

Report to **Planning Committee**  
Date **9 June 2016**  
By **Director of Planning**  
Local Authority **Winchester City Council**  
Application Number **SDNP/16/00692/CND**  
Applicant **Mr Steve Dixon**  
Applications **Application to remove conditions 1 and amendment of condition 3 of SDNP/14/00354/CND, removal of Conditions 1, 2 and amendment to condition 3 of 08/02622/FUL. (Temporary approval to extend hours for racing within day to be made permanent, Temporary extended dates within which events can take place to be made permanent, Temporary increase for events from 3 days in total to 4 days to be made permanent and amendment to required dates by when Event Management Plan must be submitted)**  
Address **Matterley Farm, Alresford Road, Ovington Hampshire**

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**Recommendation: That planning permission be granted subject to the conditions as set out in Paragraph 10.1 of this report.**

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### **Executive Summary**

Planning Permission was allowed on appeal in 2010 for the retention of the motocross track at this site and use for occasional motocross events. The inspector imposed three conditions, which restricted the applicant to two motocross events per calendar year, the approved events being restricted to a total of three days per calendar year and only taking place between 1 August and 15 October in any calendar year. Each event could not take place without an Event Management Plan (EMP), which would need to be submitted to and approved by the Authority. The EMP would need to be submitted at least 60 days prior to the proposed event date, including a traffic management plan, measures for ensuring public health and safety, measures to avoid site contamination and protection of biodiversity and restoration of the site following use.

In addition, racing or practice was restricted to being within the hours of 0900 hours and 1700 hours.

Subsequent to the appeal decision applications were received for amendments to conditions with the most recent application being approved in 2014 (SDNP/14/00354/CND). This application was for a temporary period until 26 March 2016 to allow the Authority to assess the impact of the events. Additional conditions allowed for the two events being restricted to a maximum of four days total and being allowed to be held between 1 May and 15 October in any calendar year, and for the racing or practice to be able to take place between 0800 and 1830 hours. In addition mitigation measures in the application were to be implemented before any event took place prior to 1 August in any calendar year, to mitigate harm to wildlife (specifically with reference to ground nesting birds.)

This application has been submitted by the applicant primarily to make permanent the revisions approved in 2014. It seeks to regularise the use in both the short and long term thus hoping to negate the need to repeatedly vary the conditions in response to timings and requirements of specific events.

The application therefore seeks to make the previous revisions to the original permission permanent (namely widening the range within which motocross events occur from 1 August – 15 October to 1 May -15 October, the increase of use of racing and practice from 0900 – 1700 to 0800 to 1830, the use for motocross increased from 3 days in total to 4 days in any calendar year.

The application also seeks to amend the regime with regard to Event Management Plans with a draft plan being forwarded to the Authority 120 days prior to the event and a final plan being submitted 28 days prior to the event. This amendment has been suggested by the applicant in order to align with a similar regime for licence applications.

This application relates solely to Motocross events, although it must be acknowledged that a concurrent application seeks the use of Matterley for motocross events as part of a comprehensive proposal for use of the site including a variety of uses such as Music Festivals, sports endurance events, music concerts etc. As will become apparent from the concurrent report for comprehensive events, it has been considered sensible to remove the approval of motocross events from the other application in order to provide less confusion. The ability to deal with the motocross events on its own merits takes into account that the general principle was established in 2010 and this application merely seeks amendments to the conditions.

It is considered that the use of the site for Motocross events has been carried out for some time now with the increased hours, number of days and extended time within which events could be carried out, without significant issues in terms of impacts. It is therefore considered that the amendments in this respect should be made permanent without need for further temporary approvals. This approach is in line with government guidance which discourages temporary approvals being renewed ad infinitum.

The suggested amendments to the condition requiring a draft event management plan 120 days before the event and a final event management plan 28 days before the event are not considered to be acceptable however and will not give sufficient time for close scrutiny by officers, bearing in mind that the matters for consideration of a planning application are much wider than that for a license application. The original wording for that particular condition is therefore recommended.

The application is placed before the Committee due to the comprehensive application also being considered by Members.

