

PLANNING DEVELOPMENT CONTROL COMMITTEE

20 APRIL 2006

TEMPORARY USE OF LAND FOR MOTOCROSS EVENTS: ENGINEERING WORKS TO FORM A FLAT Paddock AREA AND CORNERS AND JUMP TO FORM MOTOCROSS TRACK (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY) PROPOSED MOTOCROSS SITE ALRESFORD ROAD WINCHESTER HAMPSHIRE

REPORT OF DIRECTOR OF DEVELOPMENT

Contact Officer: David Dimon Tel No: 01962 848191

RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

- 1 This application is for operational development only for the construction of an area of hardstanding and a race track to include jumps.
- 2 The use of the land for the event is Permitted Development under the provisions of the Town and Country Planning General Permitted Development Order 1995 Schedule 2 Part 4 Class B(2).
- 3 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.
- 4 There is strong opposition to the development both from Local Parish Councils, amenity societies and residents and from a number of consultees.
- 5 Notwithstanding the objection to the use, the GPDO provisions do not preclude the temporary use of such areas 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 Government's view that such temporary use of land is not harmful in the long term.

- 6 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. Limitation of the use of land at Matterley Farm for the duration of the temporary permission to two weekend Motocross events of no more than two days each commencing on 17 June 2006 and on 23 September 2006. All racing and practising to only take place between 10.00 and 18.00 hours Saturday and 09.30 and 17.00 hours Sunday. Total racing and practise time within those periods not to exceed 6 hours Sat and 4 Hours Sun.
2. Not to undertake any other non-agricultural activity on the land other than Pheasant shoots save with the consent of the Local Planning Authority.
3. Within two weeks of the completion of the second 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 area of hardstanding and racing track to its former condition and suitable for the resumption of arable use to the satisfaction of the Local Planning Authority.
4. 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 (page 14).

PLANNING DEVELOPMENT CONTROL COMMITTEE

20 APRIL 2006

TEMPORARY USE OF LAND FOR MOTOCROSS EVENTS; ENGINEERING WORKS TO FORM A FLAT PADDOCK AREA AND CORNERS AND JUMP TO FORM MOTOCROSS TRACK (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY) PROPOSED MOTOCROSS SITE ALRESFORD ROAD WINCHESTER HAMPSHIRE

REPORT OF DIRECTOR OF DEVELOPMENT

DETAIL:

1 Introduction

- 1.1 Members are advised that this application is only for the engineering works requisite for the event. It is not for the holding of the event as such, which can be undertaken under Permitted Development provisions.
- 1.2 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 in this case being that the motocross event involves engineering works that fall outside of permitted development and which are 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 That event has operated now for 8 years and has a well developed event management plan including for traffic management and it is the intention that the motocross events will operate similar traffic management arrangements.
- 1.6 The Homelands event this year (to be called Hi Fi South 2006) will be extended to three days and two nights on 27th and 28th May.
- 1.7 The Motocross event is proposed to comprise two meetings. The first being the British Grand Prix on 17th and 18th June and the second being the Motocross of Nations on 23rd and 24th September.

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.

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.

Proposal

- The application is for temporary permission until the end of September this year for the formation of an area of hardstanding and motocross track, with reinstatement thereafter.
- The application is accompanied by a supporting statement, a noise report, an ecology report, detailed plans and sections and letter from the Autocycle Union - the governing body of motorcycle racing.

Consultations

AONB

- The South Downs joint committee strongly object on grounds of:
 - 1 The proposal would result in direct physical impact on the landscape.
 - 2 During events the motocross track and associated facilities would be detrimental to views within the AONB for users of the South Downs Way and the proposed parking and overflow camping areas to the north would be harmful to views into and out of the AONB to users of the South Downs Way and adjoining rights of way, and to vehicles travelling along the A31.
 - 3 Despite proposed mitigating measures, the creation of the motocross tracks would result in disturbance to ground nesting birds and other wildlife in the AONB.
 - 4 Noise from motorbikes public address systems and spectators would result in unacceptable disturbance in a rural area, reducing enjoyment of the tranquillity and opportunities for quiet informal recreation during the timescale of the events. This is of particular concern as although the events are only initially proposed for two weekends in 2006, other detrimental activities occur in the vicinity at other times and so there is an issue of cumulative detrimental impact in the area.
- If the Council is minded to determine the application at variance with the Joint Committee's views it would wish to exercise the right to be heard under the Development Control Scheme and would seek inclusion of appropriate conditions.

