



OBJECTION STATEMENT to a Planning Application Reference 21/00517/F
for the Banbury MX Club and Motocross Scrambling Site at Wroxton, Oxfordshire

Submitted to Cherwell District Council on behalf of Hornton Parish Council

APRIL 2021

**HORNTON PARISH COUNCIL PLANNING OBJECTION RESPONSE TO CHERWELL DISTRICT COUNCIL
APPLICATION REFERENCE 21/00517/F – WROXTON MOTOCROSS TRACK**

I. SUMMARY AND CONCLUSIONS

- I.1 The development to which this objection relates is the **“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)”**.
- I.2 Attached to this Objection Statement are:
- i) The Parish Council detailed Response Information to this current application
 - ii) The September 2020 LDC objection submitted on behalf of Hornton Parish Council (HPC)
 - iii) Appendix reports to the LDC objection
 - iv) Clarke Saunders Acoustics Report on behalf of HPC.
- I.3 From the submitted application it is clear that planning permission is being sought (retrospectively) for:
- a. The engineering and building operations to “create” the race-track and its ancillary spaces (parking and administrative areas) and on-site structures.
 - b. The change of use of the land.
- I.4 The Planning Statement that supports this application promotes the proposed development as a farm diversification scheme (#2.8). It also contends for a conditional permission for “for race meetings for up to 24 days per year” (#2.9, 3.1, 3.7, 6.3, 6.10). This is plainly inconsistent with the 65 days in the description of the development on the face of the application form. The Planning Statement at #6.10 concludes:
- “that the operation of the motocross track site for 24 days of race events plus time for setting up and dismantling, with additional private practice days is in accordance with National and Local Planning Policy objectives. The use of the site and environmental enhancement measures can be controlled by the use of appropriate planning condition if deemed necessary by the Local Planning Authority.”
- I.5 It would therefore appear that in respect of the use of the land, the applicant seeks planning permission:
- a. Subject to a condition that restricts racing days to 24 in a calendar year, together with
 - b. For an unspecified number of days for setting up and dismantling the course and surrounding support space, and
 - c. An unspecified number of “private practice days” days, but