## **I. Site Description**

- I.1 The Matterley Estate is approximately 5 kilometres to the north-east of Winchester and is largely accessed via the A31 which divides the two sections of the holding. The estate extends to the north of Winchester Road (A31) to include Hampage Wood and Bushy Close woodland and southwards toward the junction with the A272 including Chilcomb Down. The estate is bounded to the south by the A272 and runs eastwards just beyond Cheesefoot Head. To the east just beyond a neighbouring field is Rodfield Lane.
- I.2 The Estate includes numerous key characteristics of the wider landscape character area including: the distinctive rounded coomb of the Devil's Punchbowl (Matterley Bowl) which is a striking landmark landscape feature with areas of species rich unimproved chalk grassland on its steep sloping sides; Cheesefoot Head and its long reaching panoramic views – which is one of the South Downs National Park's identified viewpoints; the distinctive hill top beech clump at Cheesefoot Head; and branching dry valley
- I.3 The estate continues to farm which consists of a dairy unit and an arable enterprise. The dairy unit also produces some value-added products such as milkshakes and runs a commercial shoot. There are a number of activities that occur alongside the farming activity, including an area set aside to explore hydrocarbons (which generates HGV movements daily to remove oil and water), temporary permission to hold two motorcross events a year (use of the track is up to four days) until 2016. The music festivals, such as Boom Town are largely concentrated in the natural amphitheatre known as 'Matterley-Bowl', but several venues now occupy adjacent fields and woodland areas (Temple Valley, Chilcomb Down) with associated infrastructure for car parking and camping.
- I.4 The South Downs Way runs through the Estate, being accessed to the immediate north west of the Cheesefoot Head Car Park and going in a north easterly direction across the

Estate until turning towards the south east (and Rodfield Lane) by the main group of agricultural buildings which are located to just north of the centre of the site.

- 1.5 The Estate is at its highest to the south at the top of Cheesefoot Head with the levels dropping significantly to the north west of here into the bowl. The levels through the site from Cheesefoot Head drop along the South Downs Way gently towards the main agricultural buildings and beyond until shortly rising again before reaching the A31.
- 1.6 The estate has a number of wooded areas, most notably to the immediate east of the Bowl and to the south of the main agricultural buildings.
- 1.7 The land to the west of Rodfield Lane and north east of Cheesefoot Head is known as Matterley Basin and is where the Motocross events take place.
- 1.8 Matterley Basin lies within a dry valley. The Motocross circuit snakes across the valley sides of semi-improved grassland with bumps and jumps. The track is a mixture of earth, wood chippings, gravel and grass re-growing on it. Next to the northern side of the circuit is a large level area surfaced with road planings which is bordered by banks. A field boundary defines the eastern site boundary. There is a hedgerow and trees along the western site boundary.
- 1.9 A number of residential estate properties exist within the wider Estate. A small number of properties are located along Rodfield Lane. No residential properties are located along the A272 near the southern boundary of the estate.
- 1.10 The site is situated in the East Winchester Open Downs (A5, South Downs Integrated Landscape Character area), and often allows expansive open views, including from popular elevated Cheesefoot Head viewpoint.

## 2. Relevant Planning History

### 2.1 Motocross

- WCC/08/02622– Retention of existing Motocross track including associated works to adapt the landform for such use and use for purposes of occasional elite motocross events – Refused 11 September 2009 – Appeal Allowed 17 March 2010 (subject to conditions restricting use of track to two motocross events per calendar year, events being restricted to a total of three days per calendar year over two weekends, only taking place between 1 August and 15 October (Condition 1), no event taking place until and Event Management Plan is submitted and approved in writing, being submitted at least 60 days prior to the event date (Condition 2) and no motocross racing or practising to take place other than between 0900 and 1700 hours (Condition 3).
- WCC/11/01283 – Variation of Condition 3 to change start times to 0800 hours and finish time to 1830 hours of planning permission 08/02622/FUL for retention of the existing motocross track – Temporary permission granted (until 22 August 2011) – 1 August 2011
- SDNP/12/00709/CND – Variation of Conditions 1 & 3 of Planning Permission 08/02622/FUL to allow one additional day's use and change to a start time of 0800 hours (from 0900 hours previously approved) and a finish time of 1830 hours (from 1700 hours) – Temporary permission granted (Until 15 October 2013) – 14 August 2012
- SDNP/14/00354/CND – Variation of Conditions 1 and 3 of permitted permission 08/02622/FUL; 4 days use operating hours from 0800 to 1830 hours, use of track (4 days only) between 1 May and 15 October (From 1<sup>st</sup> August to 15 October) – Temporary permission granted (Until 26 March 2016) – 26 March 2014
- SDNP/16/00692/CND – Application to remove Conditions 1 and Amendment of Condition 3 of SDNP/14/00354/CND, Removal of conditions 1, 2 and Amendment to Condition 3 of 08/02622/FUL – **This Application**

### 2.2 Hydrocarbons

- 03/02907/HCM – Two additional directional exploratory/appraisal wells including the

testing, along with the continued testing of Avington B92) exploratory well –  
Temporary permission granted – 18 February 2004

