

Hornton Parish Council

Response to planning application 21/00517/F

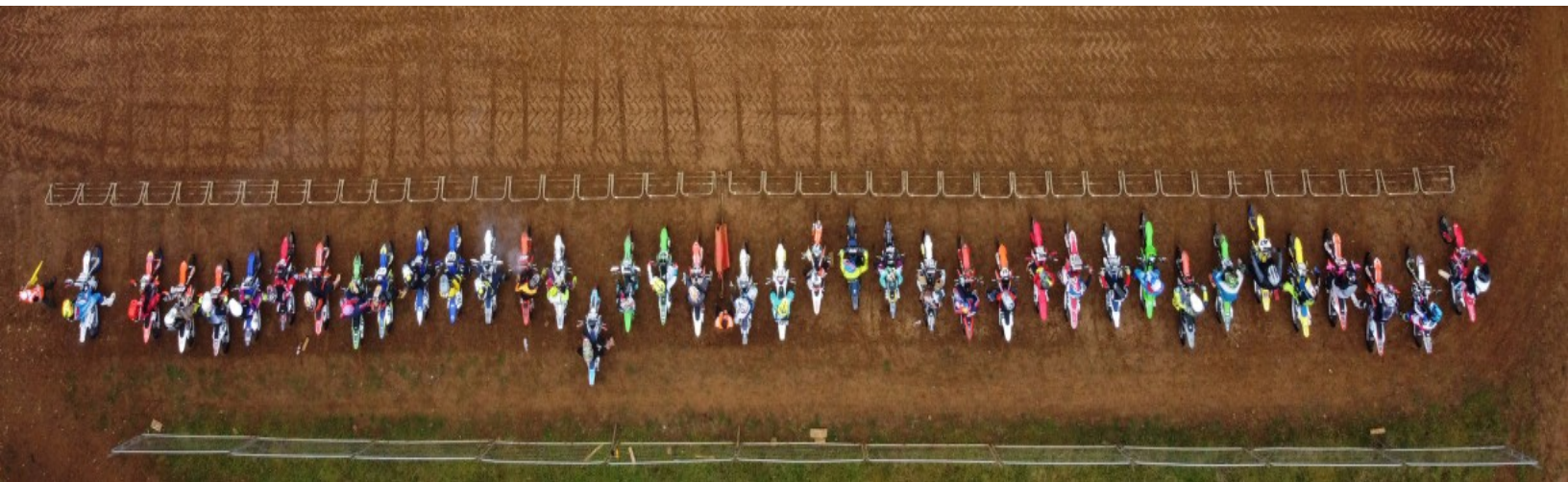
Wroxton Motocross Track

6 April 2021



Contents

- **Executive Summary**
- **Overview**
- **Review of Applicant's Supporting Documents**
 - Application Form** p8
 - Letters of Support** p23
 - Noise Impact Assessment** p25
 - Transport Statement** p28
 - Ecological Survey** p29
 - Design and Access Statement** p39
 - Landscaping Scheme** p44
 - Flood Risk Assessment** p46
 - Planning Statement** p48



Executive Summary

1. Background

Hornton Parish Council represents hundreds of people, in and near this village, who are deeply concerned and angry about the recent scaling up, and consequent impacts, of Wroxton Motocross Track. This is the biggest planning issue we have faced: it threatens to blight our homes and countryside for decades. Quite simply, it is the wrong commercial development in the wrong place: it should be on a brownfield site.

For many months, especially since 2018-2019, we objected to what was going on and felt severely impaired in enjoying our homes and lives. The landowner and track manager refused to acknowledge the noise and traffic impacts and belittled our concerns. The track team deride planning permission and consents as unnecessary 'bureaucracy'. We have tried hard to get CDC to listen and understand – and now, finally, following our LDC submissions, we have a constructive dialogue with officers, for which we are grateful.

It beggars belief that a small field scramble track, kindly donated by a farmer, can be replaced by an international motorsport venue. And now, by seeking retrospective approval for their unlawful operation, they propose perpetual impunity and intend further growth.

We regard this as a landmark case – principally, for CDC, as a planning authority, and for our Cherwell Local Plan and its strong and clear focus on protecting key rural landscapes like this one. This site, through stealth, has been utterly re-engineered in terrain, usage and profile and now operates commercially in a protected area of the beautiful Oxfordshire countryside. This is an injustice that needs addressing.

We can only trust that CDC officers and the Planning Committee unite in recognising that sustained breaches of planning consents and ignoring of rules cannot be rewarded by such a vast motorsport development being sanctioned in the Ironstone Downs. The precedent would do incalculable harm.

We believe that many of the principles which led the Planning Committee to reject the 2020 application for a fuel depot (ref 20/02453/F), just two fields away, should apply, even more so, in this case.

2. This planning application

The application does not provide any material information in respect of the claims that the proposals support local planning policy. It is full of inaccuracies, contradictions and misleading statements – in many cases, on points we have already proven in our submissions to counter the track's 2020 LDC application which they were advised, by CDC, to withdraw. Supporting assessment work is minimal and has significant gaps and flaws, much of it being based on assumed accuracy of information supplied by the applicants.

The noise, landscape and traffic impacts of this track are huge. The many resident objections are testament to the noise qualifying as a 'statutory nuisance': - ie 'noise that is sufficiently loud, intrusive, repetitive and

frequent as to unreasonably diminish people's enjoyment of their property' (*ref The Motoring Organisations' Land Access & Recreation Association(LARA) Motor Sport Events in the Countryside: Good Practice Guidance for Event Organisers & Land managers, 2019, section 4.5).*

Our detailed analysis demonstrates these points and many more. The application is unfit to be approved.

3. Contraventions to town and country planning rules

It's not only planning permission for a permanent major motor sports venue that has been lacking. Evidence supports definite, or likely, breaches and contraventions at Wroxton Motocross Track in these further legal and safety areas, among others:

- 14/28 Day Rule (Permitted Development Rights)
- Development rules/engineering works
- Noise nuisance
- Environmental damage
- Harm to wildlife habitats/local ecology
- Litter control
- Camping license/exemption certificate
- Fire safety - in camping area and entire site
- Incinerator use
- Waste management
- Watercourse tampering
- Water abstraction



4. Key flaws and errors in the applicant's agents' reports - content and methodology

- Sub-optimal timing of studies rendering them invalid – eg. noise, transport and ecological
- Fundamental contradictions eg. employee numbers, whether commercial, flood risk, participant numbers and agricultural land usage
- Numerous important factual errors
- Liberal use of wholly inappropriate adjectives – eg. "small" used to describe the vast earthworks
- Cut and pastes from totally unrelated agent reports
- Clear lack of local knowledge – eg. of local consumer businesses
- Lack of expertise in motorsports
- Reliance on applicants' statements and claims, repeated without substantiation

- Further statements made as if facts but without corroboration – eg. benefits to local trade
- Lack of contemporaneous evidence – eg. as to claims of when track works were carried out
- Ignoring of objection history – eg. the entire body of LDC objection evidence and letters
- Ignoring of dubious permanent features – eg. open-top incinerators, litter debris
- Fanciful notions – eg. reference to a proposed wildflower meadow to be sited in a camping car park



Overview

The application is poorly-drafted, with numerous inconsistencies, inaccuracies, omissions and factual errors; a flawed attempt to justify the unjustifiable. It suggests scant regard for the planning process and the care and diligence of those considering this application. The inaccuracies and contradictions are often fundamental. They are compounded by an elaborate charade as to the actual site usage.

The supporting reports are, in some cases, misleading or, in other places, actually detrimental to the application and undermine its arguments. There are also some details that seem to have been erroneously, and inadvertently, cut and pasted from various, completely irrelevant documents. Overall, the reports appear to be driven by the client's need rather than expert objectivity.

The application is at odds with the core objectives of both the Cherwell Local Plan and National Planning Policy Framework (NPPF). What, years ago, was a grass track on a farmer's field, attracting locals, has been **replaced** by a **completely different** sort of track. This commercial track, so massively intensified and engineered recently, is located in rolling rural landscape in the heart of the protected Ironstone Downs.

One recurring question is whether the applicant is claiming that this is now a permanent track or grazing/agricultural land – and what they desire in future. Their submissions are completely contradictory. This includes the ambiguous wording of the application proposal itself, which calls for “the change of agricultural land” but also wants, simultaneously, “agricultural grazing”. The applicant can't have it both ways. Either it's agricultural land which is occasionally used for motocross or it's a permanent site which is not agricultural land any more.

The applicant keeps referring to mixed agricultural use and **restoring** the site between motocross events. We have many dated and detailed photographs which prove that, way beyond 28 days, nothing is restored between events. Moreover, there is no agricultural use - beyond a calculated placing of sheep onto the circuit site for a scheduled 2020 CDC site visit. The circuit itself holds little or nothing in the way of grazing, being mainly dirt surface, and locals walking in that area cannot remember sheep being on this site, certainly over the last few years. Placing a few sheep on the track, very occasionally, does not amount to restoration of the land to agricultural use. Given the poor state of the land, plastic waste, glass and rubbish across the site and possible pollution from fuel there would be significant animal welfare issues.

Meanwhile, the applicant also states that the entire farm is within the Countryside Stewardship Scheme ...“apart from the motorcross track” (Mid West Planning 2.6). One wonders why: perhaps because, so very clearly, it is not used for agriculture?

As mentioned above, permanent structures are not removed, nor massive engineering works reversed, nor grass sown. (We have date-recorded photographic evidence, beyond 28 days' limit, to show the presence of permanent structures on the circuit and in the camping areas, including massive earthworks, fences, piling, wooden marshals' huts and steps, incinerator skips set into the ground and a screened block of portaloos.)