- d. The total number of racing days (24 – see above), setting up/dismantling days, and private practice days will not exceed 65 days.
 - e. This is subject to other unspecified conditions that the applicant contends will make the development acceptable in terms of environmental and social amenities. However:
 - i. The submitted Landscaping Scheme report and plan seems to suggest a landscaping condition.
 - ii. The submitted Noise Impact Assessment concludes that the operator should “continue to mitigate noise as much as is reasonably possible” by following a Code of Practice – it is not known whether it is proposed to achieve this by the imposition of a condition.
 - iii. The submitted Noise Impact Assessment makes assumptions as to the minimum standards of motorcycles in terms of noise generation and hours of use - it is not known whether it is proposed to replicate these in a condition. Further, the assessment was based on observations at a practice day and has other deficiencies – all as set out in the Clarke Saunders Acoustics Report.
 - iv. The submitted Transport Statement makes no recommendations about the design of an appropriate site access from the public highway.
 - v. The submitted ecological assessment makes recommendations on preventing environmental damage and enhancement - it is not known whether it is proposed to achieve these by the imposition of conditions. Further, on its face the assessment is incomplete.
 - vi. The Flood Risk Assessment makes recommendations which would need to be delivered by conditions.
 - 1.6 The Planning Statement also notes the recent LDC application and its withdrawal (#3.3). It also notes the lawful temporary use of land for 14 days racing a year (#3.5). No other lawful use for racing has been established on the land. The only ‘fall back’ use established as a material consideration is that under the GPDO for temporary use.
 - 1.7 In any event, there is no ‘fall-back’ in respect of the **engineering operations** carried out on the site for which retrospective planning permission is now sought. The application does not appear to grapple with the fact that the temporary use of land for racing under the GPDO does not permit engineering operations to enable or facilitate the use. The temporary use of the land permitted is just that – the use of land in its lawful condition for a limited number of days. The report from the Parish Council that was submitted in the abandoned LDC application shows that it is the earthworks that enables the intensity of the use to be increased with unacceptable consequences. (PC Report and Appendices are attached to this Statement.)
 - 1.8 The ‘red line’ of the application site plainly does not include all the land that has been used and is necessary to accommodate parking and camping for the use applied for. The racing events draw bigger crowds than can be accommodated within the application site, as set out in the HPC Detailed Response.
 - 1.9 The Planning Statement in section 4 describes the national and local planning policy framework and then, in section 5, analyses the proposed development in policy terms. It is a wholly inadequate assessment.
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- 1.10 **First**, it does not engage properly or at all with the countryside location. There is no proper assessment of the baseline (prior to engineering operations) nor the landscape character and visual impact of the development. It is plain that the development is contrary to local and national policy in this regard.
- 1.11 **Second**, the assumption is made that there is a 'need' for this type of facility. It is plain that the application far exceeds what is needed for a local club. What has developed here is a national (nearly international) facility; CDC's Recreation and Leisure response to the application has noted "a lack of supporting evidence as to whether the proposed increased usage of the site addresses existing deficiencies in provision" – this stated in relation to the requirement for meeting "local needs".
- 1.12 **Third**, it is assumed that there will be local economic benefits from this development, but there is no proper analysis or quantification of these benefits to enable them to be weighed properly in the planning balance. There is no evidence to show that the diversification scheme is "essential" (#6.4).
- 1.13 **Fourth**, it is averred that the development is needed as a farm diversification scheme without any evidence or analysis of the need for it or the consequences for the future viability of the agricultural unit if permission is refused.
- 1.14 **Fifth**, it appears to give great weight to the merits of the enjoyment / amenity of the visitors to the area to participate or spectate the motorcross events without recognising the adverse impacts on the host community. The claim that there have been "no sustained complaints about noise or other nuisance issues" (#6.9) is plainly wrong and insulting.
- 1.15 **Sixth**, the conclusion that "the development accords with the Cherwell Local Plan" (#5.14) is absurd not least because it was carried out in the absence of a proper Landscape and Visual Assessment (#5.18).
- 1.16 **This application is plainly contrary to the development plan, and no material considerations have been identified to justify the grant of permission sought.**
- 1.17 **Motocross racing use should be restricted to that permitted by the GPDO. The site should be restored to its previous physical condition. This application should be refused. Appropriate enforcement action should follow at once.**

2. INTRODUCTION AND BACKGROUND INFORMATION

- 2.1 In September 2020, on behalf of Hornton Parish Council, an Objection Statement was submitted to the Lawful Development Certificate application by Mrs S Kerwood for the Banbury MX Club and Motocross Scrambling Site at Wroxton, Oxfordshire (Application Reference 20/02126/CLUE). In the event, that application was withdrawn because the applicant was informed that the application would have been refused.
 - 2.2 **A copy of the September 2020 Parish Objection Statement** and the attached eight appendices are included at the end of this Objection Statement – by way of both background information and as cross-referenced within the objection text.
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- 2.3 **The second attachment is the extremely comprehensive Hornton Parish Council detailed Response to this current application** – and which document has many illustrations and annotated photographs to which reference is made.
- 2.4 Members of the Parish Council also feel that many of the principles which led to the Planning Committee refusing a nearby Fuel Depot application (Reference 20/02453/F) also apply to this Wroxton MX Track application.
- 2.5 **At the time of the submitted Lawful Development Certificate application**, HPC concluded the following:
- i) The LDC application was insufficiently detailed or precise for the grant of a Certificate.
 - ii) The Applicant's case was based more on unsubstantiated assertion than factual evidence.
 - iii) The HPC objection was substantiated by detailed research and analysis which has confirmed:
 - No continuous use over the required ten year period
 - No evidence for the claimed number of race meets
 - A material change of use has taken place at the MX track with significant changes both to the track and camping areas, including significant, unauthorised engineering/earthworks within the period 2016-2020. Such unauthorised works have formed a fundamental part of the intensified use of the MX site, resulting in radically increased noise disturbance to the village community of Hornton and other nearby properties. The whole character of the land use has changed materially.
- 2.6 The same points of objection still apply today, even with the additional information and reports that have been submitted on behalf of the MX Track but with those reports being considered incomplete or flawed.
- 2.7 As is readily seen from the drone photographs, attached to the covering letter for this objection, this application is not about a local club facility using the site for just 14 days a year under permitted development, but has now become a permanent and major motor sports venue that has all been developed with:
- i) Complete disregard to the 14/28 day rule for permitted development
 - ii) Extensive site works undertaken without any planning application being submitted
 - iii) Still failing to provide full reports or substantiated documents to support the claims made about a number of factual matters, including:
 - The claimed number of race meets over the last 10 years
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- An expansion of the site area in use – whether that be on the scramble track itself, site area for spectators or the overnight camping
- No 10 year continuous use period as claimed – as due to the Covid-19 lockdown there has been a cessation of actual use and which interruption has been sufficient to break the required period of continuous use
- From expansion and intensification of the race track and camping land the whole character of the application site has changed significantly (see attached photographs 1-4)

