

## Lynne Baldwin

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**From:** George Smith  
**Sent:** 24 June 2021 14:57  
**To:** DC Support  
**Subject:** FW: 21/00517/F - Wroxton MX

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**From:** Planning\_THM <Planning\_THM@environment-agency.gov.uk>  
**Sent:** 24 June 2021 12:20  
**To:** George Smith <George.Smith@Cherwell-DC.gov.uk>  
**Subject:** RE: 21/00517/F - Wroxton MX

Dear George,

My apologies for the delay in responding and this may be too late to be of any use. I asked one of our ecologists and they have said that it sounds like the applicant has put together a strategy for managing silt runoff as they mention settlement ponds. If the ponds and other systems look good enough, then the usual way is for a watching brief and taking action if there looks to be any sediment getting into the channel. No sediment should get to the channel – it doesn't matter if they believe the existing set up isn't as good as what they are proposing! If the allow sediment to get into the watercourse then it could be considered an environmental incident.

Our ecologist may be able to offer more advice if needed but strictly speaking this isn't something we would comment on under our statutory role.

Kind regards,

Sarah

### **Sarah Green**

Planning Advisor, Thames Sustainable Places Team  
**Environment Agency**, Red Kite House, Wallingford, OX10 8BD

[Planning\\_THM@environment-agency.gov.uk](mailto:Planning_THM@environment-agency.gov.uk)

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**From:** George Smith [<mailto:George.Smith@Cherwell-DC.gov.uk>]  
**Sent:** 01 June 2021 11:26  
**To:** Planning\_THM <[Planning\\_THM@environment-agency.gov.uk](mailto:Planning_THM@environment-agency.gov.uk)>  
**Subject:** FW: 21/00517/F - Wroxton MX

**FAO Sarah Green**

Hi Sarah

I hope you're keeping well.

As per our Ecologist's emails below, would you be able to advise on whether silt levels in a watercourse can be monitored?

Thanks a lot,  
George

**George Smith** MSc  
**Senior Planning Officer**  
Development Management  
Environment and Place Directorate  
Cherwell District Council  
Direct Line: 01295 221 899 | Ext: 1899  
Email: [George.Smith@Cherwell-DC.gov.uk](mailto:George.Smith@Cherwell-DC.gov.uk)

Website: [cherwell.gov.uk](http://cherwell.gov.uk)  
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**From:** Charlotte Watkins <[Charlotte.Watkins@Cherwell-DC.gov.uk](mailto:Charlotte.Watkins@Cherwell-DC.gov.uk)>  
**Sent:** 28 May 2021 23:23  
**To:** George Smith <[George.Smith@Cherwell-DC.gov.uk](mailto:George.Smith@Cherwell-DC.gov.uk)>  
**Subject:** RE: 21/00517/F - Wroxton MX

George

I am not sure on much of the below.

If they are happy to preclude external lighting then that is fine. I'm not sure how we could tell how many camper vans with lights on would be too many so I don't think internal lighting would be a reason alone to arbitrarily limit numbers of campers.

As regards run off into the water course and whether monitoring silt levels are possible maybe the environment agency would be best placed to advise on this? It is not an area I know a lot about and so I am not sure if monitoring is feasible.

I'm on leave next week but am around for a meeting the week after (7<sup>th</sup>).

Kind regards

Charlotte

**Dr Charlotte Watkins**

**Ecology Officer**

Tel: 01295 227912

Email: [Charlotte.Watkins@Cherwell-DC.gov.uk](mailto:Charlotte.Watkins@Cherwell-DC.gov.uk)

[www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**From:** George Smith <[George.Smith@Cherwell-DC.gov.uk](mailto:George.Smith@Cherwell-DC.gov.uk)>  
**Sent:** 27 May 2021 10:54  
**To:** Charlotte Watkins <[Charlotte.Watkins@Cherwell-DC.gov.uk](mailto:Charlotte.Watkins@Cherwell-DC.gov.uk)>  
**Cc:** Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>  
**Subject:** RE: 21/00517/F - Wroxton MX

Hi Charlotte

Sorry I appreciate I'm emailing you on a few things at the moment. I'm just wondering if you have had a chance to review matters below at all?

Would it be helpful to have a meeting about this, possibly next week?

Thanks a lot,  
George

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**From:** Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>  
**Sent:** 17 May 2021 17:52  
**To:** Charlotte Watkins <[Charlotte.Watkins@Cherwell-DC.gov.uk](mailto:Charlotte.Watkins@Cherwell-DC.gov.uk)>  
**Cc:** George Smith <[George.Smith@Cherwell-DC.gov.uk](mailto:George.Smith@Cherwell-DC.gov.uk)>  
**Subject:** FW: 21/00517/F - Wroxton MX  
**Importance:** High

Hi Charlotte,

Like buses... no emails from me to you for a while, and then two in a day!

