these can all be undertaken without the need for planning permission.
- In this case the application arises only because of the cumulative effect of other similar events on the holding, which together exceed the permitted development provisions, and due to the engineering works involved.
- Although the formation of the track has created artificial features it is evident, in the light of the greening over of the site since June that its intrusion in the landscape is not as significant as previously feared.
- The impact of the development is relatively localised and only publicly noticeable from the South Downs Way and from the lay-by on the A31 from where distant views can be obtained but the track is not now seen from those locations as an obviously incongruous feature of the landscape.

### Nature conservation

- The previously submitted supporting ecological scoping survey concluded that the proposal would obviously result in a short but intense level of human and motorised activity and associated noise in an otherwise peaceful area. This was stated to potentially result in localised disturbance to wildlife in the middle of the summer, the breeding season but would have no more than a temporary impact on wildlife.
- This was proved to be the case and it is notable that English Nature have not raised objection to this proposal, which does not conflict with the bird-breeding season.
- The site is not subject to any statutory nature conservation designations nor is it adjacent to any. The Cheesefoot Head SSSI is 1km to the west and separated by woodland.

### Noise

- At the time of the previous application noise nuisance was a major consideration and the application was supported by a Noise Impact Assessment.
- This indicated that noise was unlikely to cause unreasonable disturbance to residents and this was borne out by the British Grand Prix event in June. The event was monitored by officers of Environmental Protection but noise nuisance in the surrounding area was not found to be a problem and there were no complaints.
- The report of acoustic consultants Robert Davies Associates identified the noise sources as bike exhausts, public address systems and crowd noise. The noise of the exhausts (30 bikes at full throttle) will be most noticeable at the start of races but a screen is used behind the start line to help reduce this and the noise becomes more dispersed during the race. Bikes have to comply with limits set by the FIM (Federation Internationale de Motorcyclisme) and endorsed by the ACU (Autocycle Union).
- The nearest dwelling, Keepers Cottage (approx 1000 metres from the track) is predicted to receive noise levels to 59 Db for short periods and on the Kings Way and South Downs Way levels would be 62 and 65Db respectively.
- Given the short periods of such noise levels and the lack of noise complaints that resulted from the June event it is not considered that noise will be a major issue.
- The promoters should nevertheless be implement measures in accordance with the recommendations of the 1994 Code of Practice on Environmental Noise Control at Concerts and ensure that local residents and users of the bridleways are aware of the likely occurrences of loud noise.

### Comments on representations

- Whilst Itchen Valley Parish Council, The Upper Itchen Valley Society and Winchester Ramblers have maintained their previous objections, at the time of writing this report only two other objections had been received. This suggests much reduced concern from that expressed previously and the concerns that remain are largely based on opposition in principle to having such events in this location.
- The concerns about noise, traffic, visual intrusion, environmental injury, disturbance to wildlife and users of the rights of way in the area are acknowledged and inevitably will be relevant



over the two days of the event.

- However, it has been demonstrated with the Homelands event and by the motocross event in June that these factors can be largely mitigated by effective event management.
- Large temporary events of this nature, whilst generally falling outside of planning control, do have to meet licensing requirements and the council, as licensing authority, can ensure that the event management plan includes suitable measures to minimise the adverse effects of the event.

### Conclusion

- This proposal for physical works is not an acceptable type of development in such an attractive area of countryside that is nationally recognised as being of Outstanding Natural Beauty and worthy of proposed National Park designation.
- Cumulatively with other uses occurring on the holding it would extend the periods of erosion of tranquillity and amenity that people are currently able to enjoy, but additionally it represents a more protracted disfigurement of the landscape, albeit relatively localised and temporary.
- Set against this is the fact that this international event is already at a very advanced stage of organisation with all that entails for investment and opportunities for tourism locally with tickets sold, accommodation, participants and service providers booked.
- The temporary nature of the proposal and the applicants stated intention to reinstate the site afterwards must also be a material consideration and there is, through this application, the opportunity to impose appropriate conditions and enter into a legal agreement with the applicant and landowner.
- Refusal of the application would undoubtedly cause the applicant considerable difficulty in undertaking the event if it cannot again rely on permitted development provisions and, if the development were to proceed in breach of permitted development, would require the council to consider injunctive action or a Temporary Stop Notice and / or Enforcement action.
- The applicant embarked on the organisation of the events at the site this year originally in the belief that they were permitted development and thus would not require planning permission. However, since recognising that planning permission was required for the engineering works previously proposed and subsequent to the refusal of the previous application has attempted to work with the Council to resolve the situation. Nevertheless it must be solely on the planning merits of the case that the decision is taken.
- The applicant and land owner have confirmed that they are prepared to provide a bond in respect of the restoration of the site which would provide security for the LPA to achieve implementation of restoration works should the applicant default for any reason.
- Additionally they would covenant that all temporary structures be removed from the land within 2 weeks of the event finishing and that the reinstatement of the site, including the track area, be undertaken within eight weeks of the September event finishing.

