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Mr George Smith
Cherwell District Council
Planning & Development Services
Bodicote House
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OX15 4AA

07th April 2021

Dear George,

**PLANNING APPLICATION 21/00517/F AT LAND USED FOR MOTORCROSS
STRATFORD ROAD A422 WROXTON OX15 6HX
OBJECTION TO PROPOSED DEVELOPMENT**

I live on the eastern side of Hornton and wish to register my **objection** to the above Planning Application at Stratford Road A422 Wroxton OX15 6HX ('Application Site'), for 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)*' ('the Proposed Development').

Background

Wroxton Motocross track is located in the open countryside, approximately 7.25 km northwest of Banbury, 1.9 km northeast of Shenington and 1.25 km south-southwest of Hornton. The Site presently comprises agricultural land used for grazing of livestock, but operates as a motocross track under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Class B of Part 4 to Schedule 2, which allows for the lawful temporary use of land for motorcycle racing for 14 days per year.

The site has an extensive history of investigations into the potential breach of planning control as a result of numerous objections to the operation of the motocross track. In 2018, Cherwell District Council ("the Council") undertook enforcement investigations into the use of the Site. These investigations resulted in no Enforcement Actions being taken but indicated that further complaints would potentially trigger a further investigation into establishing whether a statutory nuisance exists under the Environmental Protection Act 1990.

In August 2020, an application was submitted for a Certificate of Lawful Use (20/02126/CLUE) to allow its use for 24 days per year. The application was withdrawn because the track had been extended and encroached into the neighbouring field and as such, the application area failed to qualify for the Certificate of Lawful use, as it had not remained unaltered for the required period.

In January 2021, the Council issued a screening opinion (21/00294/SO) with regard to the retention of the Wroxton Motocross site. The council did not consider the development to require an EIA. However, it was asserted that this does not mean the proposal would not have environmental effects, and that these would need to be covered in the information submitted as the development is likely to cause, or causes, pollution and nuisances and has some effect on biodiversity.

Proposed Development

The applicant now seeks planning permission for the existing facility in order to regularise the Site and its use in its current form, establishing it as a mixed-use site for use in agriculture and as a motocross track with ancillary parking and camp site, and to further intensify this use by establishing the use of the track with associated camping site, for up to 65 days per year.

The proposals represent a significant intensification of the Site and its use and leads to far greater impacts for the locality. Accordingly, the application must be fully and robustly considered in terms of its impacts. These impacts, as outlined in detail below, are harmful to the locality and to the amenity of its residents and cannot be supported.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the Site comprises the following:

- Adopted Cherwell Local Plan 2011-2031 (Part 1) (July 2015);
- Adopted Cherwell Local Plan (1996) saved policies (September 2007); and
- Interactive Adopted Policies Map.

The application clearly conflicts with the adopted Development Plan and there are no material considerations that outweigh this conflict. The application should be refused.

Grounds of Objection

Inappropriate Scale of Development

The applicant claims that the provision for the lawful temporary use of land for motorcycle racing for 14 days per year in line with the GDPO, should be acknowledged as the base-line for the site. However, the current proposals represent a significantly intensified use, not least by proposing to use the Site for as many as 65 days per year.

The applicant acknowledges within their Planning Statement, that engineering works have taken place on the Site to create the track, sediment traps, raised embankments, to separate sections of track and to add jumps to the course. Furthermore, portable toilets and wooden fencing have been permanently placed at the site to serve the use of the track and result in the use of the Site appearing more akin to a permanent facility for vehicular leisure, as opposed to the appellant's claim of the normal permanent use comprising agricultural land used for grazing of livestock.

From this clear expansion and intensification of the race track and camping land, it is considered the whole character of the land use has changed significantly, as have the nature of the events held at the track. What was a local 'scrambling' facility has evolved incrementally into a significant vehicular leisure facility, which no longer primarily comprises agricultural land and no longer serves a local requirement. The 'baseline' established by the previous use of the Site as a motocross facility therefore falls well short of what is now being proposed and the proposed use for the Site does not relate to local need, and rather, relates to a commercial interest to the detriment of existing residents.

The proposed development would therefore result in the creation of an inappropriate facility in a geographically unsustainable location, which would not be an appropriate location for this scale of development. It has no access via public transport and poor walking and cycling routes and would not reduce the need to travel or be accessible or offer a genuine choice of alternative travel modes over the private motor vehicle. The proposal therefore conflicts with Policies SLE4, ESD1 and BSC10 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

Transport and Highways

It is understood that during pre-application engagement, Cherwell District Council requested a Transport Assessment be provided as part of the formal application, clearly recognising the potential for adverse highways impact. The Transport Statement (TS) prepared by The Hurlstone Partnership is submitted in support of the Proposals. However, several aspects of the assessment are not satisfactory and, in light of these factors, the robustness of the assessment is brought into question.

i. Access

The TS notes that the existing access has a visibility splay of 93m to the north and 100.5m, to the south. This has been measured on site however, it does not appear to have been checked against public highway extent, which could potentially decrease visibility. Nonetheless, the measured visibility quoted in the TS is well below the required minimum for an unrestricted 60mph road, which should be 215m according to the minimum standards set in the Government's Design Manual for Roads and Bridges (DMRB) (CD 123 and CD 109). This minimum requirement is also specified in Oxfordshire County Council (OCC) guidance.

The TS states that the existing splays allow for 50mph speeds according to the Government's Manual for Streets (MfS) parameters. However, MfS guidance is only applicable to roads with speeds below 37mph and in urban/built-up environments. Neither requirement is met at this location. According to the correct and more onerous national (DMRB) standards, visibility splays for 50mph roads should be at least 160m.