As the applicant claimed in the Thrings submission to the failed Lawful Development Certificate application: *7.2 We have provided evidence that the use of the Site for motocross activity has exceeded 14 days in each of the past 10 years (and indeed, beyond that). Further, once preparation and practice days are included it is evident that the use represents a substantial part of the activity on the Site.*

7.3 Further we have shown that the track is permanently laid out and has been for in excess of 20 years. This demonstrates that the character of the land is fundamentally affected by the use in a permanent way such that the use must be considered a permanent element of the Composite Use of the Site.

We dispute their timescale, the intensification is much more recent. But that is not the point – they advised CDC only four months ago, in a formal application, that they had been breaking “the 14 day rule”. They told you that this was now a permanent track. No pretence of grazing. Very simply a complete transformation.

Indeed, in the latest application, the report from Parker Jones Acoustics, presumably not knowing the “mixed use” party line, says that it: *“Appears that the footprint of the track is permanent.”*

So, if this is a retrospective application, presumably they are not talking about operating under the “14 day rule”. They are in fact asking for a permanent track, with no agricultural use. A more candid approach would have been to make this clear. Equally, common sense says that this is now a permanent track.

In an email to Hornton Parish Council on 20.7.2020 Mrs Kerwood says:

“You will be aware that the motocross track has been a permanent fixture on this land for nearly 40 years”. Please note, again, a “permanent” track; no attempt to pretend otherwise. The fiction is that the track has not changed in that time: indisputable evidence submitted to the LDC application by Hornton Parish Council in November 2020 proved this point beyond doubt. CDC Planners have acknowledged this.

Given the infrastructure needed to sustain the recent size of commercial events, including the enormous engineering works, it is physically impossible to do what the applicant is proposing. Will jumps be bulldozed between events, turf laid for grazing, fences removed and topography restored? Will the “ponds” be filled in and the stream restored to its natural profile? Of course not.

We also question the wording of the application title in another aspect:

“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) ”

First of all, there is no mention of days required for maintenance and ongoing circuit management. As stated in their own agents' reports, there is a constant battle to keep the track in a fit state to race, involving substantial and frequent earthworks. That constant cycle of preparation and repair is a key reason that issues with soil erosion and water run-off are a continual problem, and is a primary reason for the unauthorised changes to the stream.

The proposed 65 days would not cover 28 race meeting days (as per their LDC application), plus over 35 set-up and clear-up days, plus 'unlimited practice days' (as stated in their LDC application), plus maintenance. And they say, in the application, that the work has not finished, so they intend to spend more days re-engineering the circuit to further enhance the riders' experience and attract more custom.

And, why is it that, within their proposed 65 days, they do not specify how many will be race or practice days, generating most noise? Not by accident, we suggest, this is unspecified. By not specifying a number of race days it is more difficult for CDC Enforcement to ensure they don't exceed this allocation

Review of Applicant's Supporting Documents

1. The application form (numbers refer to the numbering in the original document)

5. Description of the Proposal

If yes, please state the date when the work or change of use started (date must be pre-application submission) DD/MM/YYYY

01/01/1981

Has the work or change of use been completed? Yes No

5. *Has the work been completed?*....answer No.

So, in fact, this is just the start, with further development planned. They are only 20 seconds per lap short of 'Grand Prix' status, which would enable them to attract the largest and most lucrative international events – so what's stopping them from achieving this, if permission is granted? We know, from history, they don't respect what they consider to be "bureaucracy" (eg. see Ms J Pounder's Facebook entry and *Dirt Hub* magazine), so why would they start to show respect, and curb their activity, if they were to have approval of this enormous circuit? Surely, no one would notice a further circuit extension which would add the crucial missing lap seconds? After all, they already know it is entirely possible to create a 7-hectare commercial development, with zero planning consent, and run it at this scale for several years, despite local protest.

Here and elsewhere, claims are made that the track has been in its current state for many years. Here, they state since 1981. This is fundamentally untrue. This was comprehensively disproved in the Hornton Parish Council evidence submitted to the LDC application in 2020: the track has changed beyond all recognition, in the last 10 and five years especially. The admission that work is still ongoing only reinforces this. In effect, the small local scramble track of decades ago, donated by a friendly farmer, has been *replaced* by a vast commercial circuit that bears no resemblance to the intent and scale of the original facility. The problems locally are not that residents, inexplicably, have suddenly become less tolerant: it is the massive changes made to the track and, therefore, its impact locally. It is no coincidence that public complaints started in 2017-2018, coinciding with the scaled-up commercialisation and impact of the track.

6. Existing Use

Please describe the current use of the site

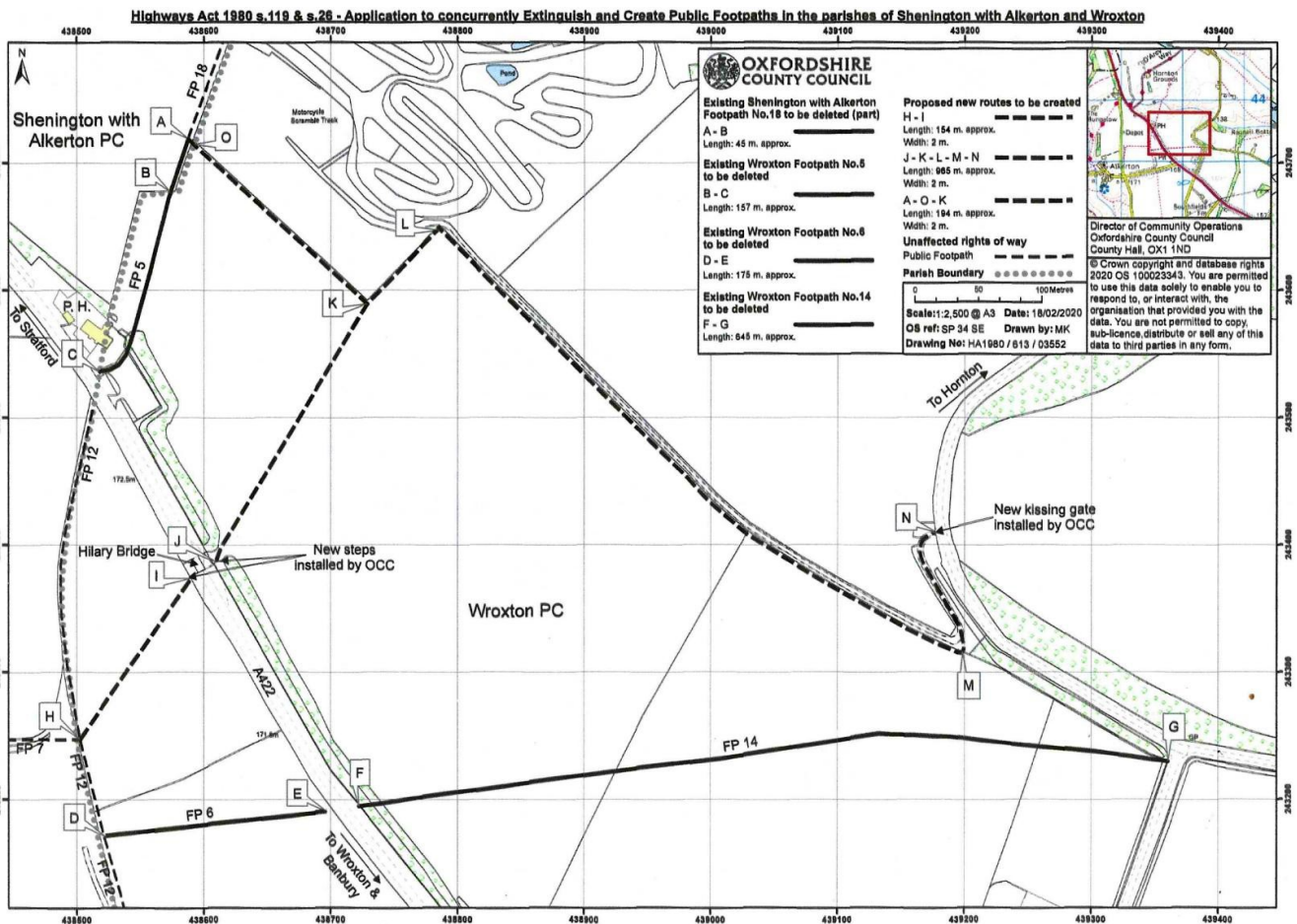
MIXED USE OF AGRICULTURE AND AS A MOTOCROSS TRACK

6. *Existing use*...mixed use as agricultural and as a motocross site. As noted above this is just a fiction... the applicant's lawyers, Thrings, made this clear in their submission to CDC in November 2020. How can this be the opposite now? Under the so-called "14 day rule" (The Town and Country Planning (General Permitted Development) (England) Order 2015) it is not just about use, but about restoring the site to its pre-track condition. Clearly, there is no attempt to do this. Apart from permanent structures, there is the massive circuit engineering works and litter, debris and machinery of all kind left there constantly.

8. Pedestrian and Vehicle Access, Roads and Rights of Way

- Is a new or altered vehicular access proposed to or from the public highway? Yes No
- Is a new or altered pedestrian access proposed to or from the public highway? Yes No
- Are there any new public roads to be provided within the site? Yes No
- Are there any new public rights of way to be provided within or adjacent to the site?** Yes No
- Do the proposals require any diversions/extinguishments and/or creation of rights of way? Yes No

8. Pedestrian and Vehicle Access, Roads and Rights of Way. Point 4: Are there any new public rights of way to be provided within or adjacent to the site? The applicant has answered No. This is disingenuous. Because the same landowner has, just months ago (August 2020), agreed a change to part of the footpath route running on her land with OCC. The new route will be along the circuit access track and run alongside the site to join the existing footpath as shown in the map below:



9. Vehicle Parking

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces? Yes No

Please provide information on the existing and proposed number of on-site parking spaces

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Cars	260	260	0

9. *Vehicle parking.* Another anomaly and inconsistency here, on both type and number of vehicles. The applicant says 260 vehicles of which 260 are 'cars', but it is clearly wrong. Most of the vehicles are camper vans, not cars. The photos show a typical array of vehicles on a relatively quiet event on 20



September 2020, during the Covid pandemic period. There were around 260 vehicles at this event alone – we counted them - so it is likely to be much higher at larger commercial events not taking place during a pandemic.

