

Eastgate  
Hornton  
Oxon  
OX15 6BT

8 February 2023

Dear Ms Magnuson and Mr Seckington

**Wroxton Motocross Track**  
**Application No: 21/00571/F**  
**Re: Draft List of Conditions, 31 January 2023**

I have read, in detail, your draft conditions document, posted on the portal last week. I'm very surprised it was not proactively shared with the various parish councils who have been consulted in the past: Hornton Parish Council did not receive a letter from you, I believe, despite CDC's written undertaking to keep them informed.

Some aspects of your draft document are a straightforward reiteration of the requirements submitted by your colleagues over the last two years. However, other elements are deeply disturbing, diluted or highly ambiguous. At worst, they ignore or diminish the significance of the evidence and pleas of nearby homeowners regarding noise impact and environmental (ie. ecology, biodiversity, watercourse, land) damage.

As a result, I encourage you to thoroughly review the content, structure and terminology of parts of your draft document to avoid harmful consequences to residential – and business – amenity and to avert the threats to your ability to enforce the key aspects of this track's future operation. (For the record, all local businesses, including pubs, objected to the track.)

If the conditions have gaps and loopholes there is no chance of ever enforcing appropriate behaviour. Cherwell residents will be at the mercy of the MX team and landowner and their country-wide paying MX clubs and events. The applicant will also be at liberty to 'misconstrue' or 'misinterpret' the conditions, which might cause immense harms, both to residential amenity and to the protection of rural landscape and biodiversity.

Best practice, in similar circumstances, is readily available. We can direct you to excellent examples of successful and well-informed local authority management of MX track operation, clear and enforceable conditions and robust confrontation of infringements.

For example, we have spoken with officers regarding Butts Quarry in NE Derbyshire (see below). We have also consulted independent noise management experts, who operate both on behalf of MX circuits and communities, so are completely unbiased. They tell us it is best practice for you to incorporate a Noise Management Plan at this stage – again, see below.

Let me enlarge on these and other key points – as well as endorse all the other feedback you will have received from Hornton Parish Council. The first three points are general, the rest are fundamental;

**- Enforcement**

There is no condition that stipulates the required access, and frequency of access, for CDC Planning, Enforcement and other expert officers or appointed individuals to observe, measure and inspect all of the various conditions to ensure they are being adhered to. Why is this omitted?

**- Terminology and ambiguity**

Major tightening up is needed to the wording of numerous restrictions in many areas of your draft conditions. Some phrases are very imprecise and/or leave the applicant to decide. This could be very damaging. Hornton Parish Council have itemised these critical problem areas in their response to you.

An obvious example is: 'a maximum of 6 race days within any 3 month period': this needs clarifying to remove all ambiguity and wriggle room. Race and practise? A full day or part of a day? A rolling three months or calendar quarterly?

#### **- Promised consultation on conditions**

There is also little or no evidence of you having taken into account the Conditions recommendations from Hornton Parish Council, submitted June 2021, immediately following the relevant Planning Committee meeting. Certainly, despite commitments, none of you have ever reached out to discuss HPC's condition ideas and rationales. Why not?

#### **- Noise**

Noise monitoring methodology and accountabilities need considerably strengthening with a Noise Management Plan, based on the model of those deployed successfully by other local authorities.

Your Noise Management Plan should be modelled on those successfully adopted by local authorities such as North East Derbyshire District Council, whose area contains Butts Quarry MX track, and Fenland District Council, with Washbrook Farm MX track.

In those cases, the Noise Management Plan is based on the Guidelines from the MX sport's governing body, the ACU, and the Noise Council. These include, for example, a ban on non-standard silencers and bikes revving up at the start of a race.

Even without such a Plan, councils in other parts of the country impose noise conditions which are a lot more robust. For example, Butts Quarry was refused planning permission, so has to operate under permitted development for the usual 14 days a year. But the noise from it was bad enough to constitute a statutory nuisance and North East Derbyshire District Council eventually issued a noise abatement notice against the owners, with some very stringent conditions. They include a 10am to 3pm operating window, maximum noise levels for bikes, on-site checking of bikes before they compete and a requirement that proper silencers are used on every bike.

