

Comment for planning application 21/00517/F

Application Number	21/00517/F
Location	Land Used For Motorcross Stratford Road A422 Wroxton OX15 6HX
Proposal	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)
Case Officer	Gemma Magnuson
Organisation	
Name	Clare Alexandra Bebb
Address	Old Red Lion, Millers Lane, Hornton, Banbury, OX15 6BS
Type of Comment	Objection
Type	neighbour
Comments	<p>"I strongly object against this application. I refer to the hard efforts put forth by our local parish council as valid argument against this proposal.</p> <p>Re. Application No: 21/00571/F Draft List of Conditions, 31 January 2023 Response from Hornton Parish Council</p> <p>A. Executive Summary</p> <p>The Draft Conditions cover most of the aspects of the potential revival of this national commercial MX Track</p> <p>However, there are also many fundamental and detailed omissions, shortfalls and ambiguities in the Draft that need to be consulted on and corrected</p> <p>Should these not be addressed, in our opinion and in that of our expert advisers, Cherwell District Council will be giving the applicant license to operate in a harmful and detrimental way that will hamper or invalidate any meaningful form of enforcement and protection by the local authority.</p> <p>The key areas for your attention are:</p> <ul style="list-style-type: none">- Major tightening up of the wording of restrictions on days and hours of track operation (ie. to cover racing and practising and site usage for camping/maintenance) and the need to remove ambiguity in other areas of wording, as indicated.- Scale, frequency, duration of permissible events: these elements need consolidating as they pop up in various places in a very disjointed way, making them open to misinterpretation and abuse.- 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. (We supply attached best practice codes and guidelines.)- GCN protection: the specifics do not get a mention anywhere. But this is a crucial aspect of this site, entirely at odds with the running of an MX track here. The key aspect is Dr Charlotte Watkins' requirement that no overnight activity (after dark), of any kind, be permitted to take place on the circuit for fear of harming the newts. This rules out overnight resurfacing and 'ripping up' of the circuit surface by large tractors towing engineering gear around the entire circuit surface. We encourage you to make this requirement very clear and unambiguous.- Regrettably, and unaccountably, there is also little or no evidence of you have taken into account the Conditions points we submitted and asked to be consulted on back in late June 2021, following the Planning Committee meeting in June 2021 - see Appendix I. Have you

considered these? If not, why not? At this vital juncture, we would like to discuss them, and the thinking behind them, with you.

Hornton Parish Council, as a key Consultee, awaits the opportunity to discuss this entire submission with your case officers and relevant Enforcement team members, well ahead of any deadline for resolving this matter. In the spirit of transparency, we also need to be advised of the deadline target for completing and signing off on these conditions.

We are happy to refer you to independent, expert contacts and parallel Planning and Enforcement officers, where that would be of use to your management of this application.

Please note: the numbering system is as per Gemma Magnuson's letter 31/1/2023

B. Detailed Comments

1.

"Prior to the first use of the site" - this needs greatly tightening up:

- How far ahead of the opening meeting of each annual season must the MX team submitted their proposed calendar of events in writing?
- Must all of the commercial/hiring-out dates they propose be firmed up with the hirers - ie. firm bookings?
- Do they have any leeway to add further dates (practice or racing) or change them later in the season? If they do have leeway to make changes or cancellations this could wreak havoc with residential amenity.
- So, once the schedule has been submitted and approved, if an event is postponed or cancelled what does that mean in terms of their 20 days per calendar year - do they lose those days of use rather than change the impact on the local communities?
- When and how will local residents and track neighbours - as well as Hornton Parish Council - be informed of this finalised schedule? (See also below) As evidenced by planning portal public submissions, residential amenity is seriously affected in at least five villages - Hornton, Horley, Wroxton, Wroxton Heath, Shenington: how will they be consulted or informed?
- What obligation will there be for the MX team to make their fixture schedule public, online? In the past they have not done this, deliberately.

1i. What does 'the intended programme' mean?

Surely, they have to submit a full and final detailed programme including: duration of on-site maintenance before and after each event; arrival and departure times for participants and their entourage; start and finish times of bikes being on the track; number of races; number of participants per meeting and per race; number of vehicles allowed on the site; confirmation of which areas of the site will be used for racing and camping on each occasion, within the designated site boundaries

1.ii: 'likely numbers of participants and spectators' - is this crucial number being left up to the MX management team to decide? Surely, there must be some stipulation in terms of noise, land and duration impact and the limitations on camping within the current site perimeter?

(NB. They have extended both circuit length and camping spaces in recent years and we have made you aware of their plans to bring in more and larger support vehicles to accommodate the top bikers and their entourages.)