Elsewhere, in the Hurlstone Partnership transport Statement 3.12 it states:

"A National event can attract around 400 – 600 vehicles, depending upon how many people travel together in each one. As the visitors tend to travel in groups, it is normal for there to be 3 or 4 people per car / motorhome."

That's another 340 vehicles without parking allocation, predominantly larger than cars. Where will they be parking?

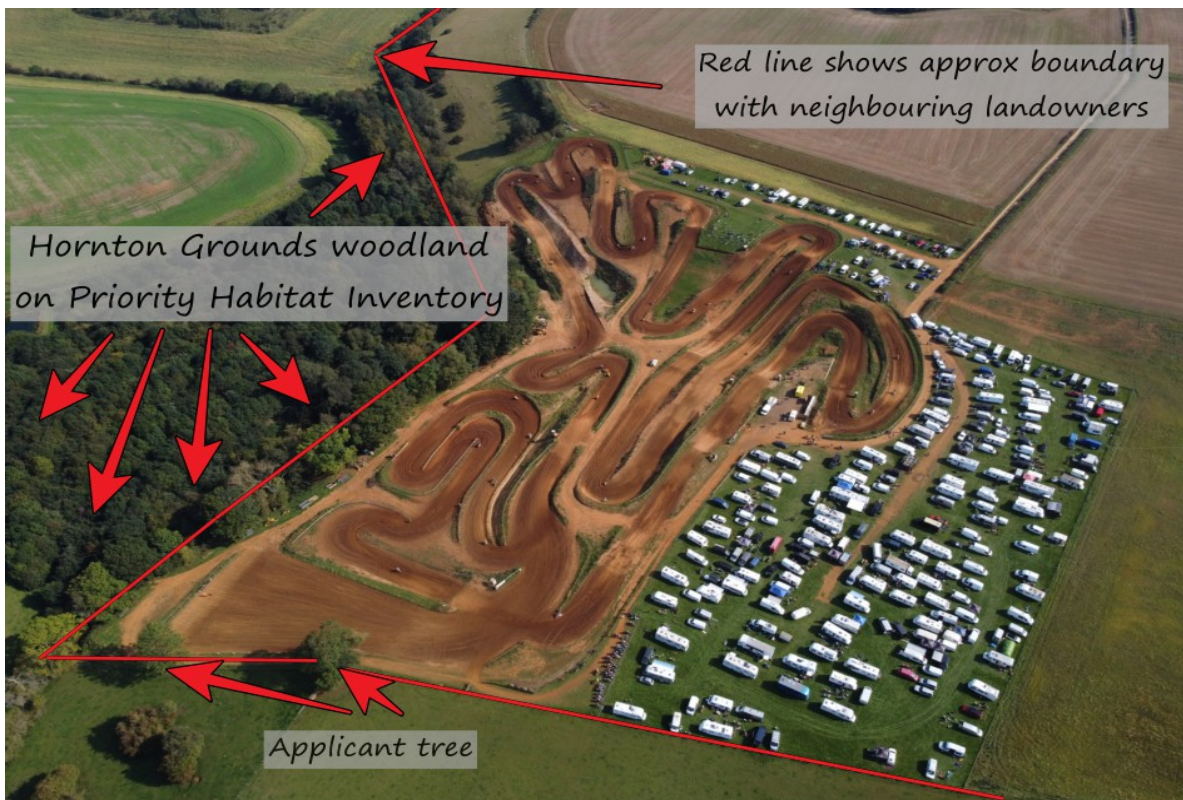
Fire safety stipulations for camp sites of this kind require vehicles to be six metres apart. This is yet another infringement – and a potentially dangerous one.



10. Trees and Hedges

required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

10. Trees and Hedges. The vast majority of trees are not on land the applicant owns, so outside of her control. The trees to the far side of the watercourse and adjoining copse belong to the neighbouring landowner at Hornton Grounds Farm and are on The Priority Habitat Inventory.



11. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Check the location on the Government's Flood map for planning. You should also refer to national standing advice and your local planning authority requirements for information as necessary.)

Yes No

If Yes, you will need to submit a Flood Risk Assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

Yes No

Will the proposal increase the flood risk elsewhere?

Yes No

11. Flooding. Will the proposal increase the flood risk elsewhere?... Answer Yes

12. Biodiversity and Geological Conservation

Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

To assist in answering this question correctly, please refer to the help text which provides guidance on determining if any important biodiversity or geological conservation features may be present or nearby; and whether they are likely to be affected by the proposals.

a) Protected and priority species:

- Yes, on the development site
 Yes, on land adjacent to or near the proposed development

No

b) Designated sites, important habitats or other biodiversity features:

- Yes, on the development site
 Yes, on land adjacent to or near the proposed development

No

12. Biodiversity. The applicant answers No to both parts a and b.

This is completely wrong on both counts. The answer should be Yes. The applicant needs to read their own Ecological Survey, which *they* submitted, which highlights the threat to protected and priority species, along with multiple watercourse issues.

And the woodland on the stream boundary, within a few metres of the applicant's land (and open incinerators), is on the Priority Habitat Inventory (PHI). This woodland is highlighted in the ecological report, although its PHI designation has been missed by Chris Seabridge & Associates, therefore failing to take into account its importance.

14. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

Yes No

If Yes, please provide details:

The portable toilets have self-contained storage tanks.

Have arrangements been made for the separate storage and collection of recyclable waste?

Yes No

If Yes, please provide details:

The site employs a licenced waste collector to empty the portable toilets when required.

14. Have arrangements been made for the separate storage and collection of recyclable waste? Yes. The applicant should answer No to both these questions; effluent from the toilets doesn't count.

The reality is potentially-recyclable and other waste is incinerated, after each event, in permanent skips set into the ground on site and in an old oil drum. Such incineration of commercial waste is strictly controlled and requires licensing.

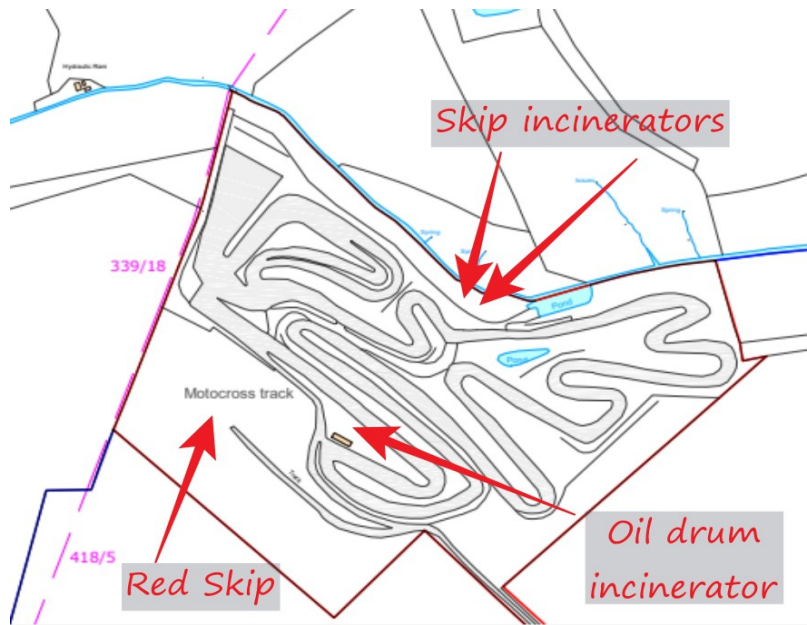
Other waste, unsorted, is dumped in a large skip, with "No Tyres" on the side, but apparently everything else goes in there. Strangely, none of these permanent features of the site are mentioned anywhere in the application.

The skips are very close to the stream and, with the prevailing wind, most of the smoke and any toxins will be blown into the stream and woodland belonging to Hornton Grounds Farm, which is rich in wildlife.

Plastics, cardboard, glass, drinks cans, aerosols and other metals are burnt – and probably other materials, no longer identifiable, as well. With as many as 1,500 people on site (their stated number), sometimes for two-three days, this is not an acceptable situation, in terms of waste management nor health and safety. Eye witnesses, including neighbouring landowners, have reported seeing black plumes of smoke coming up from the site (where the skips are located) after race events on clear-up day. Tyres, oil, plastics? If waste is recycled an audit trail should be forthcoming, but all the evidence suggests that, yet again, the applicant's answer is misleading.









The site and watercourse are littered with plastic visors, bottles, oil cans, food containers and other rubbish. The arrows below show so-called "Tear Off" plastic visors and other plastic alongside the stream. This and other site debris demonstrates a significant lack of care.



15. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or trade waste?

Yes No

If Yes, please describe the nature, volume and means of disposal of trade effluents or waste

Foul waste from the portable toilets is removed by a fully licensed contractor.

15. *Trade effluent.* Whilst we question whether this is trade waste, the applicant fails to answer this question fully...there is no volume given. (Riders have been seen urinating on the boundary.)

18. Employment

Are there any existing employees on the site or will the proposed development increase or decrease the number of employees?

Yes No

Existing Employees

Please complete the following information regarding existing employees:

Full-time	2
Part-time	3
Total full-time equivalent	3.50

18. *Employment.* The applicant states 2 full time employees plus 3 part-time. This directly contradicts the Mid West Planning statement section 2.7 : *The farm employs one full time worker in addition to Sandra Kerwood together with one full-time worker, and a part time worker for harvesting and drilling, plus some additional seasonal workers at busy times.* No mention is made of these motocross workers dedicated to 17 out of 800 acres of the farm. And it is another contradiction that an enterprise they claim is *not* commercial actually *employs* so many people, two of them full time. Could this be the applicant confusing her employees with those of Banbury MX Club?