2.8 The increase in type and scale of events between 2010 and 2020 has significantly changed the character of the site and its use, particularly as related to events at the track:

- i) Attract more riders
- ii) Attract more spectators
- iii) Attract riders and spectators from a very wide area (national and international) who stay at the site both before, during and after race meetings.

2.9 These events require more “set-up”, stewarding/marshalling and clear-up days. The events generate far more noise and disruption – especially with the use of larger bikes including noisier, four-stroke engines.

2.10 HPC evidence has confirmed the intensification of use and the radically increased impacts of noise and disturbance on residential amenity – all as evidenced by the increase in complaints from 2019 onwards resulting from the intensification of use and noise impacts between 2017-2019.

3. APPLICANT’S CLAIMS ABOUT THE TRACK AND SITE

3.1 Whilst very clear evidence was submitted on behalf of HPC to the Lawful Development Certificate application – that the site area and track length/width have both grown in recent years, the applicant still implies a much greater period of permanence for both the track and site, as it exists today. For example, on 20th July 2020 Mrs Kerwood sent an email to HPC saying:

“You will be aware that the Motocross Track has been a permanent fixture on this land for nearly forty years”.

3.2 Similarly the Thrings submission for the withdrawn Lawful Development Certificate stated:

“...we have shown that the track is permanently laid out and has been for in excess of 20 years”.

- 3.3 In direct contrast to these statements **Appendices A and B to the HPC Objection Statement of September 2020** show how both the number of race meetings at Wroxton has grown in recent years, as has the size of the track.
- 3.4 **In summary the Air Photo Services Ltd report by Christine Cox proved that between 2012 and 2020:**
- i) The racing track had been lengthened by over 500metres (33%)**
 - ii) The area of the track and all associated bare earth features had increased by over 1,500m²**
 - iii) Separate evidence also showed that the average width of the track had increased between 2009/10 to 2020 from 11.08m to 12.15m.**
4. **KEY FLAWS AND ERRORS IN THE REPORTS ACCOMPANYING THE APPLICATION – CONTENT AND METHODOLOGY**
- 4.1 **As summarised on page 4 of the HPC response** – and then detailed within the fuller document, the following failings of the application mean that it has not at all been substantiated or justified:
- i) Sub-optimal timing of studies rendering them invalid – eg. noise, transport and ecology
 - ii) Fundamental contradictions eg. employee numbers, whether commercial, flood risk, participant numbers and agricultural land usage
 - iii) Numerous important factual errors
 - iv) Liberal use of wholly inappropriate adjectives – eg. “small” used to describe the vast earthworks
 - v) Cut and pastes from totally unrelated agent reports
 - vi) Clear lack of local knowledge – eg. of local consumer businesses
 - vii) Lack of expertise in motorsports
 - viii) Reliance on applicants' statements and claims, repeated without substantiation
 - ix) Further statements made as if facts but without corroboration – eg. benefits to local trade
 - x) Lack of contemporaneous evidence – eg. as to claims of when track works were carried out
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- xi) Ignoring of objection history – eg. the entire body of LDC objection evidence and letters
- xii) Ignoring of dubious permanent features – eg. open-top incinerators, litter debris
- xiii) Fanciful notions – eg. reference to a proposed wildflower meadow to be sited in a camping car park