Countryside Agency

- Raise a number of major concerns and recommend that the council request further information before determining application,
 - Visual impact in AONB and future South Downs National Park.
 - Visual impact from South Downs National Trail, will reduce enjoyment of views of the surrounding landscape.
 - Loss of tranquillity, change of landscape character within AONB during construction

- and events.
- Impact on enjoyment of South Downs Way National Trail - noise, disruption by a route crossing the Trail for service and paddock vehicles.
- Inadequate information
- Restoration details imprecise. Impact of the whole development on the landscape quality will not be temporary.
- The current status of the South Downs National Park is "designated awaiting confirmation". This means that the designated boundary is a material consideration in the preparation, review and modification of development plans and may need to be considered when deliberating on development control cases.

Archaeology

- The archaeological assessment prepared for the oil exploration site has been assessed and suggests that although within an area of extensive archaeological remains relating to late prehistoric / Romano-British landscape, such archaeological remains are likely to have been impacted by plough damage.
- Nevertheless, considering the size of the application and nature of proposed engineering works, it is possible that surviving archaeological remains may be impacted by the proposed works. A watching brief condition is therefore considered appropriate.

Cultural Services

- 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 organizers 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

- 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 and Transport Working Party is set up at the earliest opportunity. The highway authority envisage that, depending on the access and public transport arrangements, it may be possible to use all or part of the Homelands Traffic Management Plan which is put into action on the A31 and A272 each year. This will include all signing, including at junction 9 on M3, coning on the A31 central reservation gaps and control access to local roads in Itchen Valley.

HCC Countryside Service (rights of way)

- Object to application and recommend refusal on grounds that application likely to cause a nuisance to the recreational users of the bridleway.
- Objection could be overcome by amendments to proposal which would avoid any adverse impact for bridleway users.

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 (Environmental Impact Assessment);
 - Works that have the potential to affect breeding birds should take place before 31st 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;

Environment Agency:

- No objection subject to conditions.

Environmental Protection:

- Motocross activity can and does cause significant complaints both from the noise of the bikes themselves and also from associated activities such as tannoys and claxons.
- Nevertheless it is recognised that the use is mostly able to be undertaken within the provisions of 'permitted development'.
- Thus the only control left to Environmental Health is the statutory nuisance provision of the Environmental Protection Act 1990. The definition of statutory nuisance has been defined over the years in case law but essentially relates to the use and enjoyment of one's land being materially interfered with and that is based on the frequency, duration and loudness of any noise. Thus, as such, a loud one off event is unlikely to cause a statutory noise nuisance.
- The nearest residential properties are at some distance from the proposed site and the racing is limited to two days for approximately 4-5 hours a day.
- The Code of Practice on Noise from Organised off Road Motor Cycle Sport published by the Noise Council in 1994 does make some recommendations for minimising the noise impact from Motocross events. These recommendations include:
 - Random checks on motor cycle exhaust noise to be made by the operator using approved sound level meters to ensure that the official Federation of Motor Cyclists (FIM) current standards are met.
 - Suitable location of start line and paddock area. A suitable screen immediately behind the start line is advisable to reduce exhaust noise from 30 bikes at full throttle I understand the applicant intends to undertake this.
 - The running and testing of engines in the paddock should be strictly regulated. A separate screened noise test area should be provided
 - All noisy activities (such as noise testing, practising and racing) shall only take place between 1000 and 1800.
 - Public address systems should be operated so as to prevent irrelevant announcements, unnecessary comments or music. The use of small speakers is preferable to large omni directional speakers.

- In conclusion, Environmental Health has no statutory powers or evidence at this stage to advise refusal of this application on the basis of noise. Officers will monitor the event whilst it is underway to ascertain noise levels in the surrounding area and take any appropriate enforcement action if there is sufficient evidence.

Landscape:

- Conflicts with policy objectives of Landscape Character Assessment and the importance of the area identified in Winchester City and its Setting (1998).
- The application site sits on land which is a high, open and expansive arable landscape, typical of the East Winchester Downs Landscape Character Area. It is highly visible from the South Downs Way and Kings Way, exacerbated by being on a slope facing these national footpath routes with unrestricted views across open fields.
- The Ecology Statement confirms the importance of this area generally in terms of tranquillity, wildlife habitat and biodiversity. It does not however provide an overall assessment of potential ecological impact as it only covers the main site. The proposed sites for both car parks, overflow campsite and traffic corridors also need to be included within the report to provide an accurate overview of potential impact.
- Serious concerns in respect of:
 - Visually prominent site on ridgeline creating detrimental visual impact in terms of long distance views within AONB and proposed National Park and closer views from South Downs Way.
 - Detrimental visual impact regarding proposed car parks, overflow camp site and traffic routes when viewed from A31, A272 and South Downs Way. Gate 4 along ridgeline and next to Great Clump is of particular concern.
 - Conflict between traffic corridors and pedestrians and horses using South Downs Way.
 - Problems of unacceptable noise levels for users of South Downs Way and residents of Ovington Down (as confirmed by the Noise Impact Assessment) and intrusion in terms of tranquillity within the wider context of the AONB.
- Other issues include:
 - Potential loss of hedgerow to improve visibility splays at access points on A272 and A31, which are very fast roads.
 - The sections of bunding and earthworks for jumps are unclear and more information required to ensure they do not become chalk features highly visible from distance.
 - Such features would be an artificial addition and out of character with surrounds. Whilst it is noted that sides of jumps will be grass seeded, it is highly unlikely that a grass sward will establish in areas of use on jumps and tracks between events in June and September. These areas could therefore remain as exposed chalk and not be greened up as in supporting statement (6.3).
 - Proposal does not allow for any mitigation in terms of new planting to enhance area or screen activity (albeit temporary use) from distance around boundaries.
- Whilst it is appreciated this is a temporary use, the extent of the proposals and the longer term impact on what is a very sensitive area is seen to be harmful to the character of the area and should therefore be refused.