In addition, we know, from numerous eye witness and participant reports, there are marshals who, sometimes, are paid a day rate for each race and practice event – these marshals operate from the permanent wooden marshal huts on the site. Are they occasional employees or 'casual labour'? We are not sure in what form these marshals are paid, by whom and where or how this is accounted for.

19. Hours of Opening

Are Hours of Opening relevant to this proposal?

Yes No

19. *Hours of Opening* The applicant says this is not relevant. It ought to be. To those affected by the traffic and noise, it most certainly is. LARA the Motoring Organisation's Land Access & Recreation Association in its 2019 *Motor Sports Events in the Countryside: Good Practice Guidelines for Event Organisers & Land Managers* provides guidance limiting hours of racing. Without any stipulation, the track team can continue to do what they like in terms of daily duration, especially during the longer summer daylight hours.

20. Industrial or Commercial Processes and Machinery

Does this proposal involve the carrying out of industrial or commercial activities and processes?

Yes No

Is the proposal for a waste management development?

Yes No

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make it clear what information it requires on its website

20. Does the proposal involve the carrying out of industrial or commercial activities and processes? No. This is a commercial enterprise, as is made abundantly clear by the applicant elsewhere. In addition, they actually state that this motocross diversification is a very important income source for them. There are very large sums of money generated from having 1500 people on-site, potentially paying for race fees, club fees, spectating and camping.

21. Hazardous Substances

Does the proposal involve the use or storage of any hazardous substances?

Yes No

21. Does the proposal involve the use or storage of any hazardous substances?...answer No. Wrong answer. Again, one wonders what the applicant thinks all those motorcycles run on. Petrol is used in both 2 and 4 stroke engines, is a hazardous and potentially environmentally damaging substance. Running bikes over two days, it would be interesting to know how bikes are refueled with no risk of land contamination.

22. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes No

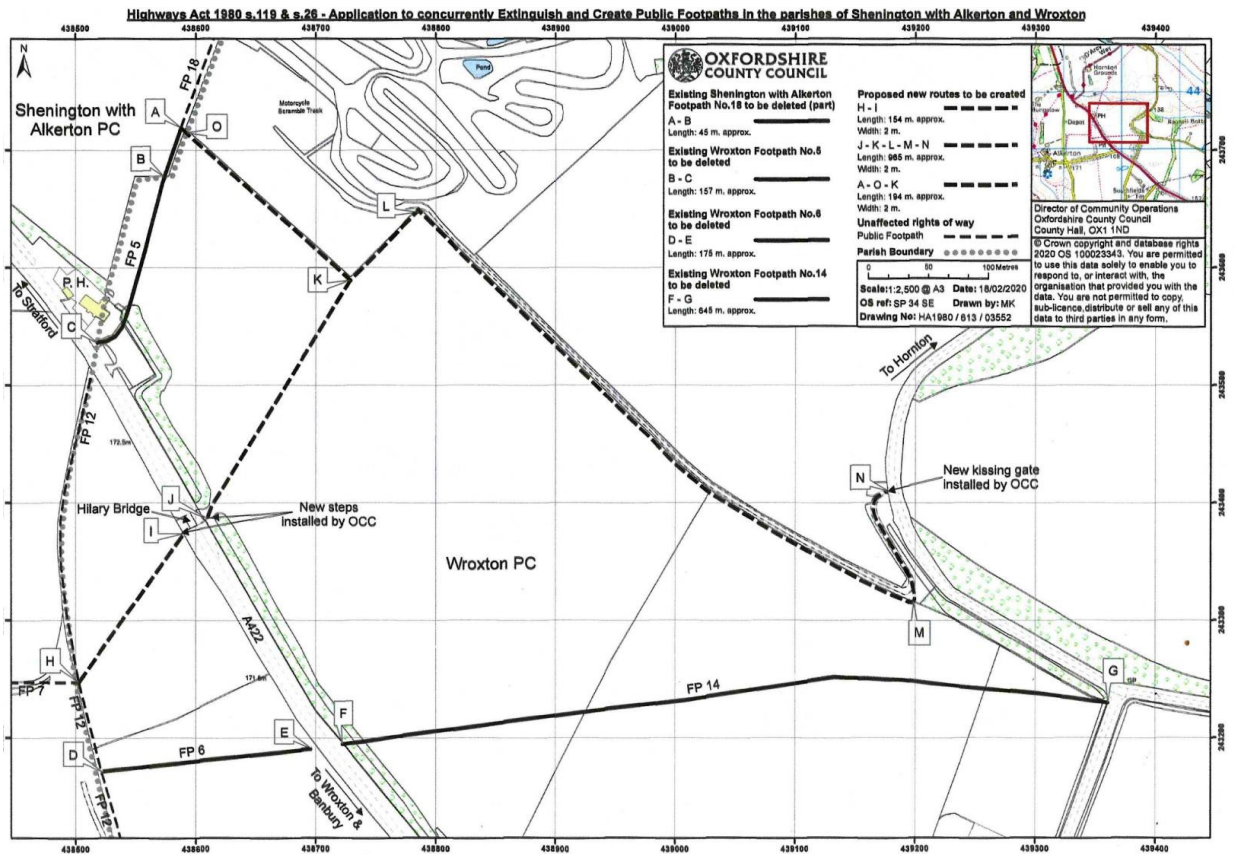
If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
- The applicant
- Other person

22. Can the site be seen from a public road, footpath, bridleway or other public land...answer No. Wrong again. The site is partially visible from the A422 (eg. lay-by near the Indian Queen), the Hornton Wroxton ("Drift") road and the Wroxton Heath residential road (ie. three boundaries of the larger Kerwood-owned field site). It is highly relevant, however, that from these highway vantage points only part of the upper section of the track is visible and that, consequently, the undertaking and extent of recent huge engineering works has been hidden from these viewpoints.

However, there is also unobscured visibility from a Public Footpath directly along the boundary, running up the bank, right next to the starting line. As of summer 2020, there is also a Oxfordshire County Council diversion planned, to which Mrs Kerwood consented, to this Public Footpath that will take it directly along the so-called camping site boundary. This will also run along the length of the existing vehicle access: so

the path will run around two sides of the site (currently it skirts one side only) and walkers will be right next to the long dirt avenue of access traffic. (See map below)





Shot taken with iPhone from A422 March 2021, with skip, marshal hut etc clearly visible.



Proposed route of footpath along the access avenue, highlighting the volume of traffic, mainly vans entering the site at one time.

26. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date (cannot be pre-application)

12/02/2021

26. Declaration. In addition to crucial planning principles at stake here, given all of the inaccuracies, fundamental contradictions, deviations from the facts and answers at odds with the supporting documentation we believe the application is sufficiently misleading as to be unfit for approval.

2. Letters of Support

The first letter is from Kent. Others comes from South Wales and further afield. They are not Banbury MX Club family members who, as demonstrated, are now the minority users of this site. This highlights, once again, that this is no longer a local track but a national venue. The track team constantly boast, on social media, about how well-regarded the track is as the top track (or one of the top) in the country, and riders use social media to praise it, as do leading motocross journals and commentators eg. see Jessica Pounder FB page screen grab Feb 2021:

The screenshot shows a Facebook profile for Jessica Pounder, located in Oxford, Oxfordshire. A post from February 10, 2021, at 13:30, is displayed. The post includes a video of a dirt track and a text overlay that reads: "The facility in Banbury is considered by many, one of the best racing circuits in the UK. As many of you may be aware, Wroxton (like many other tracks up and down the UK) has been facing difficult times recently. Let's hope we don't lose another track to bureaucracy in a country that has such a deeply rooted motorsports heritage!". The text is highlighted with a red box. The post also shows engagement metrics: 10 likes, 2 comments, and 1 share.

One wonders about the environmental impact of hundreds of campers driving miles, followed by motorcycles racing all day, directly contradicting CDC's stated environmental objectives.

Note that many of the letters/pictures refer to children riding the former track in the early part of this century, or earlier. We have proven that most fixtures now are hire-out events for riders of all ages, not just

local families and youngsters. It is a shame that the innocent scramble track, for local families, of years ago has been lost to this major commercial motocross venue.

More letters are highlighted in the Mid West Planning submission which are, in places, insulting to local residents, ignorant of the facts, incorrect and clearly have no idea that the track has operated and expanded, to date, outside of planning law.

The majority of local objections come from people who have lived locally for many years and, in some cases, for generations. Yes, of course, the riders enjoy the track, but that is not the point. There are planning laws in place to determine where such facilities should be located, with the interests of **all** considered, not just the landowner looking to maximise income. None of these supporters seems to know or care that the track has been operating outside of any required permissions or consents and has expanded way beyond permitted development limits. Mrs Kerwood told Hornton Parish Council in 2019 that the track "had to go somewhere" - but we would rather this was not decided by her alone.

3. Noise Impact. (For our acoustic expert analysis please see the commentary provided by Clarke Saunders Acoustics.)

Again, a flawed attempt to downplay the impact of the track.