During the application consultation period, your officers have also stipulated that no track activity must take place overnight - neither resurfacing/engineering works nor biking - due to the GCN presence on the circuit - where is this listed in your Conditions? (See also hours of racing later in this document - your suggested 6pm finish time will be after dark for almost half of the year.)

Where are the restrictions on not extending or recontouring the circuit? That is, not changing the appearance or profile of the circuit nor of the camping and spectating areas in any way.

1iii. 'periods of inactivity' - what does that mean? Are you referring to breaks in the circuit noise on each day of operation - if so, what is the minimum break you require and at what frequency? Or are you referring to inactivity between race meets? Again, there has to be a complete overnight period of inactivity stipulated.

You refer to 'practice or race days upon the site shall not exceed 20 days in any calendar year' - but what are you defining as a practice or race day? How many hours, maximum, and between what permissible start and finish times? These elements need consolidating into

one section for absolute clarity.

Re 'Informative Note regarding Condition 1':

(1) 'a maximum of 6 race days within any 3 month period' - This is not clear. Is that 3 month period rolling or based on the quarterly calendar year, as previously referenced - ie. January-March, April-June, July-September, October-December?

Given the maximum number of racing/practising days allowed a year is 20 days, wouldn't 5 days (not 6) per quarter/3 month period be more sensible and protective of residential amenity? And that's what we suggested - see Appendix I.

And why has the word 'practice' been dropped from this condition - are they free to add on additional practice days in any 3 month period?

Why is this an 'expectation', from which they are allowed to deviate, if they somehow justify this, and not a mandatory stipulation: this frequency of circuit use, particularly in the spring and summer months, is fundamental to the harms caused to residential amenity?

(1) ii What possible 'mitigations' might 'protect the amenity of local residents' if they seek to operate beyond 6 days every three months? We cannot imagine what these might be.

There is no clarity, again, on how far ahead of the proposed events they need to make a case for exceeding this frequency of scheduling to allow for response and consultation with the Parish Council.

(2) 'the Parish Council' - we assume you mean Hornton Parish Council? How will this consultation operate - what level of influence can the Parish Council have eg. do we have right of veto if we have existing village events happening on weekends they wish to move race meetings to? Or a large funeral, and associated vehicular procession, taking place in the village?

2. Regarding access between the land and the highway, since the Planning Committee Meeting of 2021 two things have changed:

- The narrow lane leading off the Stratford Road, past Wroxton Heath homes and down to the MX site gateway (leading on to the village or Hornton) is now riddled with pot holes and broken edges. It is in very poor condition - even worse than we evidenced in 2021. It is not in a suitable condition to carry, safely, the heavy, large-vehicle traffic that the MX site generates, regardless of the state of the site entrance and its vision splays and other provisions.

- Within the last few weeks, the landowner has already widened the gateway to the site. Villagers have made you aware of this. Did you grant permission? This seems very odd as the vehicles formerly using the track did not require wider access. We are concerned that this work has been done counter to CDC restrictions and with the intent of allowing big-name riders and their massive entourage trucks to enter the site, making for bigger events and more income. Please advise us on this point.

3. No comment.

4. We see you have included some of the comments of CDC Landscape Architect Tim Screen (19 January 2023). However, you have relaxed some of them or omitted others completely. For example, he stipulated a '10 year landscape management plan' and your draft has reduced this to five years. Why have you diluted his stipulations?

What inspection and enforcement regime will CDC adopt in this regard?

Mr Screen stipulated: 'All previously agreed ecological recommendations are to be included' but you have totally omitted this crucial point. GCN protection is not referenced, in specific terms, here or anywhere else.

5. Some of our parishioners have been in touch with you recently - and with your colleague Tony Brummell - to point out that basic watercourse and drainage maintenance has been completely neglected since they stopped making money out of this site as an MX track. Neighbouring farmers and down-stream landowners, as well as wild animals, are affected. Now.

Hence, there is a need for brook de-silting and restoration even before the MX team implement the 'approved drainage system and maintenance regime detailed in the Flood risk

Assessment prepared and submitted...'.

6. You have completely omitted references to specific requirements made by your Ecology officer, Dr Charlotte Watkins (20/12/22), and merely referenced the applicant's agent's latest submission.

Most recently, Dr Watkins said:

The applicants have submitted a new full metric which is fine and looks to be accurately assessed. I note there are some discrepancies between the metric results and the analysis within the Ecological enhancement measures document in terms of the predicted net gain due to a difference in the assessment of the off-site baseline units, however these are relatively small. The proposed off-site habitat enhancement of the additional area of grassland and woodland will be valuable in this location but will need to be secured for the lifetime of the track's operation. Management and achievement of the conditions should be monitored and reviewed through a biodiversity gain scheme to ensure a net gain is achieved. I would concur with BBOWT regarding the ambiguous wording in some of the documentation around the control of run off into the brook (and subsequent potential impacts on the LWS) but this could be resolved with condition of submission of an overarching document detailing what action will be taken on site in this regard.