If NE Derbyshire Council can do this for a track that can only operate for a total of 14 statutory days, then surely Cherwell ought to be doing it for one with permission to operate for 20 racing/practising days plus umpteen (45?) set-up and take-down days on top of these? (This latter overall usage limit does not seem to be clarified in your conditions, as far as I can see?)

This Derbyshire council is not the only one imposing such conditions - other councils do so as well. We are entitled to similar protection. If councils like NE Derbyshire regulate MX tracks in their area, would Cherwell be 'acting unreasonably' if it refused to apply similar conditions on Wroxtton MX track?

#### **- Schedule and programming - up-front transparency**

By when does the MX operator have to give prior information on the annual fixtures, timings, durations etc? This has been left entirely open. How will their proposed fixture season be consulted on and shared with interested parties, including villagers?

Scale, frequency, duration of permissible events: these elements need consolidating as they occur in various parts of your document in a very disjointed way, making them difficult to follow and open to abuse.

#### **- GCN protection**

There's hardly a mention of it in your document. Why?

To quote the government: (<https://www.gov.uk/guidance/great-crested-newts-protection-surveys-and-licences>): *"Great crested newts are a European protected species. The animals and their eggs, breeding sites and resting places are protected by law. You may be able to get a licence from Natural England if you're planning an activity and can't avoid disturbing them or damaging their habitats (ponds and the land around ponds)."*

MX bikes, land drainage systems, water siphoning-off, tractors, water bowsers and circuit ground-diggers operate immediately around - and in - the pond in which the GCN are living and breeding. Damaging or destroying a breeding or resting place is prosecutable. Perpetrators can get an unlimited fine and up to six months in prison for each offence, if found guilty. Why is this GCN habitat protection point not spelled out in your conditions?

One of the key aspects of your Ecology officer, Dr Charlotte Watkins' requirements – and reiterated by BBOWT - is that no overnight activity (after dark), of any kind, is permitted to take place on the circuit for fear of harming the newts. Yet, you are saying that racing and practising can continue till 6pm, at any time of year. This is contradictory.

Moreover, villagers and the neighbouring Indian Queen owners have made you aware in the past (with photographic and video evidence) that it has been the weekend race meeting overnight routine (usually Saturday night) for the MX maintenance team to carry out resurfacing and 'ripping up' of the circuit to prepare the surface for more racing the next day. The entire circuit surface is re-contoured by large tractors towing engineering gear. I urge you to make the condition NOT to do this very clear and unambiguous.

#### **- Scale and quantification**

Surely, CDC needs to stipulate numbers of participants, numbers of races, numbers of spectators, numbers of vehicles (two wheels, four wheels, more wheels), camping limitations, etc. You have asked the applicant rather than declaring a sensible limit, appropriate to the area within the designated boundary and road access conditions. Why?

This seems to be another example of CDC softening their approach, in the same way they have watered down the conditions required by their own officer, Mr Tim Screen. Is it?

#### **- Frequency and duration**

Why should racing be permitted at Wroxton between 9am and 6pm when other tracks are only allowed, by their local authorities, to race between 10am and 3pm?

9am to 6pm is nine hours of noise, two hours longer than the standard working day. Longer than most national-scale MX race competition formats. This is nonsense.

And, by the way, these are not local MX riders – the local Banbury MX group has dissolved. These are riders coming from many miles away to inflict themselves on our Cherwell countryside and our homes.

And you are allowing this duration of noise and harmful impact 10 weekends of the year – a fifth of the year's weekends. If they stick to no more than 6 days in every three months, this could mean six weekends between April and September. That's six (almost 25%) of 26 spring and summer weekends destroyed – when residential amenity is at the mercy of the incoming MX riders, the money-maker organisers and the direction of the prevailing wind.

Many people, living somewhere near the track, will suffer – a lot. All day. All weekend.

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In summary, this draft document, in its current form, poses immense threats to residential amenity and environmental protection. It also leaves Cherwell District Council vulnerable to reproach or even legal redress.

I urge you to take on board these and other points and review the entire thing accordingly.

Yours sincerely

Chris Brayshay (Mrs)