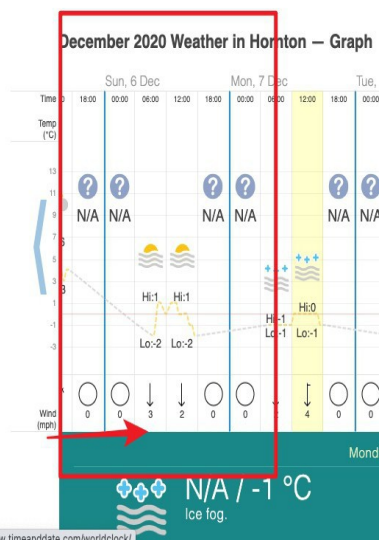
The landowner's commissioned agency, Parker Jones Acoustics, are noise consultants and not motorsport specialists. They claim that they monitored a "typical weekend event." Simply, again, untrue. The racing that weekend was cancelled. As it had been very wet, the operators were worried about damaging the track surface. So the hirers, Coventry Motocross Club, were unable to race on the Saturday and the remaining Sunday event was a scaled down practice session to minimise track damage. We have social media evidence of this rationale. This event also took place during the pandemic period.

Clearly, the noise, in impact and duration, was substantially less than a normal race weekend, with fewer bikes, going more slowly and without the characteristic, loud revving of engines prior to a race start.

Hornton Parish Council received the following email from Mr Bock, a resident of Wroxton Heath, making the same point::

"I note that in the supporting documents there is a Noise Impact Statement from Parker Jones Acoustics, it may interest the Parish council to know that I met the gentleman taking the measurements on 06/12/2021, he was on the OIR bridge next to Wroxton Heath, he told me he'd just come from Hornton, where he told he couldn't hear anything....but no racing & not really any warm up had yet started. I took my dog for a walk & came back to Wroxton heath, the racing had now started & it was obviously noisy, by which time the guy had gone.

It will be my assertion that the landowner & agent had used this day, normally off season, during a pandemic, to present some noise level measurements as being typical of a motocross event, however, whether or not they chose this day deliberately, knowing that it would be a very small scale event is at best misleading & at worst, both misleading & dishonest. The 'evidence' the Noise Impact Statement presents is in my opinion, entirely spurious."



The second glaring error is the claim that the noise levels wouldn't be particularly affected by weather conditions. Wind direction makes a huge difference to noise in Hornton and around, whether East winds are taking M40 noise in the village direction or, conversely, the prevailing wind is increasing track noise in the village. The wind on that day was a very light northerly 2 – 3mph – ie. directly blowing noise from the track away from Hornton. See online weather reports like this one – left.

The University of Salford "Uncertainties in Noise Measurement" reinforces the importance of weather:

Extract 5.2 TRANSMISSION PATH For many environmental noise measurements, the prevailing weather conditions constitute a major

source of uncertainty, especially where the transmission path spans a medium to large distance. Changes in the weather may occur suddenly, within the duration of a normal measurement. It is important to consider the following: • Weather (see section 5.3.1)

5.2.1 Weather. This section discusses the influence of the weather on outdoor noise propagation. The effect of weather on the noise emission and reception are covered in section 5.1.8. Unless high frequencies (>2 kHz) are of particular interest, the influence of the weather may be regarded as negligible when considering propagation distances less than 100 m. However, over medium or long distances, meteorological changes may exert significant influence. This is demonstrated especially with high level sources where the effects can be observed over long distances. The longer the distance, the greater is the likely influence of the weather.

Source: May 2007 Page 44 /45 University of Salford "Uncertainties in Noise Measurement"

Weather, therefore, should be treated as a significant variable, not dismissed as it is by Parker Jones Acoustic.

Experts in motorsport noise monitoring, Clarke Saunders Acoustics, in a damning summary reviewing the applicant's noise assessment by Parker Jones Acoustic, state:

"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 on to describe the community impact of the proposals."

In section 3.0 of the report, Parker Jones Acoustic claim there are no 'clear specific guidelines' on motocross noise monitoring and suppression. Not true. LARA (the Motoring Organisation's Land Access & Recreation Association) in its excellent 2019 updated *Motor Sports Events in the Countryside: Good Practice Guidelines for Event Organisers & Land Managers* gives plenty of reasonable and practicable guidance in section 4: 'Noise nuisance from motor events'. Here, a 'statutory nuisance' is defined as: a "noise that is sufficiently loud, intrusive, repetitive and frequent as to unreasonably diminish people's enjoyment of their property". We qualify. We have many dozens of residents who would be willing to swear to this.

Local residents are complaining because, on many occasions, since the further expansion of the track in recent years, the noise is constant and intrusive to the extent that one cannot enjoy sitting outside in one's garden or walking around the village. As a rambler memorably said in 2019, as they walked the D'Arcy Dalton Way in Hornton: "What a lovely village, but what a shame about that racket".

Whilst Hornton is often in the firing line, the varying wind direction means that other places are also affected by noise, including Shenington, Alkerton, Wroxton, Wroxton Heath, Horley and North Newington..

The following is from an email which is especially interesting because this **was** a race day at Wroxton Motocross Track in September 2020, and hence the noise greater. As the individual (who prefers to remain anonymous) explains, because of noise from Shenington kart track, they were expert in taking readings:

"As you know many parts of Shenington are affected by excessive noise generated from the Kart racing on

Shenington Airfield. For several years I have recorded the noise levels on a hand held noise meter.

"On the weekend of September 19/20th 2020 there was a Kart meeting a Shenington; but due to the NE wind, no noise could be heard from the Kart circuit , however the noise from the Motorcross circuit was clearly audible in our garden ,our house as you know is located on the west side of Shenington. On the Sunday morning out of interest at approx 11.00 I decided to check the Noise levels at Alkerton barn crossroads the readings were 50-53 db. I then went to the Indian Queen car park where I recorded 60+ db. The weather was dry with a NE wind of about 13mph (met office site for Brook cottage)with higher gusts .

"I read with interest the " Noise Impact Assessment " submitted with the above Application, and would suggest it bears no relation to a full blown w/e meeting, there assertions that wind strength and direction makes little difference to the noise levels experienced at properties away from the circuit is clearly flawed."

4. Transport Statement

There are, again, inaccuracies in the Hurlstone Partnership report. They state the LDC application was refused. In fact, it was withdrawn, under advice from CDC. They are, however, accurate when they say that this was because *"the track had been recently extended and encroached into the neighbouring field."* We have had this process fact confirmed, by CDC Enforcement, in March 2021 – they advised that our evidence, submitted for the LDC objection, demonstrated the degree to which the track had been developed and enlarged, which CDC had not fully appreciated before this time.

More damaging to the validity of the Transport Statement, however, is its timing. The visit on 18/2/21 of Hurlstone Partnership coincided with the Government's Covid lockdown - *Stay Home. Save Lives.* So, not a great surprise that people generally complied and, therefore, their evidence simply reflects this reduction in road usage and the timing invalidates their claims. The track being closed during the visit, means the actual impact of hundred of motorhomes on a rural road network, was missed .

In Section 1.2 they strongly imply that riders (plus onboard supporters) travel to the track for one night, stay over and leave. Actually, most usually stay for the entire weekend, with additional participants – and sometimes spectators as well – turning up for single days.

Section 2.1-2.16 - The minor village road 'in the vicinity of the access' is a narrow lane with soft verges. It is one of two entrance roads into Hornton and also leads to Wroxton and Horley from the A422. At points on it are blind bends, poor road surface and limited passing width – often, a car has to pull in for another vehicle, coming in the opposite direction, to pass. There is also frequent farm traffic. With hundreds of camper vans driving in and out of the access during race events it is impossible to safely navigate this stretch of road if you wish to leave or enter Hornton. There are many anecdotal driver reports of 'near misses', of traffic delays and of large vans swinging onto the opposite side of the carriageway to turn into the track gates. We also have video footage of this. This lane is also a regular walker and dog walker route.

Furthermore, the impact of this heavy traffic on the homes at Wroxton Heath is huge.

Evidence of the speed of vehicles on the A422 was submitted recently some half mile further north (for the fuel depot application at Hornton Grounds former quarry) in a very thorough report by Huw Jones - HVJ Transport Ltd - and suggests that there is a risk with slow vehicles turning on and off what is a very fast road. With permission, we can supply the full traffic report for this section of road and most of its findings apply to this motocross issue.

Note, also, that this stretch of the A422 is promoted and used, illegally, by motorbike racing clubs for speed races, considerably exacerbating the hazardous nature of this junction. There is plenty of online evidence of this. See submissions from Hornton Grounds Farm re the recent fuel depot application. Also see: [Motorcycle Road : A422 Banbury Stratford Upon Avon \(bestbikingroads.com\)](http://bestbikingroads.com)

The Hurlstone Partnership also appear to believe that track-associated traffic movements are normally on a Sunday. That is wrong. Actually they are generally across the weekend, from Friday afternoon/evening, depending on the scale and duration of the event. Typically, there is the major influx and outflux of competitors and support vehicles and then, often, additional spectator and participant traffic through the weekend.

5. Ecological Survey

This is what the stream and hillside look like today, immediately alongside the site. The contrast with the open scar, looking like an open cast mine, that is the applicant's site, could not be more stark.





The Field Survey undertaken in January 2021 in very poor weather is obviously significantly sub-optimal both in timing and conditions.

The consultant from Chris Seabridge & Associates struggles to find a way of avoiding the fact that a permanent motocross site is a disaster for ecology. One could virtually lift whole sections of this report to support *our* argument, whether on Great Crested Newts, seven species of bats, birds on the red list, water pollution, flowering plants, soil erosion etc. See our separate biodiversity report on adjoining land.

To take one example. Bats – there is a significant number of species within 2km of the site (unusually so). The site is noted as suitable for roosting and foraging. Increased noise and number of meets will have significant potential for disturbance/impacts on this sensitive species. Evening incineration of rubbish and overnight camping clearly is not conducive to having a thriving bat colony.

Another error is made in claiming that the impact on wildlife is confined to race events. The site has constant earthworks, water extraction, changes to waterways etc so the wildlife impact, due to on-site track preparation and repair, is far more than a day or two a month.

