

Hornton Grounds,  
Hornton,  
Banbury,  
Oxfordshire.  
OX15 6HH.

17<sup>th</sup> September 2020.

<https://planningregister.cherwell.gov.uk/Plannig/Display/20/02126/CLUE>

<https://www.cherwell.gov.uk/info/115/planning/443/see-or-comment-on-a-planning-application>

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By e mail (WeTransfer) and planning portal.

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**This letter is also accompanied by 10 images / photographs to illustrate the text. These are listed as follows, Two Tankers, Tanker 1300, Tanker 1600, Small impoundment 1, Small impoundment 2, Larger impoundment 3, Rocks 1, Rocks 2, Rocks 3, Rocks 4.**

**For context this letter is accompanied by my letter of 29<sup>th</sup> August.**

Re. Wroxton Motocross Track Lawful Development Certificate application, ref: 20/02126/CLUE

"Unauthorised change of use of land from agricultural to motorsport with significant intensification over recent years and erection of timber fence"

Lawfulness of water abstraction and lawfulness of construction of water impoundments - licence evidence required.

Dear Sir,

I wrote to the planning department on 29<sup>th</sup> August and in part of my letter I asked that it be noted there was abstraction of water by the operators of Wroxton Motorcross Track from the nearby stream. I have since considered this further.

Taking my lead from a document published by The Environment Agency, *A Guide to Getting Your Licence*, I now require you to furnish me with evidence that the operators of the Wroxton Motorcross Track have the requisite licences.

Two will be required, firstly to construct impoundments for the storage of water and secondly, to abstract water in excess of 20 cubic metres per day. (approx 4,400 gallons) I attach three images of their two tankers which seem to be permanently kept on the track site, though others are also used. (**Images of the tankers are named Two tankers, Tanker 1300 and Tanker 1600.**) They are utilised to wet the track to suppress the dust. This permits not only safe racing because of the improved visibility of all those present but also the air quality for breathing.

I have witnessed tankers being used for most of the day prior to racing in dry weather and often in the morning prior to races starting. This requires many refills being taken to cover the track with sufficient water. Of the two tankers shown, the larger tanker (**Tanker 1600**) would need only be filled three times to exceed the daily allowance and the necessity of a license is triggered. They have abstracted water every year I have lived here, since 2009.

It is clear that a licence to abstract water is required.

They have built two impoundments to hold water back for their use. Both need a licence. I enclose images of both. (**Small impoundment 1, Small impoundment 2 and Larger impoundment 3**) The first and smaller of the two has been constructed by creation of a small dam. The overflow occasionally erodes the bank. The second larger impoundment has been created by excavation of a pit and diversion of the stream to fill it. The water overflows back into the stream bed and continues on to the River Cherwell. The small impoundment has been in place for the time I have lived here, since 2009. I do not know when the larger impoundment was created.

It is clear that a licence to construct both impoundments is required.

Please note that the bed of the stream makes the boundary between the properties and I know there has been no permission sought or granted to divert the stream and effectively move the boundary line. Has Mrs S. Kerwood, who owns the track site, given her permission for this boundary deviation?

During my observations I was shocked at the level of quarrying that has taken place at the eastern edge of the track. I witnessed work in the spring of 2020 but had not appreciated the size of rocks and stones removed and pushed over to one side of the track. Who takes responsibility for ensuring that the earthworks which have taken place have been made to a standard which is safe in construction and design. Some of these rocks are the size of a small refrigerator. All this can be observed from my side of the boundary stream though I crossed the boundary to take the images of rocks. I enclose these four images. (**See pictures Rocks 1, 2, 3 and 4.**) Image 'Rocks 3' also shows my small border terrier dog which gives you some idea of the size of the rocks pushed over to one side of the track this spring of 2020. None of these earth works can be seen from a public place. With

that final point in mind I would expect you to make an immediate site visit to make your own observations.

I look forward to your urgent reply.

Yours sincerely,

G.J.L. Vint. Hornton Grounds.

Hornton Grounds,  
Hornton,  
Banbury,  
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29<sup>th</sup> August 2020.

**TO ACCOMPANY MY LETTER OF 17<sup>th</sup> SEPTEMBER FOR INFORMATION and CONTEXT**

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OX15 4AA

By e mail and via planning portal.

Re Wroxton Heath Motocross Race Track.

Dear Sir,

We feel we must write to you in the strongest terms regarding the motocross track to the southern boundary of our farmland less than half a mile from the house. What was tolerable has become unreasonable and intolerable.