5. APPLICATION FORM: INCOMPLETE OR MISLEADING INFORMATION

- 5.1 Within the 2020 application for Lawful Development Certificate the number of proposed race meetings was stated as up to 24 days a year. Now, the proposed number of total days is stated to be 65, including set-up and clear-up days and “unlimited practice days”. The proposed 65 days, however, would not cover the number of race meetings days stated in the LDC application and it is not sufficiently specific to propose 65 days use without specifying the number of race days. But, in any case, such a proposal is considered completely unacceptable.
- 5.2 Also as noted at **Section 5** of the application form, the applicant has answered “no” to the question – has the work or change of use been completed? In other words the application is not comprehensive.
- 5.3 At **Section 8** the applicant answers “no” to the question as to whether there are any public rights of way within or adjacent to the site. This negative answer is incorrect.
- 5.4 Similar inaccuracies or misleading statements relate to the following matters summarised on the numbered pages within the HPC response.

Vehicle Parking: stated to be 260 cars – but this is not correct given the greater number of around 300 vehicles – mostly motorhomes or trailers that have attended events in 2020, **including use of a field area beyond the application site boundary.**

Assessment of Flood Risk: in answering the question yes – that the proposal would increase the risk of flood risk assessment it should be noted that Cherwell District Council’s Building Control Manager, Tony Brummell has already identified that works to the on-site watercourse have been undertaken without the necessary consents (as detailed below).

Waste and on-site Collection: photographs within the HPC response at pages 13-17 show what has actually occurred on site.

Hours of Opening: the applicant says this is not relevant to the proposal but published guidance for motor sports events in the countryside indicates that there should be a limit on hours of racing. So the applicant’s negative answer for this shows a complete disregard for the Good Practice Guidelines for such events.

MLA Conclusions on Application Form: given the number of misleading or inaccurate statements/answers to questions within the application form, HPC conclude that the application is so misleading as to be inappropriate for consideration, let alone approval.

6. LETTERS OF SUPPORT

6.1 As noted in the HPC response, the letters come from as far afield as Kent and South Wales, ie. they are not Banbury MX Club Members. This again confirms that the site is no longer a local track but a national venue, often used for “let out” days to other clubs.

7. NOISE IMPACTS

7.1 Given HPC concerns about the submitted acoustic report, HPC commissioned Clarke Saunders Acoustics (CSA) to undertake their own assessment – with CSA being a national specialist in such matters. It should be noted that the Parker Jones Acoustics report is from a firm of general noise consultants and not a motor sports specialist. **The applicant’s report claims that they monitored “a typical weekend event”** whereas in fact this is known not to be the case – because **racing was cancelled on the weekend in question and so the Coventry Motocross Club who were hiring the track were unable to race on Saturday and the Sunday event was a scaled-down practice session.**

7.2 As a result the noise impact and duration was substantially less than a “typical weekend event”.

7.3 Overall conclusions from Clarke Saunders Associates confirm:

“When considered in combination, the unaddressed uncertainty, inappropriate calculation and assessment methods with the source characteristic inadequately characterised, and the lack of consideration given to meteorological effects it appears inevitable that the assessment cannot be relied upon to describe the community impact of the proposals.”

8. TRANSPORT STATEMENT

8.1 Inaccuracies within the Hurlstone Partnership report do however acknowledge that the track has been recently extended although their assumptions made about when participating vehicles visit and leave the site is fundamentally flawed.