Also, the consultant appears to be working on the wrong premise in terms of seasonality of use – the applicant has asked for 65 days which, given weather restrictions, means events are concentrated into April – November, including the nesting season. To illustrate this, 2021 Wroxton fixture dates, as of 12 March 2021, advertised on www.goracemx.com (the master fixtures site) plus Dirt Hub and other social media include :

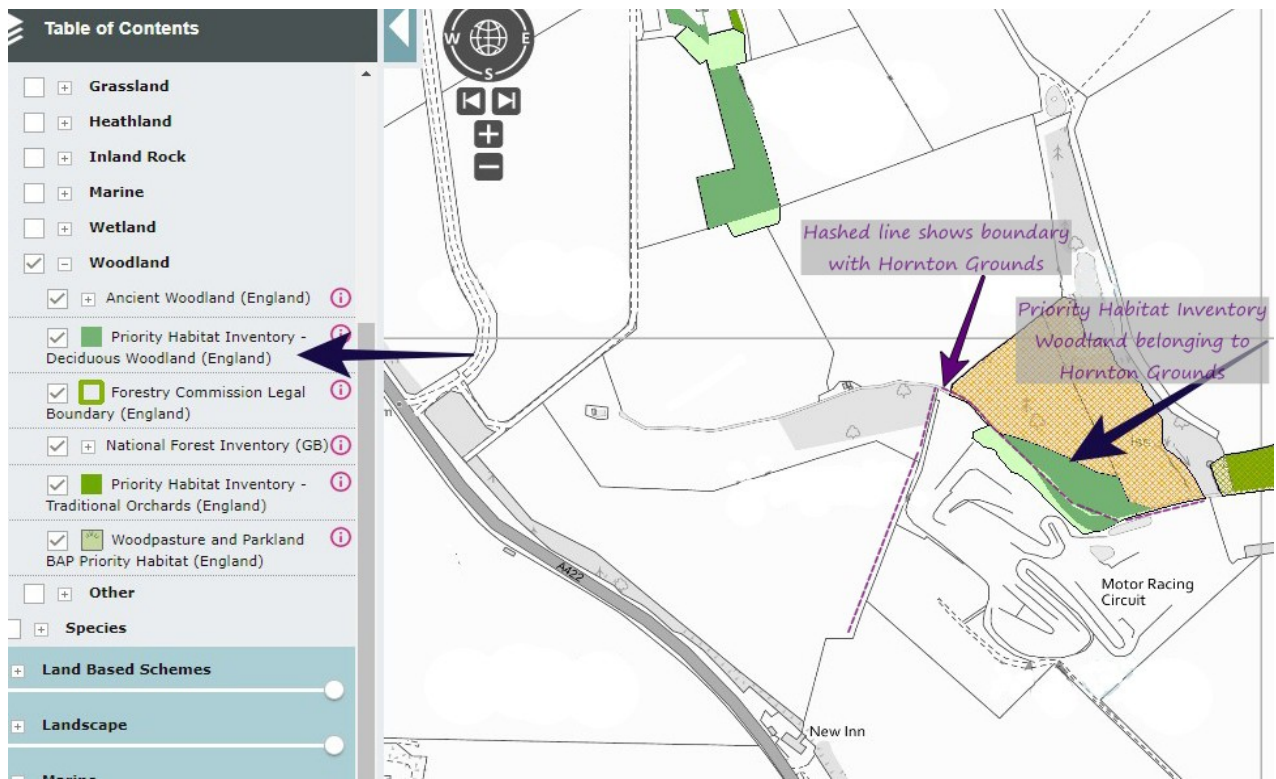
May 1 ,2, 8, 9, 22 & 23; June 19, 20 26 & 27; August 8; September 19, 26 & 27.

Further dates are being added as the season progresses, the point being that key nesting months coincide with a concentration of track activity. Also the time local residents are keen to get outdoors or enjoy their gardens or countryside.

The track already has done immense ecological damage. It is an excavated mud wasteland for much of the site and noise is a significant factor. Again, note that the applicant answered **No** to the question of risk to biodiversity on their application form - directly contradicted by this report.

In the genuine grassland in fields bordering the track, an ecological study has shown a healthy diversity, which is a good measure for what should have been found on the applicant's land. (We have a Biodiversity Report for this) There are active badger setts and roe deer in the woodland of Hornton Grounds.

It is also worth noting, missed in the Chris Seabridge & Associates report, that the copped woodland directly opposite the site, owned by Hornton Grounds, is on the Priority Habitat Inventory.



The applicant's agent's report does, however, note how the exposed soil is at risk of run-off and watercourse pollution and, in the summer months, water has to be sprayed to minimise dust, again with environmental damage. One can see that run-off and any flood risk are as a direct result of the motocross and associated earth moving and topographical changes, there are no such measures required either up, or down, stream. Given the degree to which the site is permanent bare soil, subject to constant re-engineering and wear and tear from intensive racing, none of the problems are a surprise.







There are serious questions about the legality of the abstraction of water and other engineering works done to the watercourse, which came under investigation via CDC's Building Control Manager, Tony Brummell, and are logged with the Environment Agency.

Mr Brummell's report (12.3.21) is clear:

The boundary between Horton (stet) Grounds Farm and the land on which Wroxton MX takes place is a watercourse which is a minor tributary of the Sor Brook. The watercourse is unnamed and is an Ordinary Watercourse. It is in the Thames catchment.

The watercourse rises within the land of Horton Grounds Farm as an issue of springs and flows eastwards at a generally steep gradient through a steep sided valley. About 300m downstream from its source it begins to form the boundary between the Farm and Wroxton MX and continues to do that for a further 300m or so.

Works requiring a number of consents have taken place on the watercourse to support the MX operation:

- ***The introduction of at least one weir***
- ***A minor diversion of the watercourse***
- ***The widening of the watercourse to create small pools to impound flows***

- Pumping operations to abstract water from the created pools

I visited the site on 10 March accompanied by the owners of Hornton Grange Farm to inspect the watercourse and the works that had taken place on it. My purpose was to identify whether any breaches of land drainage and associated legislation had occurred. No consent applications have been made. If a Land Drainage consent is applied for, I consider firstly whether a consent is needed and secondly whether a consent can be issued.

It was clear to me in this case that consents are needed and there have been breaches of section 23 of the Land Drainage Act 1991 in that works have proceeded without consent.

When considering whether a Land Drainage consent may be issued I assess the flood risk and ecological implications of the proposal. In this case it is possible that an Environmental Permit is also needed for the water abstraction. Whilst land drainage consents are within the remit of the Local Authority, Environmental Permits are issued by the Environment Agency.

1. Flood Risk

I consider that the flood risk implications of what has been done are minimal. Therefore, on flood risk grounds alone I would be minded to issue a consent under section 23 of the Land Drainage Act.

1. Ecology

I am not an ecologist but I can see there could be potentially adverse ecological impacts from what has been done. I would defer consideration of this to the Environment Agency. Such consideration would generally be based on the findings of an Ecological Survey.

1. Abstraction

An abstraction licence, issued by the Environment Agency, is required if abstraction takes place above a de-minimis quantity of 20m³ per day. I cannot comment on whether that threshold is exceeded.

Land Drainage and Environmental Permits are entirely independent of Planning Consents. Neither depends on any of the others but where relevant all are needed.

Assuming that a Planning Application is needed for the MX operation, an Environmental Impact Assessment should be requested to support it. If that Assessment specifically includes the impacts on flood risk and ecology in the riparian corridor, it would inform whether a Land Drainage Consent and Environmental Permit could be issued.

Tony Brummell MSc CEng FICE FCIWEM MCIHT MCMI
Building Control Manager
Cherwell Building Control Service

Whilst Mr Brummell didn't see actual water abstraction taking place, there is abundant evidence – eg. the capacity of two water bowsers parked constantly on site and the diameter of pipes emerging from the ponds, photos of the track being sprayed and the scale of the engineered ponds themselves. As can be seen, the dust is an issue and a wide track, over 2km in length, needs vast amounts of water spraying, which is sucked out of the diverted stream and ponds.

The track team boast about this 'excellent work' on MX Facebook pages and other social media. What other reason is there for such massive engineering works? To refer to silt traps is a nonsense and again one can only contend that all water issues are as a direct result of the owner's ambition to develop the track in recent years, irrespective of any damage done.





What is equally shocking is that the track site, owned by Mrs Kerwood, the applicant, **excludes** the stream. Unusually, the boundary is not through the centre of the watercourse but at the edge of the bank. So, the work to divert and dam the watercourse, create ponds and extract water has been undertaken on land not belonging to her. The neighbouring landowners have also alerted the applicant, Mrs Kerwood, to incursions into their land – the latest being their discovery of a wooden dam, constructed by the track team, spanning the stream and encroaching into their land. In 2020, Mrs Kerwood promised, personally, that this would be removed. As of March 2021, this has still not happened.

The ecological report has been undertaken at a massively sub-optimal season. As they note, the possible presence of Great Crested Newts would require much greater examination, but at the right time of year. There are criminal offences for:

- damaging or destroying a breeding or resting place
- obstructing access to their resting or sheltering places (deliberately or by not taking enough care)

Therefore, we would contend that, given a history of burning rubbish, water abstraction, soil erosion and diverting watercourses, we have no confidence that the operator has respect for the sensitivities of the site.

Overall, it is difficult to see that this application meets CDC's criteria ESD7, 8, 10 and 17 among others in the Local Plan. This track is in a protected rural area of the Ironstone Downs, just as the proposed fuel depot was, only two fields away. Intrinsicly, motocross is noisy, polluting and damaging to the environment and a plan to plant a few bushes or trees cannot disguise or meaningfully ameliorate this fact. Once again, in terms of its ecological impact, this application completely fails to comply with the ambitions set out by CDC for a greener district. It also demonstrates disdain towards the environment and neighbouring property rights.