Arboriculture:

- Support the above comments with regard to wider landscape impact. However cannot see any specific issues which will adversely affect trees or tree cover in the long term other than potential damage by inappropriate camping activities (open fires, barbecues, litter, etc).

Forward Plans:

- 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.

Representations:

Itchen Valley Parish Council

- Object - contrary to countryside policies of Local Plan Review, harmful to wildlife, noise, traffic, intensification of non-agricultural use of the farm, availability of motocross facilities elsewhere in Hampshire, water availability.

Bramdean and Hinton Ampner Parish Council

- Object - noise, inconvenience to local people, disturbance to wildlife, concern that once used land will not be restored to arable land and will be linked to other diversification uses on the holding, detrimental impact on South Downs Way and conservation of countryside for quiet informal enjoyment.

Titchborne Parish Council

- Object - completely unsuitable environment for such an activity, noise, traffic, disruption to locality.

The Upper Itchen Valley Society

- Object, 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.

CPRE Mid Hampshire District Group

- Object - support PC objection, unsuitable use in AONB / Proposed National Park, noise smell, harmful to quiet enjoyment of rights of way in this tranquil area.

Winchester Ramblers

- Object - 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 20 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.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

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

Winchester District Local Plan

- C.1, C.2, C.7, C.24, HG.2, HG.3, EN.7, EN.15, RT.10, T.8, T.9,

Winchester District Local Plan Review Deposit and Revised Deposit:

- C.1, C.6, C.7, C.27, HE.2, RT.12, 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

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 but is proposing a venue for major international events that will only be held annually. In this respect it is very similar to the 'Homelands' music festival that has been held on the holding for the last 8 years.
- Estimated visitor numbers are 10-25,000 for the British Grand Prix and 25-40,000 for the Motocross of Nations. The Homelands event this year estimates an attendance of <40,000.
- Furthermore, like the 'Homelands' event, the use can take place without the need for express planning permission as it constitutes '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.
- The difference that arises in this case and which results in this planning application is principally one of physical impact, as unlike the music festival this proposal proposes significant engineering works that are required to be retained between events.

- The works comprise the race track and a paddock area of approximately 210 metres x 105 metres. This area, which has a fall of 7m from south to north, will be levelled by cut and fill and hard surfaced, the top soil being stripped and used in the formation of jumps on the track. Within the paddock area a concrete hardstanding of 35m x 6m is required as a wash down area.
- The race track, which will be approximately 1500m long x 10m wide, will use the natural contours of the land, which forms a dry valley.
- The area of the site, including the track and hardstanding, extends to approximately 24.42 hectares and the track will be constructed between the 122m and 153m contours and have man made jumps of up to 4.5m in height.
- Overnight camping will take place adjacent to the track area and in a field to the north adjoining the fields to be used for car parking under the provisions of permitted development.
- Within the site area catering and entertainment facilities are also accommodated.

