

Walnut Bank
Bell Street
Hornton
Oxon

30/8/20

Re: 20/02126/CLUE - "Unauthorised change of use of land from agricultural to motorsport with significant intensification over recent years and erection of timber fence"

Dear Mr Smith, Further to my previous correspondence last year with Mr Guest, which I have already forwarded to you, I would like to add further comments having read the supporting documents provided in the LDC application regarding the Wroxton motocross track.

My note is lengthy and detailed and I trust it will be given due time and consideration as part of the LDC application, which has far-reaching implications for the community and value of the Hornton Conservation Area.

I would like to state that I am not seeking the closure of the motocross site but I would like to see the site and its use returned to the size and scale that prevailed pre 2010 when it was used for primarily small local events with significantly less impact on residents in the neighbouring parishes of Hornton and Wroxton and Balscote.

Site Development

The development of the site over the last 10 years has not, as stated in Mr Pounder's declaration supporting the LDC application, been limited to "...a small number of changes and improvements...".

This is evidenced in the small and blurred pictures in Exhibit SK2, for which higher resolution images are readily available to access online via Google Earth Pro and Bing Maps, where it can be clearly seen by the lack of grass showing the 2019 image compared to the 2004 and 2009 images, that the density of track within the original area has increased significantly.

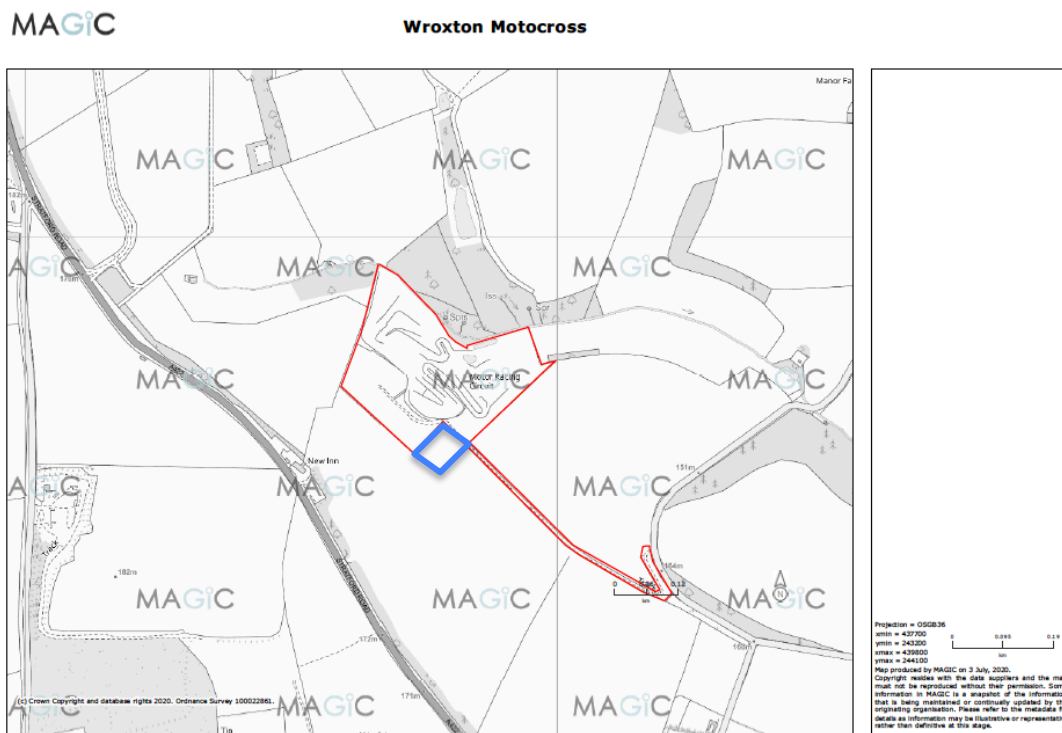
Furthermore, the boundaries on the SE and SW edges of the site where vehicles are parked have both been extended, and as noted in the LDC title, a new wooden fence erected, images 2013 and 2014 in SK2.

What cannot be seen from these images is that the topography of the site has also changed and the improvements made in the last 12-18 months, have increased the height of some of the jumps. There are plenty of YouTube videos that demonstrate this. Earth moving vehicles have been witnessed working at the site and large loads of material being delivered there.

This extension of the site space continues unchecked and, I believe, unapproved.

At the event 21-23rd August 2020 the area I have shown in blue on the diagram taken from the LDC application was annexed and 58 vehicles, of the circa 311 on site that weekend, were parked in this area.

Inspection of the images in SK2 dated 2016 and 2019 show that in 2016 this area was used for arable farming and by 2019 had been given over to race track parking; vehicle movement wear lines are clearly visible, particularly on the higher resolution images available.



Site Use and Cherwell District Council's management of this

Mr Pounder's submission BP1 sets out a record over the last 12 years referring to in excess of 20 meetings per year since 2017.