- Circular 05/2005 explains that planning obligations are intended to make acceptable development which would otherwise be unacceptable in planning terms.
- Circular 11/95 advises on the use of conditions in Planning Permission and in regard to temporary permissions indicates that it will be appropriate to grant a temporary permission for a short term use, where an applicant has specifically volunteered that intention, or where the LPA consider that a 'Trial Run' is appropriate to assess the acceptability of the development.
- On balance it is your officer's view that the best interests of planning can in this case be secured by granting temporary permission for the event subject to the applicant entering into a legal agreement in the terms suggested and with stringent conditions about reinstatement of the land thereafter.
- Additionally it is recommended that it be made clear to the applicant that this site is not considered suitable for such use other than in the present circumstances having regard to the very limited timescale of the injury it will cause to the AONB, the proposed reinstatement following that limited period and the anticipated receipt at the end of this year of the Inspectors decision on the South Downs National Park public Inquiry.

### **Planning Obligations/Agreements**

In seeking the planning obligation(s) and/or financial surety for reinstatement of the land the subject of this planning permission to its condition prior to the application, and suitable for arable use, the Local Planning Authority has had regard to the tests laid down in Circular 05/2005 which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

### **Recommendation**

**That planning permission be GRANTED – subject to conditions and a Section 106 Agreement requiring that:**

- 1. Within two weeks of the completion of the event to remove from the land all temporary structures, apparatus and equipment and within eight weeks of the said completion to reinstate all earth works comprising formation of a racing track and associated works to its former condition and suitable for the resumption of arable use to the satisfaction of the Local Planning Authority.**
- 2. The provision of a surety sufficient to enable the Local Planning Authority to carry out the works at 3 above in the event of the applicant failing to do so.**

**(Note: If the Legal Agreement is not completed within one week of the commencement date of the event then the application may be refused without further reference to Committee)**

### **Conditions/Reasons**

- 01 The permission hereby granted shall be for a limited period expiring on 30 September 2006 on or before which date all temporary structures and equipment shall be removed from the land. Not later than eight weeks from the last motocross meeting within the above temporary period all hard surfacing and associated engineering works

undertaken in forming the hardstanding area and track shall be removed from the site and the land shall be re-graded and top soiled consistently with the natural contours of the land prior to its use for motocross purposes and shall be returned to arable use to the satisfaction of the Local Planning Authority.

Reason: The development is of a type not considered suitable for permanent retention.

- 02 The existing trees, shrubs and hedgerows within or adjoining the site shall be retained and not lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedgerow that are so damaged without the prior approval of the Local Planning Authority shall be replaced in accordance with a schedule/specification and timetable to be first submitted to and approved in writing by the Local Planning Authority and thereafter retained.

Reason: To ensure that the existing landscape features are retained, and remedial planting undertaken in the event of any damage, howsoever caused, in the interests of maintaining the character of the area.

- 03 Protective fencing shall be erected around all the existing vegetation that adjoins any areas where physical works are to take place to protect it from inadvertent damage during the construction and removal periods for the engineering works hereby permitted and no works or materials storage of any kind shall occur within such protected area to accord with the advice of BS 3857/2005.

Reason: In the interests of safeguarding the existing vegetation for its contribution to the visual amenity and character of the area.

- 04 Security fencing shall be erected around the area the subject of the proposed use to prevent any access to the SSSI from the motocross site.

Reason: To prevent any damage to the ecologically important nearby designated Site of Special Scientific Interest.

- 05 No public or contractor access to the site shall occur from the A272 road and the use of Gate 3 to that road shall be for competitor, officials and emergency purposes only at the express direction of the emergency services.