- 06/03707/HCM – Variation of Condition 1 of 03/02907/HCM to allow for the continuation of the oil exploration activities – Temporary Permission Granted (until 1 March 2009) – 18 December 2006.
- 08/00596/HCS – Development two further appraisal boreholes at the existing Avington Exploration Well Site – Temporary Permission granted (until 1 March 2013 – 4 March 2008
- SDNP/13/00935/CM – Planning Application to vary condition 1 of Planning Permission 08/00596/HCS to continue to appraise hydrocarbons for a further period of up to 5 years – Temporary Permission Granted (until 1 March 2018)

### 2.3 Use of land (Festivals/etc.)

- Certificate of Lawful Use for vehicle driving and storage of ancillary parking and structures – Withdrawn – 4 February 2014
- SDNP/14/00302/LDE – All non-agricultural related leisure uses including hosting of music festivals and concerts, tank driving, off road vehicle driving, sports events and a steam fair, along with all parking and associated activities with said uses – Refused – 10 June 2015
- SDNP/15/06484/FUL – Change of use of land from agriculture to mixed agriculture and a number of temporary events (including summer festivals, endurance running events, sporting events (including Motocross). Number and type of event to not exceed criteria and weighting set out in submitted event matrix. Retention of wooden structures within woodland associated with festival use – BEING CONSIDERED CONCURRENTLY

## 3. Proposal

3.1 Notwithstanding the concurrent application for the comprehensive use of the site for a number of activities, including Motocross, this application has been submitted solely in relation to the Motocross and further to earlier approvals (the original being on appeal and subsequent temporary approvals for amendments to the original appeal approval).

3.2 The proposal seeks to make permanent the amendments made on a temporary basis since the original approval for use for Motocross events. The original approval at appeal (08/02622/FUL APP/L1765/A/09/2113799) was subject to the following conditions:-

1. *The use of the track hereby approved shall be restricted to two motocross events per calendar year approved in accordance with Condition 2 below. The approved events shall be restricted to a total of three days per calendar year over two weekends and shall take place only between 1 August and 15 October in any calendar year.*
2. *No event shall take place unless a comprehensive Event Management Plan (EMP) has been submitted to, and approved in writing by, the Local Planning Authority. The EMP shall be submitted at least 60 days prior to the proposed event date and shall include a traffic management plan, details of measures for ensuring public health and safety, measures to avoid site contamination, the protection of biodiversity and the restoration of the site following use. The approved event shall be carried out in full accordance with the approved EMP.*
3. *During motocross events approved in accordance with condition 2 above, no motocross racing or practice shall take place other than between 0900 hours and 1700 hours.*

3.3 Subsequent to this approval on appeal there have been amendments to the original conditions albeit on a temporary basis with the most recent being in 2014 (SDNP/14/00354/CND) which was subject to a number of amendments/variations from the original conditions. The amendments and new conditions which were approved comprised of:

1. An extended period within which the two events could take place (between 1 May and 15 October as opposed to 1 August and 15 October) (Condition 2)
2. An extended time within which racing and practising could take part during the events

- (between 0800 and 1830 as opposed to 0900 and 1700 hours) (Condition 4)
3. An increase in the number of days for the two events from 3 days to 4 days (Condition 2)
  4. A new condition requiring mitigation measures in relation to ground nesting birds to be implemented before any event. (Condition 5)
  5. A new condition confirming that the amendments would be for a limited period expiring on 26 March 2016. (Condition 1)
- 3.4 The current application seeks to make permanent some amendments made on previous temporary approvals with the added amendment to the condition about Event Management Plans allowing for a draft EMP to be submitted 120 days before each event and a final EMP to be submitted 28 days before the event. The applicant suggest the following amendments for any conditions:-
- i). Remove temporary condition in order to make permanent
  - ii). Amendments in 2014 to be made permanent.
  - iii). No event shall take place unless a comprehensive Event Management Plan (EMP) has been submitted to, and approved in writing by the Local Planning Authority. **A draft EMP shall be submitted at least 120 days and a final version 28 days** prior to the proposed event date, and shall include a Traffic Management Plan, details of measures for ensuring public health and safety, measures to avoid site contamination, the protection of biodiversity and the restoration of the site following use. The approved event shall be carried out in full accordance with the approved EMP.
  - iv). Amendments in 2014 to be made permanent
  - v). The mitigation measures outlined in the report by ECOSA Ltd dated 20 January 2014 shall be implement before any event takes place on site prior to 1 August in any calendar year **and the applicant shall notify the LPA in writing that the deterrent measures are in place by the end of February each year.**
- 3.5 It is important to note that the temporary amendment to allow events to take place earlier in the year (essentially from 1 May onwards as opposed to 1 August) meant that such events would be taking place when there might be ground nesting birds on site. The imposition of Condition 5 in 2014 therefore sought to ensure that there were mitigation measures in place such as the erection of metal poles with reflective tape to act as a deterrent. Site inspections would be carried out to assess the effectiveness of such measures, in particular before silage is cut and a motocross event if it took place before July.