Let me just explain what that actually means on a now typical weekend:

- 250 to 300 large vehicles arrive on the site on Friday afternoon and from early Saturday morning. These are not Ford Transit scale vehicles but many are large motorhomes up to 31ft long and 7.5ft wide, all making their way from the A422 along the Wroxton Heath Road, an already badly worn and maintained road, to the site entrance. Being one of only two access roads to Hornton and to the residents of the Heath Road, this inevitably causes hold-ups with the grass verges often turned into quagmires and the road surface being further punished.
- Racing starts at 09:00 on Saturday, with engine noise audible from 8:30, and continues until at least 18:00. The way the meetings are managed is that a group of around 40 riders will be racing and the next group will be corralled into the holding area so that the next race can start as soon as the track is clear. The racing and noise is, therefore, relentless.
- Sunday – see Saturday above! Albeit there is usually an earlier finish. 250-300 vehicles now depart the site and the road to the A422 becomes all but impassable until they have all left and other road users have to negotiate the often-muddied road until the next rainfall.

Now repeat that for 20 or more meetings a year, which take place mainly in the spring and summer months, when we should be able to enjoy our homes and gardens in peace!

I was surprised to learn from the LDC application that, in December 2018, Mr Bilkhu, Environmental Protection Officer for CDC, had meetings and discussions with representatives of the site owner and operator and that a conclusion was drawn at that time.

In the LDC Application pg 3, Background, section 2.3 it states “In 2018 Cherwell District Council (“the Council”) undertook enforcement investigations into the use of the Site. These investigations left the Council satisfied that no enforcement action against the use of the Site could be taken.”

This is not correct and is presented as fact at the opening of the application and, I feel, is an attempt to imply that this has all been investigated before and there is no case to answer.

The “attendance note” dated 11 December 2018, pg41 of the application, actually notes:

1. In point 3: “Currently Planning Enforcement have no open investigation in to the use of the land for moto cross.”
2. In Point 5: “AB was keen to stress that documents had been provided to Mr Pounder as guidance only and not as a prescriptive course of action, but emphasised that further complaints (if any made) would lead to further investigations and the re-opening of enforcement files.”
3. In point 7: “...and that currently there are no issues under any, but that the council has a duty to investigate and cannot be held to this position in the event that the situation around the site changes (either through development, or environmental/personality changes). New investigations may lead to new outcomes, especially if use has intensified or changed...”

My interpretation of this is far from that this was all done and dusted in 2018 but rather the Council gave a very clear message that this was a statement that was true at that time and that further changes or developments at the site may lead to new investigations and new outcomes.

As I have already set out, the site owner and operator have continued to develop the site since then in blatant disregard of the Council’s warnings.

Further, the email dated 14 Dec 2019 from Mr Bilkhu clearly states that Mr Pounder was given advice and literature regarding noise control and notification that further complaints would be investigated.

A specific question regarding 20/02126/CLUE on the CDC planning portal:

Why were there only two neighbours originally listed in the application when there are clearly others in the Wroxton and Balcote parish who live in clear view of the site and the Council had already received representation from Hornton PC and individual residents?

Perhaps this oversight can be rectified and other “neighbours” are informed in writing of the planning process underway.

Declarations

- Mrs Kerwood's declaration states that she inherited the land from her father in 2008 (hand corrected from typed 2011). The copy of the title document, Exhibit SK1, clearly records in section B that the title passed on 25/03/2011.

Section C point 2 (ii) of the same document also records a covenant stating, "not to use the Property other than as agricultural property".

- I and my neighbours cannot recall ever seeing sheep being grazed on the track when not in use as stated in Mrs Kerwood's declaration. There is certainly no evidence of such on the ground and very little grass anyway!
- Mr Pounder's declares in his statement that he is the "only" operator of the site. This is in contradiction to Mrs Kerwood's statement that describes him as the "primary" operator of the site. I understand that the meetings held at the site during the current Covid-19 restrictions period were not run by Mr Pounder's Banbury Motocross Club as the governing body ORPA are not issuing permits until September due to the restrictions.

This must call into question who was the site operator for these events and what controls were in place during the current pandemic restrictions.

Please also note that according to www.goracemx.com two further meetings are scheduled to take place in October that do not appear to be Banbury Motocross Club meetings.

I trust the relevant local authority departments will be in attendance to ensure all required risk assessments and track and trace measures are in place and being adhered to for a meeting of up to 1000 people?

The outcome of this LDC application is important to the value of our lives, our homes, the community, the environment and the sanctity of the Conservation Area.

Please, I urge the Council to give the all the representations made regarding the LDC application - and 2018-2020 representations regarding noise and planning enforcement - the appropriate time and not rush to a simple resolution of "let it be".

To paraphrase Mrs Kerwood's/Mr Quartermain's closing remark;

I therefore respectfully request that this CLEUD is NOT granted in the terms requested.

Pete Lemon