6. Design and Access Statement (Numbers refer to those in the original document)

1.6 The land was sold to the current owner's father in 1995 by Christ Church College, including an agricultural use restrictive covenant.

2.5 This section says: 'diversification is important for "small and medium" farms'. A misleading statement. This is NOT a small or medium farm: at 800 acres (323 ha) Mrs Kerwood's farm compares to the average in the South East of 85 hectares. (Defra Statistics: Agricultural facts - commercial holdings at June 2018). Also missing from the current diverse use list is the lucrative commercial shooting on part of her land, for which she is paid by a neighbouring landowner. And her livery stable business, mentioned lower down. She will also be in receipt of approximately £95 per acre as a Single Farm Payment.

2.6 This para contains a typical obfuscation – Brian Pounder runs both Banbury MX Club and Wroxton Motocross Park. Often, they find it expedient to hide one behind the other or blur the edges. A smokescreen. Wroxton MX Park is the track, on Mrs Kerwood's land, and Mr Pounder and members of his family run it and hire it out to other clubs and for events. Banbury MX Club is a separate, relatively small local club which has been going for years and, until the last five-10 years, was much smaller and not based on this site but on another nearby site which closed over a decade ago. All indications are that the finances of Banbury MX Club have nothing to do with Mrs Kerwood.

NB: Banbury MX Club is now the minority user of Wroxton MX track – the main users are the big, paying outside clubs and events. We have already supplied indisputable evidence of fixtures and events to prove this. We understand that Mr Pounder also runs another track in this region.

2.9 This section says that the site can currently operate under permitted development rights. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) provides for lawful temporary use of land, subject to conditions and restrictions as set out in the Order.

Incorrect: the site cannot legally operate this way, under permitted development rights, as it has permanent structures which, on their own, exceed the permitted 28-day limit because they NEVER leave the site and the land is never returned to its former agricultural status. They even refer to "the provision on the land of any movable structure for the purposes of the permitted use". This principle has been confirmed by CDC's acting head of Enforcement.

3.3 Once again, utterly contradictory. In their Application Form the operator states that the track is not commercial. But, here, we are told that this unlicensed operation is highly lucrative and significant: "the income it generates is essential to economic sustainability of the farming business and it is therefore an essential part of the farm's economic strategy".

4.1, 4.2 and 4.3 are extracts from this report:

4. AMOUNT & SCALE

4.1 *The motocross track extends to approximately 2.2km in length. The application area, including the access track is approximately 7.76 hectares.*

4.2 *The (stet) consists of a sinuous **bare earth course with raised grassy embankments**. Please refer to plates*

two and three below.

“Bare earth” over 2.2km of it – not a chance of grazing. Once again proving that this is solely a track. And the reason for water issues identified elsewhere.

4.3 *Engineering works have been undertaken to create the track create sediment traps, and to raise small embankments for safety reasons to separate sections of track and to add jumps to the course.*

So, rather than running races on a field, a track has been created by engineering. And such works are permanent, they are not removed between races, as the restoration to agricultural use would require. The so-called 'sediment traps' are actually ponds, to pool water for abstraction, any issues with sediment being as a direct result of the owner's engineering works and erosion by the racing. There are no such issues alongside the site where the hillside is unmodified and is grazing land. This has been verified with the neighbouring landowner.

How can they possibly refer to the earthworks as “small embankments”? Here and in 7.2 they make this claim. This beggars belief: they are vast. Individually and collectively. Stand next to one of these embankments and you feel dwarfed – it is on the scale of a major highway. Again the engineering is not primarily for safety - it is designed for rider thrills. (See countless Facebook rider comments praising the recently-constructed triple jump and other exciting circuit contours.)

7.2 *A small amount of engineering has taken place to raise some embankments for safety reasons to separate sections of track and to add jumps to the course.*



As can be seen by looking at photographic evidence, there is no way this is “small”. One only has to look at the hillsides on either side and the maps that have been provided to see how massive the engineering has been, including unauthorised work to the stream to create lagoons for unlicensed water abstraction. (See a sample of 2021 pictures, here and next page.)

Consider also the equipment, including excavators used on-site for the “small” engineering. One of these is a 13-ton mechanical digger.

The use of “small” as an adjective is ludicrous and insulting to the intelligence.





8.3. The report shows an aerial shot of the camping. Note that this camping area has expanded in the last few years, on both boundaries, and the neighbouring landowner reports seeing over-spill vehicle camping infiltrating into the much larger field outside of these boundaries. Mrs Kerwood owns this land, outside both existing camping boundaries, and there has been speculation that this would become a permanent expanded camping and parking area for the top riders' larger vehicles (and merchandise/catering entourage) which would be attracted if this application is approved.

It is noted that the camping element of the application is largely ignored. When the circuit is hired out to distant clubs, for example from Hastings, many of the participants will be staying one or two nights. For the biggest events they have stated as many as 1500 people, 600 camper vans, plus motorcycles and spare fuel can be on-site. Movable structures on wheels or skids in connection with the use of the site, such as portable toilets, benefit from permitted development rights. However, any day when such a temporary structure remains on site counts as one of the number of days permitted.

The rules are also different for motorhomes, as they are not the same as for a traditional tented campsite. As can be seen from the photos the camping is largely confined to motorhomes; it is unclear what licences they hold and there concerns about adherence to health and safety regulations eg vehicles being 6m apart, which they are obviously not.



7. Landscaping Scheme (numbers refer to the original document numbers)

Overall a rather lame scheme, not helped by sections being inappropriately cut and pasted from a totally different site report. Mitigation proposed is insufficient and there are no plans for aftercare and management (minimum period of 25 years).

Sections 1.2 and 1.3 – there are two mentions of the location of the track in 'open countryside' – which is precisely why it is so visible from various aspects, public and private, and, partly, why the sound carries so far.

1.3 Mrs Kerwood does NOT own the stream – her boundary is the edge of the bank on her side, as is the case for the neighbouring landowners on their side of the bank.

3.1 Virtually none of the trees abutting the track, visible on the aerial shot, belong to Mrs Kerwood. A copse of oak and ash is on the neighbour's land at Hornton Grounds Farm.

Section 6.2 states: *In total approximately 789m of native species hedging will be established at **Newton Holiday Park**. Hedging will be planted along the line which forms the eastern boundary of the holiday lodge site together with additional hedging planted in the middle of the site. The proposed new tree and hedge planting together with the existing recently planted trees will form **effective screening and provide privacy for the holiday lodge site**.*

A bit of a giveaway: we are looking at a cut and paste from elsewhere. Indicative of a flawed report?

4.1 This paragraph identifies that the site is currently in poor condition and the works (which have already been completed) have been done to a poor standard and further remediation is required to put the site in good condition. This is indicative of the agricultural standards adopted by the landowner consistent with it not really being of agricultural value any more.

4.2 It is not clear as to soil type and depth required and how this will be provided/monitored.

6.4 *The species mix will create natural habitat for insects, birds and small mammals, as well as provide an attractive feature within the site which will benefit the **seasonal workers and the wider general public viewing the site from further afield**.*

Seasonal workers are going to enjoy the planting. Seasonal workers? This is another cut and paste. And where is the public enjoying all this, given in the application it says the site is not visible by the public? Small mammals are most likely to be run over by bikes or campers. Along with any newts.



9.3 A new hedge might be required to protect the new hedge from grazing livestock.

Do they mean a new fence will be required to protect the new hedge? A drafting error again.

10 Aftercare is insufficient. Assessments should be made 3 times a year by an accredited contractor and maintenance and aftercare of hedgerows for a minimum of 10 years or until closure of the track.

11. 1 Wildflower Meadow Creation. A joke: this is the parking area for hundreds of camper vans, with up to 1500 people trampling over it. If one plant flowers sustainably it would be something of a miracle.



11.2 The seed mixture will be based on British Plant Communities Mesotrophic Grassland 5 (*Cynosurus cristatus* – *Centaurea nigra* grassland), which is the grassland type that the site is listed as on the **Worcestershire** Grassland Inventory.

Really...this site is listed on the Worcestershire Grassland Inventory? More cut and paste?

12.1 Why might new planting be threatened by piling of earth and rubble? How much further track engineering will be required for their intended earthwork and enlargement? Remember, they need only to add 20 seconds of lap duration to achieve international Grand Prix status.

8. Flood risk assessment

There is no natural fluvial flood risk here (highlighted by the report section 5.1). The watercourse issues are because of the track and associated unauthorised engineering works. The stream either side has no such issues where it has not been interfered with. This has been confirmed with the neighbouring landowners at Hornton Grounds.

Figure 7 fails to show another "pond" directly by the footbridge carrying the footpath. The stream was engineered through unauthorised damming to allow substantial water abstraction, with no licence. What is referred to as the "lower pond" was created to do the same thing on a more industrial scale, counter to the agent's suggestion in his point 6. The historic aerial images clearly show this.

In section 3.2 the report says: *"Looking behind the pond and stream in Figure 12, the land is low and a witness stated that the stream did not enter the pond in this way, until its course was diverted during recent flooding."*

The reason for this is simple...the engineering works carried out on site. It then goes on to talk about: *"The small waterfall in Figure 11 appears to be a recent feature, spilling over the grassy pond margin."* And later: *"The absence of an established channel suggests that this connection is recent."*

Yet more evidence of the impact that the operators have had...note "recently". Again changes to the watercourse are simply man-made, and by whom is later made clear:

"These facilities have been installed and maintained by Mr. Brian Pounder of the Banbury Motocross Club"

Page 17 of the report states: *It can be seen from Figure 20 that the greater part of the site is underlain by "Restored soils mostly from quarry and opencast spoil"*. The race track area is unquarried, unlike many areas locally. There is strong evidence that material has been brought in, which would require appropriate licenses. Large areas of the lower levels by the stream have been built up with huge quantities of rock, some slabs being a metre across, which is not from elsewhere on the site. This requires further investigation, given the scale of such earthworks, although much of this has now been covered in soil.