We are lifetime farmers of cattle, pigs and sheep and we moved to farm and live here in 2009. In our pre purchase searches we learned that the track was of a locally used nature and with a permission to operate ten to twelve race days per calendar year. During our early years of occupation of our home this seemed to be the case with racing not starting until after the clocks went forwards to BST in March and finishing with a large gathering over the October half term weekend. There was no racing after the clocks went back to GMT for the winter months.

Over the past few years the use of the track has grown considerably to more than double up to 24 racing days in 2019. The pre-Covid plan for 2020 was for 26 racing days. In both these years racing was scheduled to be started in February and ending in November. We now have to suffer more than double the racing days and two extra months have been blighted.

We have three immediate issues with the application. Firstly, the submitted list of dates from 2009 shown on the application. There may have been 14 racing days in 2009. There were not 19, 21 and 20 racing days in the following three years. This would have caused comment from all quarters. There was an incremental increase in racing days about three to four years ago with last year topping out at 24 racing days over 19 weekends.

Our second issue with the application is the comment that is it primarily agricultural land. It may still be classed as agricultural land but the primary use is as a motorcross race track and has been so for many years. Sheep are turned over it in the winter months and may find some minimal grazing on the camping / car park area. I refer you to the submitted aerial photographs and ask you to observe the minimal green grazing area on the race track area. Two months sheep and no motorcycles do not make the next ten months 'primarily agricultural'.

Thirdly the application suggests that the footprint of the area occupied by the track and car park / camping area has not changed. In the past few years I have witnessed car / caravan parking on the field area directly below The Indian Queen restaurant. Before this time it was arable cropping but it has not been actively used for growing crops in the past two or three years. It is to the north east of The Indian Queen. (Shown on the applicants maps as The New Inn) . This is an extension of the footprint, reflecting the intensification of the site and it's usage.

The resulting noise pollution has a serious and detrimental effect on our business and our quality of life. We are firstly denied the quiet enjoyment of our own home for many weekends over ten months of the year. Our horse livery business has lost clients and thereby income with the owners being disturbed by the noise and the horses being stressed and anxious on racing days. The horses are particularly upset by the caravan site, the movement of racing bikes and brightly coloured flags, loud public address system and the persistent noises during the race. Our B&B business clients have asked us how we can live with it and some have asked when booking if there is racing on their chosen weekend not wishing to be disturbed during their stay with us. Our guests have also been disturbed with the loud public address system and requested windows to be closed to reduce the sound of the announcements. In addition we have witnessed much distress and upset in many of our neighbours in the village of Hornton whom are also blighted by the excessive use of this track.

There is other disturbance. There is trespass from the track onto the farm by those not taking part with some damage having been caused to woodland trees and breakage of oars on a boat for the lake. There are competitors or spectators not finding the track and driving up the private drive to our home or to turn about in the farm yard. There is also racing of

ATV's (all terrain vehicles) rather than motorcycles. These are even more noisy than the motorcycles.

There has been more than one occasion when the Air Ambulance helicopter has had to set down in our grassland fields, there being no space in their car park or their arable fields of wheat or barley being unsuitable to set down an emergency helicopter. No damage was caused and this is a necessary emergency operation but space ought to be provided on the track site rather than rely on our grazing land.

Note also that there is abstraction of water from the stream from a small pond created by a small dam which has been enlarged. This water is used to spray over the track prior to racing to reduce or prevent dust and enable safe racing. We have had to make contact with the organisers due to the enlargement of the reservoir eroding our boundary bank. This being one of the two boundaries the track has with us.

There then remains the noise and activity of prerace preparation days and postrace clear up days and track maintenance and more recently, course enlargement. All this being completed by caterpillar tracked earth movers and small dumper trucks with the inevitable engine noises, clattering tracks, bangs and reversing beepers often for several days. This has all intensified in recent years and generally they have not been the claimed 'small changes'.

Where and how are you demonstrating your duty of care to the residents of the area in your lack of response to their flouting of the 14/28 day rules? Why should we support the council when you will not support us? To permit it's continuance simply because you have failed to enforce the regulations is an insult to the law abiding and council tax paying majority. It makes us question the vigilance of our district council.

We shall finish as we started. What was a local bike track with a tolerable number of racing days per summer has become, in the last four years or so, an intolerable and unacceptable semi permanent racing site. We require that enforcement is applied to return the use of the track to its tolerable 10 to 12 racing days per summer season with no additional practice sessions.

Yours faithfully,

G.J.L. Vint & C.J.T. Vint.  
Hornton Grounds.

Encl Attached photographs showing extra width of track created from 2009 to 2020.