

COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: Cherwell

Application No: 21/00517/F

Proposal: Creation of a motocross track and soft landscaping scheme and the change of use of agricultural land to hold moto-cross events including set-up, take down and private practice sessions, with associated camping site, for up to 65 days per year and agricultural grazing (retrospective)

Location: Land Used for Motorcross, Stratford Road A422, Wroxton

Response date: *30th March 2021*

This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

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General Information and Advice

Recommendations for approval contrary to OCC objection:

If within this response an OCC officer has raised an objection but the Local Planning Authority are still minded to recommend approval, OCC would be grateful for notification (via planningconsultations@oxfordshire.gov.uk) as to why material consideration outweigh OCC's objections, and to be given an opportunity to make further representations.

Outline applications and contributions

The anticipated number and type of dwellings and/or the floor space may be set by the developer at the time of application which is used to assess necessary mitigation. If not stated in the application, a policy compliant mix will be used. The number and type of dwellings used when assessing S106 planning obligations is set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by reserved matters approval/discharge of condition a matrix (if appropriate) will be applied to establish any increase in contributions payable. A further increase in contributions may result if there is a reserved matters approval changing the unit mix/floor space.

Where a S106/Planning Obligation is required:

- **Index Linked** – in order to maintain the real value of s106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Administration and Monitoring Fee - TBC**
This is an estimate of the amount required to cover the monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will be adjusted to take account of the number of obligations and the complexity of the S106 agreement.
- **OCC Legal Fees** The applicant will be required to pay OCC's legal fees in relation to legal agreements. Please note the fees apply whether a S106 agreement is completed or not.

Security of payment for deferred contributions - Applicants should be aware that an approved bond will be required to secure a payment where a S106 contribution is to be paid post implementation and

- the contribution amounts to 25% or more (including anticipated indexation) of the cost of the project it is towards and that project cost £7.5m or more;
- where aggregate contributions towards bus services exceeds £1m (including anticipated indexation).

A bond will also be required where a developer is direct delivering an item of infrastructure.

The County Infrastructure Funding Team can provide the full policy and advice, on request.

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Transport Schedule

Recommendation:

No objection subject to:

- **An obligation to enter into a S278** agreement as detailed below.
- **Planning Conditions** as detailed below.

Comments:

Access

It is recognised that motocross events have been taking place here for a number of years, so the principle of access to the highway is well established. I have not visited the site, but the Transport Statement contains photographs that provide a good record of the highway conditions.

The photo of the existing access seems to show a compacted but muddy surface leading off the carriageway. Given the size and quantity of vehicles that now use this access, OCC consider that the entrance must be formalised with a kerbed bellmouth junction and an asphalt surface up to the gates. This may be progressed using the 'shortform' S278 procedure which removes the need for legal involvement. A condition is requested to ensure the access improvement is made. The applicant should make contact with the OCC Road Agreements Team, <https://www.oxfordshire.gov.uk/residents/roads-and-transport/transport-policies-and-plans/section-38-and-section-278>

The applicant is also advised to contact the OCC Highway Records team so that the extent of the highway boundary may be established. If any part of the visibility splay falls outside of the highway boundary then the land will need to be dedicated as highway. <https://www.oxfordshire.gov.uk/contactus/contact-highway-records>

Traffic

It is understood that vehicles heading towards the site for a race event, and leaving at the end, can cause congestion on the connecting roads from/to the A422. As this does not specifically cause a road safety issue, and is relatively short-term in duration, it cannot be considered as a reason for objection. The number of movements generated will be capped by the space available for parking/camping. However, occurrences will

naturally increase with the number of race days changing from the 14 per year currently permitted to the 24 proposed.

Countryside and Public Rights of Way

Public footpath 339/18/10 follows the alignment of the western boundary, outside of the site. It is noted on the Landscaping Plan that a 'new mixed native species hedge' is proposed to be planted along this boundary. However, it is considered that a hedge on its own will be insufficient to prevent persons from crossing the boundary, in either direction, between the footpath and the racetrack site. A substantial fence needs to be installed behind the hedge – this does not have to be 'solid' but must be robust, i.e. more than livestock fencing. The fence should extend along the western and south-western boundaries of the site. It is recommended that either the Landscaping Plan is updated to show such a fence, or a suitable condition is applied.

An observation, that may have an impact on the countryside amenity, is that the toilet facilities appear to be inadequate for the site. The single toilet area consists of portable units which appear to be for the use of riders only as it is within the track. It is recommended that toilet/washroom blocks are placed within both the camping areas, to reduce the possibility of areas outside of the site, including the footpath, being used as an informal toilet. The control and clearance of litter needs to be managed to avoid it from being spread across the site and the surrounding countryside.

Standard measures for applications affecting public rights of way:

1. **Correct route of public rights of way:** Note that it is the responsibility of the developer to ensure that their application takes account of the legally recorded route and width of any public rights of way as recorded in the definitive map and statement. This may differ from the line walked on the ground. The Definitive Map and Statement is available online at <https://www.oxfordshire.gov.uk/residents/environment-and-planning/countryside/countryside-access/public-rights-way/public-rights-way-online>.
2. **Temporary obstructions.** No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place.
3. **Route alterations.** The development should be designed and implemented to fit in with the existing public rights of way network. No changes to the public right of way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Alterations to surface, signing or structures shall not be made without prior written permission by Oxfordshire County Council. Note that there are legal mechanisms to change PRow when it is essential to enable a development to take place. But these mechanisms have their own process and timescales and should be initiated as early as possible – usually through the local planning authority.