#### 4. Consultations

4.1 **Bramdean & Hinton Ampner Parish Council** – Recommend that application be referred to the Planning Committee

4.2 **Butterfly Conservation Trust** – Comments

- Priority butterflies relevant in this area are Duke of Burgundy, Small Blue, Grizzled Skipper, White-letter Hairstreak (all identified as species of principal importance for biodiversity conservation under Section 41 of the NERC Act (2006)) and the Dark Green Fritillary.
- Ask to consider any opportunities or potentially mitigating action to conserve or enhance their conservation.

4.3 **Ecology** – Comments

- No verification of results or professional efficacy of deterrent measures.
- Stated deterrent of dog walking would seem at odds with the presence of sheep for a longer period, presumably areas with sheep were not entered with dogs.
- Presence of sheep grazing would not result in a poorer habitat for ground nesting birds but would potentially improve matters.
- In summary, no independent information as to whether deterrent measures have

worked nor any detailed information on actual presence of nesting birds within or around site.

- Motocross events generate significant noise which would be discernible over great distances. No information on likely distance over which noise would act as a deterrent and so possible impact of events could prevent birds nesting over a wide area.

**4.4 Economy & Development (WCC) – Support (Comments as for comprehensive application SDNP/15/06486/FUL)**

- Estate has been used for community events and gatherings for more than half a century. Natural amphitheatre and surrounding farmland provide an opportunity for large numbers to gather and enjoy a wide range of spectacles.
- Well established that farmers need to diversify to compensate for difficult markets. In securing events the land owner is better able to protect and cultivate other parts of the site, and able to bring new cultural experiences to the edge of the Park.
- Proximity to transport links, hotel stock and shopping in Winchester make it accessible and popular location.
- Contend that large scale events are part and parcel of everyday life in the countryside. Whilst these may have traditionally taken form of large agricultural shows, they have evolved in range and scale over decades. The current events are successors but no less important for showing off the natural beauty of the South Downs.
- Believe that by granting a change of use to allow these events, the park would be observing its two purposes.
- Believe that level of negative impacts can be contained in a way which secures maximum benefits to local residents with minimum of disturbance.
- Strong links developed between Boomtown and a number of charities, generating income and profile.
- Events generate national and international media coverage, supporting tourism. Event goes benefit other businesses in the surrounding area. Recent research of Boomtown, Tough Mudder and Motocross at Matterley demonstrates net visitor expenditure of £3.5 million, net organiser expenditure of £3.8 million, direct net expenditure of £8.2 million, multiplier expenditure of £2.4 million and total net economic impact of £10.5 million (FTE jobs sustained 175).
- Hope that these contributions to the social and economic wellbeing of local communities within the Park (and the district) are given due consideration.

**4.5 Environmental Protection (WCC) – No objection subject to conditions**

- Never received complaints about noise from the Motocross site.
- May wish to consider maximum capacity for the site.

**4.6 Highways (Strategic – HCC) – No comments**

**4.7 Highways England – No Objection**

**4.8 Natural England – No objection in relation to Statutory Nature Conservation Sites**

**4.9 South Downs Society – Comments**

- Generally supports appropriate economic activity in the National Park.
- Activities proposed do not promote the quiet enjoyment of the Parks special qualities.