We would be grateful for your thoughts on Mr Plant's responses to the subject topics for the proposed conditions, esp. re run off into the watercourse, FRA monitoring, and noise mitigation, and whether – in the absence of conditions – we should be looking at refusal on ecological grounds?

With regard to overnight camping use we would be grateful for your thoughts on whether restrictions on numbers might be an appropriate method to mitigate the impact from lighting at night, along with a maximum luminence from any one light source?

We look forward to hearing from you shortly - later this week if at all possible?

Kind regards,  
Nat

**Nathanael Stock MRTPI**  
**Team Leader – General Developments Planning Team**  
Development Management  
Environment and Place Directorate  
Cherwell District Council  
Direct Line: 01295 221886  
[www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**From:** Nathanael Stock  
**Sent:** 17 May 2021 17:47  
**To:** phil <[phil.plant@midwestplanning.co.uk](mailto:phil.plant@midwestplanning.co.uk)>  
**Cc:** George Smith <[George.Smith@Cherwell-DC.gov.uk](mailto:George.Smith@Cherwell-DC.gov.uk)>  
**Subject:** RE: 21/00517/F - Wroxton MX

Dear Mr Plant,

Thank you for your email re the above.

We note with interest your comments in relation to watercourse run off, FRA monitoring and noise mitigation.

We will need to consider these comments, and whether – if such conditions are not imposed – whether we should instead be recommending refusal of the application.

We will also discuss with Charlotte the concern re night time camping use. You make a very good point re lights inside camper vans and caravans, and it may be that we need to consider restrictions, say, on the number of caravans, etc. permissible overnight at the site.

Kind regards,  
Nat

**Nathanael Stock MRTPI**  
**Team Leader – General Developments Planning Team**  
Development Management  
Environment and Place Directorate  
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**From:** phil <[phil.plant@midwestplanning.co.uk](mailto:phil.plant@midwestplanning.co.uk)>  
**Sent:** 17 May 2021 17:03  
**To:** Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>  
**Subject:** RE: 21/00517/F - Wroxton MX

Dear Mr Stack,

With respect, I agree that conditions can be imposed to deal with some aspects, but not all. I have spoken with our ecologist and hydrologist about the information required and they both agree with me. I have commented on each bullet point below.

I refer to Circular 11/95: Use of conditions in planning permission. As a matter of policy, conditions should only be imposed where they satisfy all of the tests described in paragraphs 14-42. In brief, these explain that conditions should be

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;

- v. precise; and
- vi. reasonable in all other respects.

- Planning condition to ensure to prohibit run off into the watercourse This information is in the FRA submitted at Section 6. We do not know what additional information is required, and this is why I have asked for the draft wording of the condition. As it stands the wording does not make any sense. You can't prevent all run-off from a sloping field from entering the stream. Run-off from a pasture or arable field would be greater than from the track because of the terracing effects of the track and management of run-off through the ponds that trap any silt suspended in the water. This is therefore a better situation than farming. The proposed condition is not precise or reasonable in all other respects.
- Planning condition to require that the recommendations of the flood risk assessment are implemented Yes, Agreed.
- Planning condition to require a system to be put in place for monitoring this periodically, and to check for impacts further downstream. If monitoring is required ( and I am not sure it is, given the long history of the moto-cross track without issue in this regard) what precisely are we being asked to monitor? The necessary permits must be in place. This is more appropriately dealt with by way of an informative , if at all.
- Planning condition to preclude any external lighting. There is also the question of disturbance to bats and other nocturnal species from lighting, with a concern at night time with the camping use. There is no permanent external lighting, or formal temporary proposed on either the track or on the campsite. I don't think we can sensibly condition the use of lights inside camper vans and caravans. Brian Pounder will remove the small solar powered light from the toilets as well. A condition precluding external lighting is agreed.
- Planning condition to require significantly greater mitigation on site from the proposed and previous increased usage. The disturbance is at very high noise levels compared to any other noise which is experienced day to day. The Noise Impact Assessment submitted states that noise levels are below the LOAEL – the Lowest Observed Adverse Effect Level referenced in national planning policies. I am not sure that this condition is therefore reasonable?
- Planning condition to require the proposed hedgerow, but also to require additional planting. The proposed hedgerow is unlikely to be useful for nesting birds. There could be a conflict as it may be difficult to retain a meaningful buffer to the hedgerow. It would still be valuable in the proposed location for other species to move around the trackway, but additional planting would be needed elsewhere for birds. Agreed. We will provide an updated landscaping plan/scheme with more trees for nesting birds.
- Planning condition to require a landscaping scheme that will include habitat dedicated to wildlife as opposed to a multi-purpose use. The proposals need to show an overall net gain for biodiversity. There appears to be plenty of scope within the land ownership, so this could be conditioned if a suitable area is identified. Agreed. We will do this asap.
- Planning condition to require a full mitigation scheme to mitigate for loss of habitat to date and to protect GCN in the future from damage to their terrestrial and aquatic habitats and to avoid any harm to individuals. Agreed. We will do this asap.