The whole section about run-off, sediment traps etc, we contend, is a nonsense. It is trying to justify engineering works put in to trap sufficient water for abstraction and deny that the problems, Mr Pounder so bravely battles, are anything other than as a result of the changes made to the hillside. The smoke and mirrors approach. Why are such measures unnecessary either side of the stream outside the site. The proposals are equally contradictory, for example, the swales mentioned in section 7.2 directly clash with tree protection proposals outlined in section 12.2.

As noted elsewhere, the engineering work done to the stream has been identified as a breach by CDC's Building Control Manager, Tony Brummell, (March 2021) and the Environment Agency have also been asked to intervene and assess required consents.

The recommendations of this report indicate the many hours/days of ongoing maintenance of abstraction, drainage, surface spraying and silt removal that are required. Such tasks will eat into the conservative proposal for 65 days of presence on the site and made it clear that this is a permanent undertaking, requiring weekly management, as has been the case in the last few years.

9. Planning Statement

Numbers below refer to the relevant part of Mid West Planning's statement.

2.6 Already noted is the fact that the track is excluded from the Stewardship Scheme; presumably, because - rather obviously - it is not agricultural.

In 2018 the average farm size in the South-East was 85 hectares (DEFRA). Mrs Kerwood has 320 hectares. This is not some small struggling farmer who relies on the track to survive. If this is essential then, no doubt, the landowner would be willing to share her accounts to prove this. But, then, she also claims this is NOT a commercial site. The applicant's logic appears deeply flawed. (Hedges & Kerwood accounts are not obtainable via Companies House.)

2.9 The applicant talks about the positive impact on local shops, public houses and restaurants. This is untrue. The reality is these riders are largely self-sufficient, most camp as they have to transport motorbikes and there is only one local shop – a farm shop. The only restaurant that is sufficiently closely-located, so that it might be thought to be supportive, is the Indian Queen restaurant (shown on applicant plans as New Inn, a name from years ago). But no: the extract below is from their objection to the LDC application:

Address: The Indian Queen, Stratford Road A422, Wroxton, Banbury, OX15 6HX

Comments: 24 days is far too many. 12 to 15 maximum. It brings with it noise and dust from 9am till 4.30pm every race day. Most of the motocross teams are good people but, of late, we've seen some rather alarming behaviour from some of them. Abuse and threatening behaviour, and a complete lack of covid-19 restrictions being observed. Received Date 11/09/2020 10:50:45

And, in relation to the current application, they are equally unenthusiastic, to put it mildly:

There are many reasons we object with the Motor Cross events being extended to 65 days a year. The first reason is that we are never notified when an event is going to be taking place. Therefore, we have arrived at the restaurant unprepared many times where we were overwhelmed with bookings and takeaways and struggled to cope. This caused our local and regular customers to become upset on a few occasions. We have a good reputation in the local village and this tends to get spoilt when the motor cross events take place. Furthermore, another reason we disagree with the planning permission is that we have had a few incidents in the past with people from the Motor cross events. One of these incidents involved children from the motor cross event throwing stones at our regular customer's vehicles. The Police were called to the restaurant as this could have caused someone to be seriously injured. On another occasion, we had a few children from the Motor Cross event vandalise our property. They had broken a few of our ornaments at the restaurant and blocked the toilets with huge amounts of toilet roll. Moving on, a lot of the people from the Motor Cross events do not have any respect for us or our restaurant at all. They fail to follow our rules and system we have in place at the restaurant, which became very difficult to deal with during this Coronavirus pandemic. Each time there is a Motor cross event we have people from the event booking large tables at our restaurant and not showing up which is absolutely disgusting! Many times we've rejected other customers because of this matter and lost out on capital. Others would try to walk into the restaurant without booking and demand a table and if we failed to get them a table they would end up writing a bad review for us online. We've had many prank calls and fake orders from them too! However, the biggest incident we had was last summer. We had a guy from the Motor Cross come in for a takeaway

not knowing what's on the order or the name on the order. We explained the situation and asked him to place the order again which resulted in him getting angry and trying to attack a member of staff. We had thrown him out of the restaurant and the police were called once again.

So no positive impact, just the reverse. There is also damage to the most local B&B and farm shop business, two fields away at Hornton Grounds Farm, whose owners wrote several letters of complaint as part of the LDC application and who remain opposed to this application:

"In all the years that we have run the farm shop we have had no business from the track visitors. The main impact has been numerous camper vans losing their way and driving into our yard! As far as the B&B, we have had to apologise to guests when the tannoy and engine noise disrupts their stay in what is, on non-race days, a wonderfully tranquil setting. So overall we see the track as having a negative business impact, irrespective of our personal opposition to having to put up with the noise."

The landlord of the Dun Cow public house in Hornton confirmed that over recent years they had indeed had a total of two bookings, one of whom failed to turn up.

Not one local business wrote to support the LDC application so, once again, the applicant is misleading in the submission. Like so many other claims in the application - not supported by the facts.

3.1 Again a claim about mixed use – a fanciful notion that the applicant elsewhere flatly contradicts, common sense saying that this is what it looks like, a motocross track.

3.3 States:

"In 2018 CDC established through investigations that no enforcement action against the site could be taken."

There is no record of this in the planning history and the subsequent instruction to apply for an LDC would suggest that it is erroneous. Apparently, the report notes, there are letters of support. But hugely more letters objecting, which they appear to have overlooked.

3.4 States that the application is for a change of use. No, nothing changes, other than frequency, again this land is not grazed other than for 'PR smokescreen' purposes. One only has to look at all the aerial footage over the years - not a sheep in sight.

3.5 Again there is the claim the land is returned to agricultural use; clearly a misrepresentation of the facts. There is no grazing alongside and, with 800 acres, Mrs Kerwood surely can't be relying on this 17-acre site for grazing, let alone having to transport sheep by wagon. With the rubbish spread across the site (litter from the December meeting is still there some three months later) one wonders about the animal husbandry, do sheep thrive on plastic visors and burnt drinks cans?

3.7 This suggests the track can be made acceptable to local residents. Local residents are opposed to the track. Full stop. The owner has shown scant regard for planning law or neighbours. She has also claimed to the local press (*Banbury Guardian*) that she knows nothing about what goes on there. We have Hornton PC correspondence with her that demonstrates her level of disregard.

4.1 National Planning Policy Framework. (NPPF)

It is very difficult to see how this application fits with healthy lifestyle, environment, biodiversity, intrinsic beauty and character of the countryside etc etc. The report just highlights the gulf between the application and NPPF.

The Environmental Objective

The following 4.6 and 4.7 are lifted wholesale from the planning submission and again are completely at odds with the application. Do they help the applicant's case? We think not:

4.6 Chapter 15 of the NPPF deals with the conservation and enhancement of the natural environment by minimizing impacts on landscape, biodiversity, geologically valuable sites, and where possible enhancing biodiversity in order to halt the overall decline.

4.7 Paragraph 170. Planning decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

Local Planning Policy Context – again, in the Local Plan, the evidence is that the application is at odds with policy. Items 4.15, 4.16, 4.17 are taken directly from the Mid West Planning submission:

The Cherwell District Council Planning Policy is the adopted Cherwell Local Plan 2011- 2031. It is considered that the following local plan policies are particularly relevant: -

4.15 Policy ESD8: Water Resources “The Council will seek to maintain water quality, ensure adequate water resources and promote sustainability in water use. Water quality will be maintained and enhanced by avoiding adverse effects of development on the water environment. Development proposals which would adversely affect the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted.”

4.16 Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment. “Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment Protection and enhancement of biodiversity and the natural environment will be achieved by the following: • In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources • The protection of trees will be encouraged, with an aim to increase the number of trees in the District • The reuse of soils will be sought • If significant harm

resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted.

4.17 Policy ESD13: Local Landscape Protection and Enhancement "Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would: • Cause undue visual intrusion into the open countryside Cause undue harm to important natural landscape features and topography • Be inconsistent with local character Impact on areas judged to have a high level of tranquility, Harm the setting of settlements, buildings, structures or other landmark features...

National Planning Policy Framework. Again taken from the applicant's submission:

5.1 National planning policy supports sustainable development and clearly states that there is a "golden thread" running through policy which is the presumption in favour of development that will not affect the ability of future generations to have as good, if not better environment, strong vibrant communities and economy.

A strong vibrant economy is not helped by driving locals from the Indian Queen, nor stopping guests enjoying the tranquility of Hornton Grounds Farm B&B, nor impeding village traffic on lanes and access roads, nor preventing local residents from enjoying the amenity of their homes and gardens. Clearly, the application flatly contradicts the "better environment" and is damaging to local communities, as evidenced by the mass of objections locally to the LDC application.

Their Concluding Comments

This section seeks to minimise the problems highlighted in the various reports, which we have already addressed. It makes the mistake of thinking that the lack of historic complaints is relevant. But, as we know, that was because, as outlined in Hornton Parish Council's submission to the LDC application in 2020, the track has been transformed in size, scale and hence noise in recent years.

The recent much greater use of 4-stroke machines is also a factor, having a different noise profile, and increased impact at distance, to 2-stroke machines. The so called "Four Stroke Revolution" coincides with increasing local opposition, clearly a contributory factor.

Before 2017-2018, track neighbours were willing to tolerate the noise and other impacts. This was when the track was smaller, less commercial and less intrusive. It is not locals who have become less tolerant. It is the track owner who, irrespective of planning regulations or local concerns, chose to try to maximise her revenue by transforming this facility into a national motocross venue.

Throughout the application there is a cavalier attitude to "bureaucracy"; it appears that the owner and operator believe that somehow they are exempt. We trust this is not the case.