**4.10 Southern Water – No comments**

## **5. Representations**

### **5.1 Letter of Objection.**

- Object that motocross and related events should take place from May.
- Detrimental to the bird life of the area putting at risk Corn Bunting which are local to the area.
- Recorded 19 Red Listed species in this area. Some species such as Wheatear and Ring Ouzel will be passing through on migration and therefore – to be fair – are unlikely to be seriously adversely impacted by allowing the motocross activities.
- Serious concerns about the impact on nesting Corn Bunting Lapwing and Skylark. All three of these are ground nesting birds which are present in the area around the motocross location.
- The letter (20th January 2014) from Ecosa which supports the application raises a number of concerns and certainly cannot meet the need for survey indicated in the letter from Natural England.
- The Ecosa letter refers to a ‘walk-over survey’ conducted on one day – 8th January 2014 which is considered inadequate.
- Measures to be taken to deter ground nesting birds relate to Mute Swans. Mute Swans are actually different from Corn Bunting, Lapwing and Skylark.
- They suggest that dogs have been walked specifically to deter birds from nesting which would seem to be an offence under the Countryside and Wildlife Act.
- They suggest that the fact that the site has been grazed by sheep will deter nesting birds. It is the fact that the South Downs had historically so much sheep grazing that attracted and supported the populations of ground nesting birds in the first place. They feed their young on the bugs supported by sheep dung.
- Ecosa fail to address the issue that ground-nesting birds will be adversely impacted by any human activity. The activity on the motocross site – given the large human population and noise created - will impact any birds nesting with a nearly radius of at least a kilometre and probably more. The traffic created is a major disturbance.
- The arguments apply just as robustly to hedge and tree nesting Red Listed birds including Song Thrush, Mistle Thrush, Starling, Cuckoo, Woodcock, Marsh Tit, House Sparrow and Linnet all of which nest within a mile or so of the site.
- Would prefer these activities not to happen at all. But even if they do, they must not be allowed to happen in the bird-nesting season.
- Approval of the application would contravene several of the policies laid out in the management plan (1, 4, 5, 42)

## **6. Planning Policy Context**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plans in this area comprises the Saved Policies of the Winchester District Local Plan (First Review) 2006 and the Winchester District Local Plan: Joint Core Strategy (2013). The relevant policies to this proposal are set out below.

### National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

6.3 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

## National Planning Policy Framework and Circular 2010

- 6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.
- 6.5 Paragraph 116 of the NPPF confirms that Planning permission should be refused for major development in designated areas (such as National Parks), except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Consideration of such applications should include an assessment of the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy, the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. For the purposes of Paragraph 116 these limited temporary events for 4 days are not considered to result in major development for the purposes of Paragraph 116.
- 6.6 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.
- 6.7 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan. Relevant policies are 1, 3, 13, 29, 32, 40, 41, 42, 48 & 55.
- 6.8 Policy 1 seeks to conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures.
- 6.9 Policy 3 seeks to protect and enhance tranquility and dark night skies.
- 6.10 Policy 13 seeks to support the financial viability of farm businesses through appropriate infrastructure and diversification developments.
- 6.11 Policy 29 seeks to enhance the health and wellbeing of residents and visitors by encouraging, supporting and developing the use of the Park as a place for healthy outdoor activity and relaxation.
- 6.12 Policy 40 seeks to manage the highway network and its infrastructure to integrate it more effectively into the landscape and reduce the impact of traffic on communities and visitors.
- 6.13 Policy 41 seeks to maintain visitor enjoyment and influence visitor behavior in order to reduce impacts on the special qualities of the Park (and increase spend in and around the Park).
- 6.14 Policy 42 Seeks to develop a consistent and coordinated approach to promoting and marketing of the Park as a sustainable visitor destination.
- 6.15 Policy 48 seeks to support towns and villages in and around the Park to enhance their vital role as social and economic hubs.
- 6.16 Policy 55 seeks to promote opportunities for diversified economic activity in the Park, in particular where it enhances the special qualities.

## **7. Planning Policy**

- 7.1 The following saved policies of the Winchester District Local Plan Review 2006 are relevant to this proposal:
- DP4 – Landscape and Built Environment



DP10 – Pollution Generating Development  
DP11 – Unneighbourly Uses  
DP12 – Pollution Sensitive Development  
RT13 – Noisy Sports  
T2 - Development Access  
CE28 – Recreation & Tourism

7.2 The relevant policies of the Winchester District Local Plan Joint Core Strategy (2013) are:

DS1 – Development Strategy and Principle  
MTRA4 – Development in the Countryside  
CP10 - Transport  
CP15 – Green Infrastructure  
CP16 – Biodiversity  
CP19 – South Downs National Park  
CP20 – Heritage & Landscape Character  
CP21 – Infrastructure & Community Benefit

7.3 The South Downs National Park Preferred Options Local Plan was approved by Members at Committee on 16 July 2015 to go out for public consultation in September. The consultation period has now ended and responses received will be considered by the Authority. The next stage in the plan preparation will then be the proposed submission. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirm that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight. The following policies are considered to be of relevance to this application: SD1, SD2, SD4WW, SD5, SD7, SD8, SD9, SD12, SD13, SD18, SD19, SD20, SD21, SD27, SD37, SD41 and SD47.