Traffic

- Traffic management for the event will be based on the tried and tested traffic management plan employed for the Homelands events. (to be known this year as Hi fi South).
- 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 three gates that correspond to the existing farm access points and these will feed into two parking areas of 44 acres (park A1 in the triangle formed by the A31 and the two access tracks to the dairy building) and 32 acres (park 1A to the west of the dairy building and main access track).
- Traffic flows will be managed to avoid queuing on the A31 and all exiting traffic will be via gate 3 and will be funnelled 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 fourth access (gate 4) is provided onto the A272 via the track to the east of great clump but this will be used only by the emergency services.
- 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 considering only the engineering works that are requisite for the use it is the principle and impact of those works that must be assessed.
- Furthermore, this 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. However the supporting statement suggests that, if successful this year, the possibility of holding the British Grand Prix until 2009, for which it is understood the applicant has obtained promotional rights, may be sought through a further application.
- The possible retention of the hardstanding area for subsequent farm use is also referred to.
- Whilst development Plan and national planning policy does not preclude such works 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 C.27 permits recreation and tourist development in the countryside subject to 4 criteria and RT.12 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 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 it is deemed to be a 'sensitive area' for the purpose of the Regulations.
- The applicant has sought a screening opinion in this case and the Council has determined, with the benefit of legal advice, that because of 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, the proposed development falls outside the scope of the EIA Regulations.
- The adjacent oil exploration site application was supported by an Environmental Impact Assessment and in the event of this proposal having a more permanent impact upon the environment it is the view of officers that the scope of the Regulations would take effect.

Impact on the character of the area

- The impact of the event will be significant for the two days of each race meeting in June and September 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.

- So far as this planning application is concerned it is the impact of the engineering works that must be evaluated.
- The works will physically change the form and appearance of the landscape with artificial features but these can, as in the case of the adjacent oil exploration site, be required to be restored at the end of any temporary permission. It should thus be possible to ensure that the appearance of the area is not damaged permanently.
- The applicant claims that the track and banks to the hardstanding area will grassed over but that is unlikely to be effective in the short term, and the present application is only in respect of this year's events. The visual impact of the hardstanding and bunding for the oil exploration site has not been mitigated by planting even though it has now existed for more than three years. The high exposed situation of the site and the thin chalk soil is not conducive to verdant growth.
- Nevertheless the impact will be relatively localised and only publicly noticeable from the South Downs Way.

Nature conservation

- The supporting ecological scoping survey concludes that the proposal will obviously result in a short but intense level of human and motorised activity and associated noise in an otherwise peaceful area. This will potentially result in localised disturbance to wildlife in the middle of the summer, the breeding season. However, it will be temporary and will have no more than a temporary impact on wildlife.
- 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

- The Noise Impact Assessment accompanying the application identifies 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 this is not considered likely to cause unreasonable disturbance to residents. The promoters should 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.
- It should also be remembered that the event is intended to be held utilising the 14 days permitted development provision prescribed by the Town and Country Planning General Permitted Development Order 1995 so there is little control over noise that can be exercised through the planning system.
- The granting of permission for this proposal would however allow times of racing and practising to be conditioned and possibly the use of PA equipment. (see Environmental Protection comments).

Comments on representations

- 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 that each event is held.
- As has been demonstrated with the Homelands event however, 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 reality that the events are likely to occur whether this application is permitted or not and indeed these international events are already at a very advanced stage of organisation 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 events without exceeding 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 did not appreciate the planning position when he embarked on the organisation of the event and only submitted the application after engaging a planning consultant, by which time arrangements were well advanced. 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 willing to enter into a legal agreement to include the deposit of 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.
- They further accept that an agreement would limit the use to that applied for in terms of it being only for the two stated events and that the land could not be used for any other non agricultural purpose except pheasant shoots.
- 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 hardstanding and track areas would 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 volunteered 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 subject to there being no material objections resulting from advertisement of the application as a departure from the provisions of the development plan then planning permission be GRANTED – subject to conditions and a Section 106 Agreement for:

1. **Limitation of the use of land at Matterley Farm for the duration of the temporary permission to two weekend Motocross events of no more than two days each commencing on 17 June 2006 and on 23 September 2006. All racing and practising to only take place between 10.00 and 18.00 hours Saturday and 09.30 and 17.00 hours Sunday. Total racing and practise time within those periods not to exceed 6 hours Sat and 4 Hours Sun.**
2. **Not to undertake any other non-agricultural activity on the land other than Pheasant shoots save with the consent of the Local Planning Authority.**
3. **Within two weeks of the completion of the second 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 area of hardstanding and racing track to its former condition and suitable for the resumption of arable use to the satisfaction of the Local Planning Authority.**
4. **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 6 months 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 4 to that road shall be for 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 each 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 each 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 | C1, E6, E7, E12, R3, T4, T5, |
| Winchester District Local Plan Proposals: | C.1, C.2, C.7, C.24, HG.2, HG.3,
EN.7, EN.15, RT.10, T.8, T.9, |
| Emerging Development Plan:- | |
| WDLP Review Deposit and Revised Deposit: | C.1, C.6, C.7, C.27, HE2, RT.12,
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:

2 STRATEGIC PLAN (RELEVANCE TO):

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

3 RESOURCE IMPLICATIONS:

- 3.1 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:

Exempt Appendix – Legal Advice

(NOT FOR PUBLICATION – by virtue of Paragraph 5 of Schedule 12A of the Local Government Act 1972)