4. **Vehicle access (construction):** No construction / demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by Oxfordshire County Council.
5. **Vehicle access (Occupation):** No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior written permission and appropriate safety and surfacing measures approved by Oxfordshire County Council.
6. **Gates / right of way:** Any gates provided in association with the development shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

S278 Highway Works:

An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:

- The formation of a kerbed bellmouth junction where the site access road meets the unnamed public highway between Wroxton and Hornton

Notes:

This is usually secured by means of S106 restriction not to implement development (or occasionally other trigger point) until S278 agreement has been entered into. The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.

Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements.

S278 agreements include certain payments that apply to all S278 agreements however the S278 agreement may also include an additional payment(s) relating to specific works.

Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:

No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

Reason - In the interests of highway safety and to comply with government guidance contained within the National Planning Policy Framework.

Condition relating to the provision of a fence along the western and south-western boundaries.

Officer's Name: Roger Plater

Officer's Title: Transport Planner

Date: 25 March 2021

Application no: 21/00517/F

Location: Land Used for Motorcross, Stratford Road A422, Wroxton

Drainage

Recommendation:

Objection

Key issues:

LLFA appreciate the information provided on the Flood Risk Assessment. However, with the scale of site and it being greenfield, a detailed surface water management strategy must be submitted in accordance with the [Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire](#)

In line with this guidance, runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required. The proposed drainage should mimic the existing drainage regime of the site as much as possible.

As the site lies within high risk of groundwater vulnerability and includes car parking spaces, Water Quality standards must be met.

Proposed development needs a water quality assessment in accordance with Section 4 and Section 26 of SuDS Manual.

Proposed development must meet local standards, L19, "At least one surface feature should be deployed within the drainage system for water quality purposes, or more features for runoff which may contain higher levels of pollutants in accordance with the CIRIA SuDS Manual C753. Only if surface features are demonstrated as not viable, then approved proprietary engineered pollution control features such as vortex separators, serviceable/ replaceable filter screens, or pollution interceptors may be used"

Detailed comments:

The [Sustainable Drainage Systems \(SuDS\) Policy](#), which came into force on the 6th April 2015 requires the use of sustainable drainage systems to manage runoff on all applications relating to major development. As well as dealing with surface water runoff, they are required to provide water quality, biodiversity and amenity benefits in line with National Guidance. The [Sustainable Drainage Systems \(SuDS\) Policy](#) also implemented changes to the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2010](#) to make the Lead Local Flood Authority (LLFA) a statutory Consultee for Major Applications in relation to surface water drainage. This was implemented in place of the SuDS Approval Bodies (SAB's) proposed in Schedule 3 of the Flood and Water Management Act 2010.

All full and outline planning applications for Major Development must be submitted with a Surface Water Management Strategy. A site-specific Flood Risk Assessment (FRA) is also required for developments of 1 hectare or greater in Flood Zone 1; all developments in Flood Zones 2 and 3 or in an area within Flood Zone 1 notified as having critical drainage problems; and where development or a change of use to a more vulnerable class may be subject to other sources of flooding.

Further information on flood risk in Oxfordshire, which includes access to view the existing fluvial and surface water flood maps, can be found on the [Oxfordshire flood tool kit](#) website. The site also includes specific flood risk information for developers and Planners.

The [National Planning Policy Framework](#) (NPPF), which was updated in February 2019 provides specific principles on flood risk (Section 14, from page 45). [National Planning Practice Guidance](#) (NPPG) provides further advice to ensure new development will come forward in line with the NPPF.

Paragraph 155 states; *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”*

As stated in Paragraph 158 of the NPPF, we will expect a sequential approach to be used in areas known to be at risk now or in the future from any form of flooding.

The [Non-statutory technical Standards for sustainable drainage systems](#) were produced to provide initial principles to ensure developments provide SuDS in line with the NPPF and NPPG. Oxfordshire County Council have published the [“Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”](#) to assist developers in the design of all surface water drainage systems, and to support Local Planning Authorities in considering drainage proposals for new development in Oxfordshire. The guide sets out the standards that we apply in assessing all surface water drainage proposals to ensure they are in line with National legislation and guidance, as well as local requirements.

The SuDS philosophy and concepts within the Oxfordshire guidance are based upon and derived from the CIRIA [SuDS Manual \(C753\)](#), and we expect all development to come forward in line with these principles.

In line with the above guidance, surface water management must be considered from the beginning of the development planning process and throughout – influencing site layout and design. The proposed drainage solution should not be limited by the proposed site layout and design.

Wherever possible, runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required. The proposed drainage should mimic the existing drainage regime of the site. Therefore, we will expect existing drainage features on the site to be retained and they should be utilised and enhanced wherever possible.

Although we acknowledge it will be hard to determine all the detail of source control attenuation and conveyance features at concept stage, we will expect the Surface Water Management Strategy to set parameters for each parcel/phase to ensure these are included when these parcels/phases come forward. Space must be made for shallow conveyance features throughout the site and by also retaining existing drainage features and flood flow routes, this will ensure that the existing drainage regime is maintained, and flood risk can be managed appropriately.

By the end of the Concept Stage evaluation and initial design/investigations Flows and Volumes should be known. Therefore, we ask that the following Pro-Forma is completed and returned as soon as possible:

Officer's Name: Sujeenthan Jeevarangan

Officer's Title: LLFA Planning Engineer

Date: 30 March 2021