## 8. Planning Assessment

### Introduction

Principle of Development with regard to the Purposes and duty of the Park, together with the Policies set out in the Partnership Management Plan, the saved policies of the Winchester District Local Plan (First Review) (2006) and the policies of the Winchester District Local Plan Joint Core Strategy (2013)

8.1 It is important to start consideration of the principle of development with regard to the appeal decision in 2010, where the Inspector concluded:

*“I consider that the proposal would not detract from the natural beauty, amenity, tranquillity and distinctive character of the area, nor would it have unacceptable impacts on traffic. It would conflict with LP Policy RT13 in that it would involve a noisy sport in the AONB. However, considering that the use would only occupy three days of the year, spread over two weekends, and that it would bring ecological, economic and social benefits, I am satisfied that there are material considerations, sufficient to justify the proposal.”*

8.2 There was therefore a clear support for such an activity from the Inspector subject to suitably robust conditions. The Authority has therefore given reserved support to amendments to those conditions over recent years but limited this to a temporary consent of the conditions to allow monitoring of the impact of the amendments. The remainder of the report therefore focusses primarily on the amendments to the original conditions and the merits/demerits of those amendments accordingly together with the new amendments proposed.

8.3 In doing so the material considerations are considered to be as follows:

- Impact of the amendments to the conditions on ecology with particular regard to

ground nesting birds

- Impact of the amendments to the conditions on noise pollution.
- Impact of the amendments to the conditions on the highway network.
- Impact of the amendments in relation to close scrutiny of the Events Management Plan.

Impact of the amendments to the conditions on ecology with particular regard to ground nesting birds

8.4 The Ecological mitigation set out in the Ecosa Plan and secured by way of Condition 5 on Planning permission SDNPI4/00354/CND, appears to have had mixed success, by way of implementation and also by monitoring. If the Authority is minded to make the recent amendments permanent, there must be confidence that the events can continue in the wider timeframe which overlaps with when ground nesting birds might be present. On reflection, and having regard to the reasonable concerns by the Ecologist it is considered that there are two potential solutions with either a temporary approval in order to further monitor and evidence that the impact on ground nesting birds is being adequately addressed, or secondly, the imposition of a more robust condition which seeks confirmation with evidence from an appropriately qualified ecologist that the mitigation measures have been carried out and a subsequent survey by an appropriately qualified ecologist to report on the presence or otherwise of ground nesting birds as a result of the deterrents. It is considered that a suitably robustly worded condition would both mitigate but also ensure that this is evidenced

8.5 A more robust condition than originally imposed, with input from suitably qualified ecologists, will both ensure that deterrent measures are in place at the right time and allow for a review of the success or otherwise of such deterrents with recommendations being put in place for subsequent events. It is therefore considered that this option is the more sensible and will ensure ground nested birds are protected.

Impact of the amendments to the conditions on noise pollution

8.6 It is clear that the increase in total days from 3 to 4 and the increase in hours of racing and practising at either end of the day has had no significant increase in noise pollution (or indeed light pollution). This is evidenced by the response from the Environmental Health Officer. It is therefore considered that the amendments do not need to be the subject of a further temporary approval.

Impact of the amendments to the conditions on the highway network

8.7 There is no objection from Highways England to the application and it would appear that there have not been any problems with the vehicular activity to and from these events in recent years. It is not considered that the change in the condition from 3 to 4 days has impacted on the highways network and, in this respect it is considered that a further temporary approval is not required.

8.8 Notwithstanding the above, it is clear from the concurrent comprehensive application documentation that the aspirations for such events includes potentially significant attendees, over and above that which has been occurring since 2010 when the inspector allowed the appeal. The inspector saw fit not to impose a condition limiting the number of attendees in the appeal decision. In the knowledge, however, of the current aspirations for future events and the intended upper limits for attendees not being clear, it is considered prudent and necessary to impose a fresh condition setting an upper limit on people attending such events in line with the upper limit of attendees expected by the applicant.

Impact of the amendments to the conditions in relation to close scrutiny of the Event Management Plan

8.9 The suggested changes to the condition in relation to Event Management Plans has been proposed in order to more closely align with the condition imposed on recent licence applications made to Winchester City Council.

8.10 Whilst having sight of a draft Event Management Plan 120 days before each event would be helpful, the submission of the final plan 28 days before the event provides little opportunity

for close scrutiny by the Authority and any necessary consultees who would need to provide professional advice on the suitability or otherwise of the Event Plan. It is acknowledged that the licence application has a similar condition to that now proposed, but it must be mentioned that the remit for consideration of a licence application is far narrower than that for a planning application. It is not considered, on balance, that the amendment to the condition be supported. It is considered that the originally imposed condition be retained as part of this approval.