The TS also states that vehicles were observed travelling below 50mph, however this is based on site observations and not on actual speed survey data. OCC guidance requires a speed survey to be undertaken: Speed surveys should be carried out to determine actual road speeds rather than posted Speed Limit Orders. Given the gradient experienced at the location, which the TS notes ranging between 5% and 6%, it is likely that vehicles experience higher speeds than anticipated while going downhill.

It is acknowledged that the COVID-19 pandemic might have disrupted usual traffic flows, however speed surveys can be undertaken and are essential to determine the correct visibility requirements for the access. In the absence of actual speed data, the site access should demonstrate full visibility splays in accordance with national DMRB standards and speed limits.

ii. Highways Capacity

The TS includes a highway capacity assessment based on TA 79/99 Traffic Capacity of Urban Roads. It is noted that this document and the advice contained within was marked as obsolete by the latest issue of DMRB and therefore has been withdrawn. In any case, the methodology described in this guidance is for application on urban roads and therefore not applicable to this location.

The TS states that usual events at the site attract up to 350 vehicles on site. This increases up to 600 vehicles during national events. However, the report has not assessed the potential impact in local highway performance and junctions for the expected 600 vehicles during the peak hour of the site.

The TS also states that usual vehicles would include cars, van, tow caravans and motorhomes. The TS has not considered larger vehicles and HGVs which would be likely to access the site.

Although the arrival might be staggered across several hours, the TS acknowledges that departures could occur within just one hour. The TS also states that the route to the site runs along very narrow roads with widths varying between 4.3m and 4.5m and limited passing points. It is considered likely that the proposed intensification of the road would result in road blockages during events, as the road is not capable of accommodating two-way passage and high traffic flows.

Amenity Impact

The supporting Noise Impact Assessment, prepared by ParkerJones Acoustics Limited (PJA), states that PJA has attended to monitor a 'typical weekend event', conducting noise measurements at the track and surrounding area, and then used noise modelling to validate these results and determine noise propagation under different scenarios (i.e. different weather conditions or larger scale events at the track).

PJA state in their report that they believe that the lower limit of 50 dB LAeq corresponds to the LOAEL – the Lowest Observed Adverse Effect Level (LOAEL) referenced in National Planning Policy; a level at which the noise levels are described to be "noticeable and intrusive", resulting in an "Observed Adverse Effect". Within the assessment PJA state that the majority of properties in the area, are below this 50 dB LAeq / LOAEL threshold indicating that the level of disturbance may in fact be higher in some cases.

The NPPF states at paragraph 170, that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. NPPF paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area.

The Site is located within an area which can best be described as quiet and tranquil. The noticeable and intrusive noise impact upon local residents, as evidenced by the extensive history of noise complaints and enforcement investigation, is therefore contrary to National Guidance and the application should be refused on this basis.

Furthermore, the methodology of the Noise Impact Assessment raises concerns with regard to the validity and robustness of the findings. PJA claims that the levels wouldn't be particularly affected by different weather conditions; a claim which is largely unsubstantiated.

PJA also refer to a 'typical weekend event' with minimal explanation. Evidently, from the submission, a range of events are held at the Site across the year, of varying levels, ranging from club level, to National level events. It is therefore considered that the data reported and modelled from, may not provide a wholly accurate representation of the true impacts of the operation of the Site and may underestimate the true impact on surrounding residential amenity.

Landscaping and Ecology

The development of the Site, by way of the engineering works which have taken place, and the more permanent campsite facilities, has resulted in visual intrusion into the open countryside which is inconsistent with local character. The proposed development would result harm to the rural character and appearance of the area by virtue of being a visually intrusive form of development in an open countryside location. It is not considered that the very limited landscaping scheme proposed is sufficient to overcome this harm. The proposal is therefore contrary to Policy ESD13 of the Cherwell Local Plan Part 1 (2015), Saved Policy C8 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

Furthermore, the northern section of the site lies within the Oxfordshire Northern Valleys Conservation Target area. This is an area identified as an important area for wildlife conservation within a recognised Landscape Description unit where targeted conservation actions will have greatest benefit.

The submitted Ecology report states that infrequent use of the circuit throughout the year (average of 1-2 meetings per month), means noise disturbance and the likely impact on breeding birds is likely to be negligible. However, clearly the 65 day period of use sought per year would allow use in excess of 1-2 meetings.

The potential for the presence of Great Crested Newts is also of significant concern. The HSI scores within the supporting Ecology Report indicated that the two ponds on the Site were of good suitability for great crested newts. The scheme should not be progressed until further survey work is carried out.

Summary and Next Steps

Overall, it is clear that the Proposed Development conflicts with Local and National Policy and cannot be supported. Accordingly, I respectfully request that the Application be refused on the grounds that:

- Inappropriate development in the open countryside.
- The intensification of the use of the Site does not relate to local requirement and seeks to create an inappropriate facility in a geographically unsustainable location.
- The assessment of the access to the Site and the potential impact on highways capacity has not been robustly assessed.
- The proposal would result in significant amenity harm to local residents through noticeable and intrusive noise impact.
- The proposal would be harmful in terms of its landscape and ecology impact, in an area designated as Oxfordshire Northern Valleys Conservation Target Area.

I would be grateful if you could acknowledge receipt of this letter. In the meantime, please feel free to contact me should you wish to discuss these representations in more detail.

Yours sincerely,



James Hill MRICS