9. ECOLOGICAL SURVEY

9.1 Because this is a retrospective application, there is no way that ecological survey can actually identify the field area composition and value before the unauthorised works were undertaken. The HPC response photos on page 29 and 30 provide a stark contrast between the field area adjacent to the MX track and the track area itself.

- 9.2 With ecological field survey undertaken in January 2021, that is not a suitable time of year for survey to identify a full range of habitat or species.
- 9.3 Other negative aspects for wildlife habitat and species relate to noise and dust, potentially polluted site run-off to the watercourse and unauthorised pumping operations/changes to the watercourse.

10. DESIGN AND ACCESS STATEMENT

- 10.1 Section 6 of the HPC response (between pages 39 and 43) highlights many inaccuracies or incorrect statements on behalf of the applicant's submission.

11. LANDSCAPING SCHEME

- 11.1 Given the visual and noise intrusion of the MX Track operation, all in addition to adverse impacts on ecology, the landscape proposals are minimal – and also confused with the Newton Holiday Park site and for which project some report text and proposals are mistakenly included within the report for this application.
- 11.2 The claimed benefit of a wildflower meadow creation is farcical – given that the location is exactly where camper vans are parked and people walk throughout the season when a wildflower meadow would be blossoming and flowering.
- 11.3 No amount of landscape proposals will be able to mitigate the adverse impact on the tranquillity of the area which otherwise, as identified by the Council, is relatively undisturbed by noise. This point has been emphasised in the CPRE 7th April 2021 objection letter.

12. FLOOD RISK ASSESSMENT

- 12.1 From the information on water spraying of the MX Track to prevent it being too dusty, it is clear that the works undertaken relate more to sufficient water for abstraction than to any required drainage regime.
- 12.2 In any case, engineering works that have been undertaken to the stream have been identified as a breach of Section 23 of the Lands Drainage Act 1981 in that works have proceeded without consent. It would surely be flawed, therefore, for Cherwell District Council to even contemplate granting consent when unauthorised site engineering works have been undertaken and without due consideration of the impact on the watercourse adjacent to the site.

13. PLANNING STATEMENT

- 13.1 The Mid West Planning Statement talks about the positive impact of the MX site on local shops, public houses and restaurants. This is denied by the local community. The only restaurant sufficiently close to the site to be used by site visitors is the Indian Queen – whose operators have objected to the submitted application – given that the users of the MX track are considered to have a negative impact on the restaurant and its local reputation.

13.2 The Planning Statement is also considered flawed given the statement concerning a change of use and mixed agricultural use, since the vast majority of the race track area is bare mud and which would not support any sheep grazing.

Non-compliance with Cherwell District Council Planning Policies

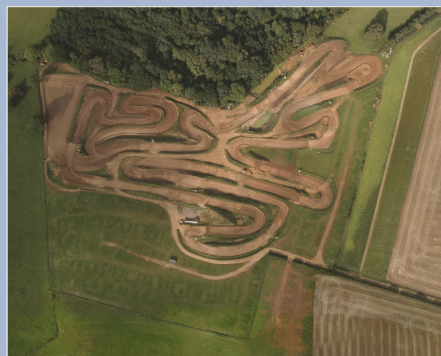
As with the Hornton Grounds Quarry Fuel Depot application, the MX site is considered to fall foul of many policies as noted below.

- i) An unjustified and unsustainable form of development in a rural location – **contrary to the provision and aims of Policies SLE1, SLE4 and ESD1 of the Local Plan.**
- ii) The development appears as an alien feature within the rural landscape – completely out of scale and character with its setting.
- iii) The proposals cause a detrimental visual impact on the rural character and appearance of the locality, including adverse disturbance for wildlife habitats and species and harm to the rights of way amenity and open rural landscape of the area – therefore **contrary to Policies ESD13 and ESD15.**
- iv) Proposals create adverse traffic congestion on a Friday and at a weekend with hundreds of vehicles using the narrow local lane network. The proposals are therefore **contrary to Saved Policies TR10 and C31 of the Cherwell Local Plan 1996 and ESD15 of the Cherwell Local Plan 2011-2031.**

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7th April 2021



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