## **9. Conclusion**

- 9.1 It is considered that the proposal to make the amendments (to the number of days for events, hours for racing and practising, and the dates within which such events take place) permanent is acceptable, given that recent events have occurred with negligible additional impact beyond that originally approved.
- 9.2 It is considered that the suggested changes to the condition in relation to the Event Management Plan (requiring a draft plan 120 days prior to the event and a final plan 28 days before the event) is impractical and will not allow close scrutiny of the Plan within such tight timescales. It is considered that the wording on the original approval should remain.
- 9.3 It is considered, in order to further strengthen the monitoring and compliance in relation to ground nesting birds, to amend the condition in relation to ecology and require the involvement of a suitably qualified ecologist both in the implementation of the mitigation measures and subsequent reporting of the success or otherwise of the measures carried out.
- 9.4 Subject to the above the application is recommended for permission.

## **10. Reason for Recommendation**

- 10.1 Application SDNP/16/00692/CND is recommended for approval subject to the following conditions:-
1. The use of the track hereby approved shall be restricted to two motocross events per calendar year approved in accordance with condition 2 below. The approved events shall be restricted to a total of four days per calendar year over two weekends and shall only take place between 1 May and 15 October in any calendar year.  
  
Reason: To protect the amenities, special qualities and landscape character of the South Downs National Park, in accordance with Saved Policies DP4, DPI1, CE5 and RT13 of the Winchester District Local Plan Review 2006, Policies CPI6 and CPI9 of the Winchester District Local Plan Joint Core Strategy 2013, NPPF and National Park Purposes.
  2. No event shall take place unless a comprehensive Event Management Plan (EMP) has been submitted to, and approved in writing by the Local Planning Authority. The EMP shall be submitted at least 60 days prior to the proposed event date, and shall include a Traffic Management Plan, details of measures for ensuring public health and safety, measures to avoid site contamination, the protection of biodiversity and the restoration of the site following use. The approved event shall be carried out in full accordance with the approved EMP.  
  
Reason: To ensure satisfactory planning of events, to safeguard the amenities, character and appearance and biodiversity of the area, in accordance with Saved Policies DP4, CE5, CE10 and RT13 of the Winchester District Local Plan Review 2006, Policies CPI6 and CPI9 of the Winchester District Local Plan Joint Core Strategy 2013, NPPF and National Park Purposes.
  3. During motocross events approved in accordance with Condition 2 above, no motocross racing or practice shall take place other than between the hours of 0800 hours and 1830 hours.  
  
Reason: To protect the amenities of the area and enjoyment of the South Downs National Park, in accordance with Policies DP4, DPI1, CE5 and RT13 of the

Winchester District Local Plan Review 2006, Policies CPI6 and CPI9 of the Winchester District Local Plan Joint Core Strategy 2013, NPPF and National Park Purposes.

4. The mitigation measures outlined in the report by ECOSA Ltd dated 20 January 2014 shall be implemented before any event takes place on site prior to 1 August in any calendar year and it shall be confirmed to the Local Planning Authority by a suitably qualified ecologist, with supporting evidence, in writing that the deterrent measures have been put in place by the end of February each year. A suitably qualified ecologist shall submit in writing to the Local Planning Authority for approval a subsequent report setting out a review of the success or otherwise of the measures with a strategy for mitigation for following events based on the findings of the review. The subsequent mitigation strategy shall thereafter be implemented in advance of each event.

Reason: To mitigate any harm to wildlife, in accordance with the CE10 of the Winchester District Local Plan Review 2006, Policies CPI6 and CPI9 of the Winchester District Local Plan Joint Core Strategy 2013, NPPF and National Park Purposes.

5. No motocross event shall have a greater capacity than 30,000 people on the site at any one time. The total capacity of 30,000 people shall include ticket holders, participants, guests and staff.

Reason: To protect the amenities of the area and enjoyment of the South Downs National Park, in accordance with Policies DP4, DP11, CE5 and RT13 of the Winchester District Local Plan Review 2006, Policies CPI6 and CPI9 of the Winchester District Local Plan Joint Core Strategy 2013, NPPF and National Park Purposes.

## **11. Crime and Disorder Implications**

- 11.1 This application has been considered in light of crime and disorder implications and it is not considered that there any such implications which would not be covered in any event management plan which would be required as part of the approval.

## **12. Human Rights Implications**

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equality Act 2010**

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14. Proactive Working**

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of advice, numerous meetings and the opportunity to provide additional information in support of their application.

**Tim Slaney**  
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**South Downs National Park Authority**

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Appendices: 1. Site Location Map  
SDNPA Consultees: Legal Services.

Background Documents:

<http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O2EIRWTUN4900>

National Planning Policy Framework

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance

<http://planningguidance.planningportal.gov.uk/>

Defra: English National Parks and the Broads – UK Government Vision and Circular 2010.