I welcome your thoughts on the matter, and I am happy to discuss if required?

Kind regards,

Phil.

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**From:** Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>

**Sent:** 17 May 2021 14:52

**To:** phil <[phil.plant@midwestplanning.co.uk](mailto:phil.plant@midwestplanning.co.uk)>; George Smith <[George.Smith@Cherwell-DC.gov.uk](mailto:George.Smith@Cherwell-DC.gov.uk)>

**Subject:** RE: 21/00517/F - Wroxton MX

Dear Mr Plant,

Thank you for your email re the above.

The information we have given you is sufficient for you to proceed to commission the necessary ecology work.

The conditions will add little more than words like 'No development shall commence unless and until...' and 'the development shall not be carried out other than in accordance with' and provide a reason which will reference ESD10.

We would be grateful if you could clarify what you are expecting from the draft conditions that has not already been relayed below.

Kind regards,  
Nat

**Nathanael Stock MRTPI**  
**Team Leader – General Developments Planning Team**  
Development Management  
Environment and Place Directorate  
Cherwell District Council  
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**From:** phil <[phil.plant@midwestplanning.co.uk](mailto:phil.plant@midwestplanning.co.uk)>  
**Sent:** 17 May 2021 14:48  
**To:** George Smith <[George.Smith@Cherwell-DC.gov.uk](mailto:George.Smith@Cherwell-DC.gov.uk)>; Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>  
**Subject:** FW: 21/00517/F - Wroxton MX

Good afternoon George, Nat,

Further to my email of 1 May, I not I have not yet received your draft planning conditions concerning the additional information asked for by your Ecologist. I am very conscious that we are a week further on, and that you want our response to all queries by 3 June.

Obviously, any delay in determining the application is having a huge financial impact for Mr Pounder, the operator of the site, and for Sandra Kerwood, and therefore, if possible we would like to be able to respond to these queries very soon.

If you can let me have the draft conditions as soon as possible please.

Many thanks,

Phil.  
**Phil Plant BSc(Hons) MRICS**  
**Director Midwest Planning Ltd**

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**From:** phil <[phil.plant@midwestplanning.co.uk](mailto:phil.plant@midwestplanning.co.uk)>  
**Sent:** 10 May 2021 15:57  
**To:** 'George Smith' <[George.Smith@Cherwell-DC.gov.uk](mailto:George.Smith@Cherwell-DC.gov.uk)>  
**Cc:** 'Nathanael Stock' <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>  
**Subject:** RE: 21/00517/F - Wroxtton MX

Dear George,

Thank you for your email. I think that before we do more work, we should have the wording of the draft planning conditions so that we can ensure that we are addressing the issues raised properly.

Would it be possible for you to issue all of the relevant planning conditions in draft form please? We will then have something concrete to work from.

I am very conscious of the timescale for you to be able to deliver your draft report to your line manager and therefore would appreciate having these as soon as possible.

Many thanks,

Phil.

**Phil Plant BSc(Hons) MRICS**  
**Director Midwest Planning Ltd**

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Tel: -01952 276745  
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E-mail: - [phil.plant@midwestplanning.co.uk](mailto:phil.plant@midwestplanning.co.uk)  
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**Sent:** 10 May 2021 12:20  
**To:** phil <[phil.plant@midwestplanning.co.uk](mailto:phil.plant@midwestplanning.co.uk)>  
**Cc:** Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>  
**Subject:** RE: 21/00517/F - Wroxton MX

Dear Phil

Further to recent correspondence, I have discussed matters further with our Ecology Officer and she has confirmed that those additional matters raised could be dealt with by condition.

In our view, the requirements of such conditions must be met and mitigation measures implemented before the use continues and since – should we be minded to recommend approval and should planning committee be minded to grant permission – we are confident your client would want to recommence activity as soon as practicable, the following matters would be best resolved as soon as possible, ideally before the planning committee considers the application and if not then as soon as possible after that.