Reason: In the interests of highway safety.

- 06 An Event Management Plan (including site plan) shall be prepared and deposited with the Local Planning Authority and the members of the Multi Agency Forum no later than 28 days prior to the event. No activities shall take place unless the Event Management Plan is approved by the Local Planning Authority.

Reason: In the interests of good planning.

- 07 Multi Agency Forum meetings shall be held to bring together all key event staff and agencies involved in the event and at least six weeks before the event is held. Multi Agency meetings shall continue throughout the actual event at agreed times and will conclude with a post event debrief.

Reason: In the interests of good planning.

- 08 The applicant shall prepare a Traffic Management Plan (TMP) which shall be updated as necessary and shall be inserted into the Event Management Plan at least 28 days prior to the event. The Traffic Management Plan shall ensure provision of public transport to the site and measures to minimize traffic generation and take full account of the need to ensure, so far as possible, that road closures and other inconveniences to local residents are minimised. The Traffic Management Plan shall also consider provision to require long vehicles using the A31 not to cross the central reservation.

Reason: In the interests of minimising traffic nuisance and of highway safety.

- 09 The applicant shall ensure that all measures regarding noise from motocross events as detailed in the current Handbook of the Auto Cycle Union are taken to ensure noise disturbance to local residents is minimised.

Reason: In the interests of minimizing audible nuisance to the local residents and the public in the surrounding area.

- 10 No development approved by this planning permission shall be commenced until a scheme for the motorcycle wash area has been submitted to and approved in writing by the local planning authority. The scheme should include the provision for all washings to be collected by a sealed tank system.

Reason: The applicant proposes using a detergent to wash the vehicles. The washwater will contain oily residues and detergent along with silt/mud. Due to the presence of detergents in the effluent an oil interceptor would be ineffective as the detergent will emulsify the oil. The site lies on a highly vulnerable major aquifer with an abstraction point in close proximity. There are source protection zones 11/111 close to the site.

- 11 No development approved by this planning permission shall be commenced until a scheme for the method of working /-construction / maintenance / aftercare has been submitted to and approved in writing by the local planning authority. The methodology should include the storage of materials on site.

Reason: The site lies on a highly vulnerable major aquifer with source protection zones and an abstraction point in close proximity. A method of working should be prepared detailing the measures that will be in place to protect the environment from pollution that may be caused during the construction / operation / maintenance and aftercare of the facility. Such a report should identify all environmental receptors, possible pollution pathways and measures of prevention.

## **Informatives**

01. This permission is granted for the following reasons:  
The development is in accordance with the policies and proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.
02. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review  
WDLP Review 2006:

C1, E6, E7, E12, R3, T4, T5,  
CE.5, CE.6, CE.28, RT.13, DP.3, T.1,

03. The proposed development must comply with the Control of Pollution (Oil Storage)(England) Regulations 2001.  
The Regulations apply where more than 200 litres of oil are stored (excluding waste oil) in one or more containers. The Regulations stipulate requirements for the standard of tanks, pipework and secondary containment, including bund walls.
04. It is proposed to surface areas with 'stone' from the farm. Depending on whether the material is considered 'controlled waste' an exemption from a waste management license may need to be registered. In addition, if material is introduced to the site from another source, in order to landscape or make the track for example, this again may be considered controlled waste and will need the registration of an exemption. Contact Mike Smith, 01962 764957.
05. The applicant is hereby advised that this site is not considered suitable for such use other than in the present circumstances having regard to the very limited timescale of the injury it will cause to the AONB and the proposed subsequent restoration.

#### OTHER CONSIDERATIONS:

##### 4 CORPORATE STRATEGY (RELEVANCE TO):

- 4.1 Corporate Strategy 2006-2009 includes as one of its priorities 'Safeguarding our high quality environment for the future.'
- 4.2 It is not considered that the recommendation in this case would compromise the aims of the Corporate Strategy.

##### 5 RESOURCE IMPLICATIONS:

- 5.1 The instigation of injunctive action or a Temporary Stop Notice and Enforcement Action could involve considerable staff time and costs.

#### BACKGROUND DOCUMENTS:

As Stated above under 'Relevant Planning Policy' Sub-Heading.

#### APPENDICES:

Map of the Matterley basin area for MotoX of Nations (Colour version provided for Members of the Committee only)