<https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010>

SDNP Partnership Management Plan

<http://www.southdowns.gov.uk/wp-content/uploads/2015/01/SDNP-Partnership-Management-Plan-2014-19.pdf>

Winchester District Local Plan (First Review) (2006)

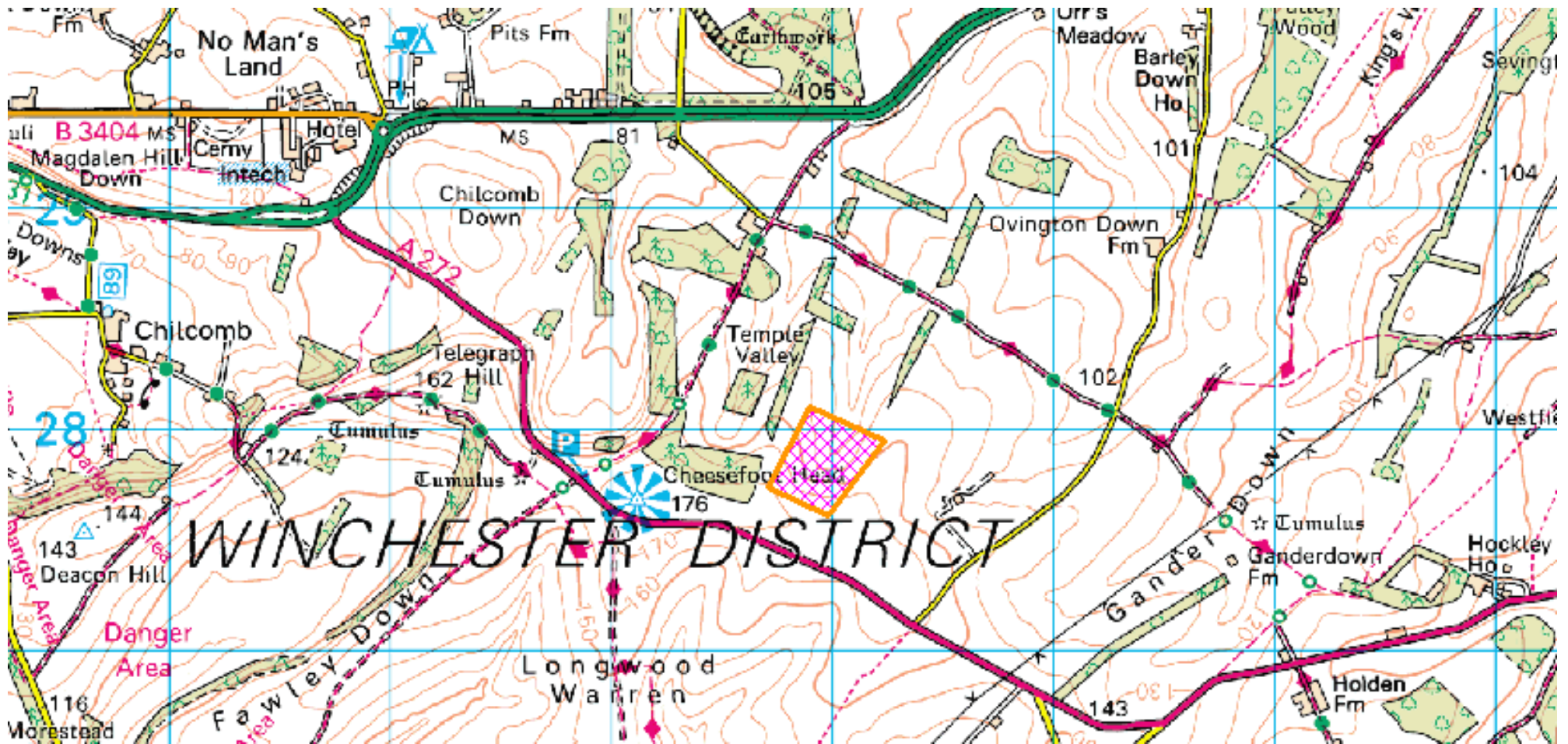
<http://www.winchester.gov.uk/planning-policy/local-plan-review-adopted-2006/saved-policies-loal-plan-review-adopted-2006/>

Winchester District Local Plan Joint Core Strategy (2013)

<http://www.winchester.gov.uk/planning-policy/local-plan-part-1/adoption/>

South Downs Local Plan Preferred Options

<https://www.southdowns.gov.uk/planning/planning-policy/national-park-local-plan/local-plan-preferred-options-public-consultation/>



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