Of course, if planning committee decides to refuse the planning application, any work undertaken by that point and pursuant to the following requirements might be considered by your client to have been abortive action, though in the scenario that the planning committee refused the application and if your client decided to appeal any such refusal, undertaking those works would remain in their best interest as any decision maker e.g. planning inspector would expect the same or similar measures to be carried out anyway.

- Planning condition to ensure to prohibit run off into the watercourse
- Planning condition to require that the recommendations of the flood risk assessment are implemented
- Planning condition to require a system to be put in place for monitoring this periodically, and to check for impacts further downstream. The necessary permits must be in place.
- Planning condition to preclude any external lighting. There is also the question of disturbance to bats and other nocturnal species from lighting, with a concern at night time with the camping use.
- Planning condition to require significantly greater mitigation on site from the proposed and previous increased usage. The disturbance is at very high noise levels compared to any other noise which is experienced day to day.
- Planning condition to require the proposed hedgerow, but also to require additional planting. The proposed hedgerow is unlikely to be useful for nesting birds. There could be a conflict as it may be difficult to retain a meaningful buffer to the hedgerow. It would still be valuable in the proposed location for other species to move around the trackway, but additional planting would be needed elsewhere for birds.

- Planning condition to require a landscaping scheme that will include habitat dedicated to wildlife as opposed to a multi-purpose use. The proposals need to show an overall net gain for biodiversity. There appears to be plenty of scope within the land ownership, so this could be conditioned if a suitable area is identified.
- Planning condition to require a full mitigation scheme to mitigate for loss of habitat to date and to protect GCN in the future from damage to their terrestrial and aquatic habitats and to avoid any harm to individuals.

As noted above, and given the timescales involved, we consider it best that the information is submitted prior to a recommendation going before Planning Committee. Are you please able to advise how you wish to proceed on these matters?

Kind Regards,  
George

**George Smith MSc**  
**Senior Planning Officer**  
Development Management  
Environment and Place Directorate  
Cherwell District Council  
Direct Line: 01295 221 899 | Ext: 1899  
Email: [George.Smith@Cherwell-DC.gov.uk](mailto:George.Smith@Cherwell-DC.gov.uk)

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**From:** phil <[phil.plant@midwestplanning.co.uk](mailto:phil.plant@midwestplanning.co.uk)>  
**Sent:** 06 May 2021 09:35  
**To:** George Smith <[George.Smith@Cherwell-DC.gov.uk](mailto:George.Smith@Cherwell-DC.gov.uk)>  
**Cc:** Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>  
**Subject:** RE: 21/00517/F - Wroxton MX

Good morning George,

Yes, we are content to agree to the proposed extension of time. Hopefully we can address the request for more information requested satisfactorily during this time.

If your Ecologist has more ecological issues that she would like us to attend to please let me know as soon as possible.

Many thanks.

Kind regards,

Phil.

---

**From:** George Smith <[George.Smith@Cherwell-DC.gov.uk](mailto:George.Smith@Cherwell-DC.gov.uk)>  
**Sent:** 05 May 2021 15:44  
**To:** phil <[phil.plant@midwestplanning.co.uk](mailto:phil.plant@midwestplanning.co.uk)>  
**Cc:** Nathanael Stock <[Nathanael.Stock@Cherwell-DC.gov.uk](mailto:Nathanael.Stock@Cherwell-DC.gov.uk)>  
**Subject:** 21/00517/F - Wroxton MX

Dear Mr Plant

I hope you are well.

As per our discussions, please can you confirm agreement to an extension of time until 22<sup>nd</sup> June 2021?

For your information, our Ecologist has provided further clarification of other ecological issues. We are seeking advice from her as to whether these can be conditioned or whether this requires further action on your part. I will update you on this as soon as I am able.

Kind Regards,  
George

**George Smith** MSc  
**Senior Planning Officer**  
Development Management  
Environment and Place Directorate  
Cherwell District Council  
Direct Line: 01295 221 899 | Ext: 1899  
Email: [George.Smith@Cherwell-DC.gov.uk](mailto:George.Smith@Cherwell-DC.gov.uk)

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**Coronavirus (COVID-19):** In response to the latest Government guidance and until further notice, the Planning Service has been set up to work remotely, from home. Customers are asked not to come to Bodicote House but

instead to phone or email the Planning Service on 01295 227006: [planning@cherwell-dc.gov.uk](mailto:planning@cherwell-dc.gov.uk). For the latest information about how the Planning Service is impacted by COVID-19, please check the website: [www.cherwell-dc.gov.uk](http://www.cherwell-dc.gov.uk).

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