

Lynne Baldwin

From: Nathanael Stock
Sent: 16 June 2021 11:10
To: DC Scanning
Cc: George Smith
Subject: FW: Final appeal: 21/00517/F

From: [REDACTED]
Sent: 16 June 2021 10:38
To: Nathanael Stock <Nathanael.Stock@Cherwell-DC.gov.uk>; George Smith <George.Smith@Cherwell-DC.gov.uk>
Cc: Jane Law <Jane.Law@cherwell-dc.gov.uk>; Alex Chrusciak <Alex.Chrusciak@cherwell-dc.gov.uk>;
cllr.woodcock@hornton.org.uk; John Offord <pc.chair@hornton.org.uk>
Subject: Final appeal: 21/00517/F

Wroxton Motocross retrospective application: 21/00517/F

One final appeal from me.

As you can imagine, we, the residents of villages near this track, are deeply shocked by your report and current recommendations. We understand the 'legally enforceable' obstacles you - and we - face, but true justice is in danger of being blotted out in an attempt to avoid potential legal complications.

As a result, CDC is in danger of rewarding an unlawful track and a greedy landowner and, in so doing, setting a dreadful precedent for others who show contempt for the law and freely flout every rule in the book. This track will blight our lives and our homes.

Process problems

There are around 200 objection items on the portal. They represent many, many more residents. Hornton Parish Council has sent in numerous pieces of evidence, thoroughly-researched documents and other materials, like video evidence and aerial photographs, as well as rebuttals of applicant and officer submissions, including responses to some very late applicant and officer submissions that came in days ago (and are still arriving on the portal even yesterday) and which contained new, material data, claims and inaccuracies. We doubt that all these late documents - and our responses - have been taken into account in this process?

Many of the local residents' documents are based on substantiated evidence and research. *All* of the Hornton Parish Council documents have been professionally and exhaustively researched and clear evidence provided, wherever possible, often on key points of fact where the applicant has claimed something contrary or submitted misleading information or inaccurate inferences. You will have been aware of these as we submitted them. They date back to

the LDC application in autumn 2020 when, as you know, our evidence proved that the LDC application was invalid and, therefore, you required it to be withdrawn.

One recurrent pattern that we feel may be crucial to the current position is that officers of the Councils seem to be unaware of our evidence and repeatedly, in their assessments, read only the applicant's submissions and assume that the applicant's claims, and so-called facts, are accurate. How can this be? It occurs despite the numerous inconsistencies in the material submitted by the applicant and their agents and also despite the lack of any evidence provided to substantiate most of what they claim. We have mentioned this to you, in passing, in a recent Zoom meeting.

The most notable examples of taking the applicant's word for things are in the EHO Officer's reports regarding noise nuisance. However, the OCC Highways submissions fall foul of the same errors. Each time, when we spot them, we point them out and submit our responses and rebuttals, fully substantiated.

We are wondering what the obligation is for any officers involved to read a cross-section of submissions and evidence and to be aware of, and take into account, either key counter arguments and evidence and the salient facts on crucial issues, rather than taking the word of an applicant who has a record for omitting, stretching and mis-stating the facts on virtually every aspect of this retrospective application for an unlawful track?

3. Applying additional conditions based on fact

Depending on the outcome of the meeting this Thursday, we would like to urge that the facts about the track and its recent operation - as you believe them to be and as we have proven them to be - are recorded and shared publicly so we can all understand on what basis this application is being managed. Should the application not be refused and the members be minded to agree with further conditions being applied instead, this would give us all a solid platform from which to work, added to the long list of polices that have been contravened. It would also bring a modicum of 'peace of mind' to those who have worked so very hard to demonstrate the truth of this awful predicament.

Please don't reward an unlawful track and people who have shown nothing but contempt for their neighbours, the countryside, the planners and the law.

Kind regards



Hornton

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