7. We are pleased to see, thanks to this condition, that they cannot enlarge the site boundary in any way.

8. Thank you for at least protecting Hornton's May Day event each year.

9. Again, the wording here is ambiguous and leaves the applicant with too much lassitude in terms of timing, with consequent major impacts on residential amenity: 'Prior to the first use of the site' needs tightening up and specifying. This information should be forthcoming at the same time as the overall schedule in point 1 - these are all elements of the same schedule. They need consolidating.

The number of vehicles will be directly affected by the schedule, the type and scale of events and the number of participants and spectators - all aspects referenced in earlier conditions. To avoid ambiguity and potential abuse, these event schedule and scale elements need bringing together and consolidating into one overall condition.

Furthermore, why is there no maximum limitation on the number of four-wheel and two-wheel vehicles entering the site? The applicant requested a maximum of 260.

10. The operating hours should be reviewed. 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 engine noise, two hours more than the national working day. And you are suggesting it can be 10 weekends of the year (their hire-out events are always at weekends) - a fifth of the year's weekends.

Having continuous motocross engines roaring between 9am and 6pm is utterly devastating for local residents. We, in our previously-submitted conditions draft (Appendix I) had suggested between 10am and 4pm.

Moreover, BBOWT clearly indicated that there should be no disturbance to wildlife by lights or vehicles after dark, so this stipulation should be included.

Notwithstanding how your 'periods of inactivity' concept is intended to operate, the previous experience (witnessed by many onlookers and evidenced to you) was that the next race participants were revving up, for at least 10 minutes, at the side of the track while the previous race was still in full swing. There were few gaps in engine noise.

Once again, daily hours of circuit usage need to be consolidated into an overall event scheduling and scale condition.

We are extremely concerned about the noise stipulation you have included here. In our view, based on the expertise of top MX and local authority advisers, section 10 needs to be removed and replaced with a much more comprehensive Noise Management Plan.

It is important to note that CDC, in an FOI response to Councillor Steve Woodcock, admitted that CDC's previous noise monitoring, from a road in Hornton, was flawed in:

- Not knowing how many bikes were operating
- Not knowing the type of bikes (it turned out that your monitoring, inadvertently, was was of kids as young as seven on tiny bikes)
- Not knowing if bikes were practising or racing.

You did not even attend at the track.

Your Noise Management Plan should be modelled on those successfully adopted by local authorities around the country (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. We have submitted, alongside this document, the ACU handbook and the Noise Council code. These include, for example, a ban on non-standard silencers and bikes revving up at the start of a race.

These guidelines not only specify a maximum decibel limit of 96dba but also how that sound should be measured. 96dba is the maximum sound that any individual bike is allowed to make, so there has to be an on-site testing regime set up for all bikes to be tested in accordance with the provisos.

Given that the track is now hired out to private clubs coming from all around the country, we must insist that this testing is carried out by the track owner, and not left to the clubs using the track. It will certainly not be enough for testing to simply be a clause in the contract between the club and the track owner: if the club pays no attention to any such clause, they will be away long before that breach can be enforced. So the onus to test bikes must be on the owner and then, if this fails to happen, the council can take enforcement proceedings against the owner.

In addition, it should be a contractual condition that third parties hiring the track agree to abide by ACU noise-curbing best practice and that they understand that monitoring will be undertaken on site prior and during any event. This contractual obligation should include the understanding that any bike failing to comply with the aforementioned requirements will not be allowed to race or practice.

However, above and beyond this, if the noise emanating from the track goes above 96dba, the council should take enforcement proceedings too. The testing regime may specify how individual bikes should be tested but a noise nuisance will still be created if too many bikes start at once. So the conditions should stipulate the maximum number of bikes that can race at any one time.

It is also critical to effective noise control that the results of every test shall be verified and recorded and those results be a public document, available for scrutiny by officials from Cherwell District Council, local parish councils and members of the public with a legitimate interest in how the track is operated on an ongoing basis.

Given that Cherwell District Council claims to have a very strong "green" policy, the conditions should have a clause requiring the phasing out of bikes with internal combustion engines and replaced with electric bikes as soon as possible. The clubs will drag their feet on this but, if such a clause is enshrined in the conditions, Cherwell District Council can enforce it.

11. 'Prior to' - this same phrase appears again and is imprecise and meaningless. Are we talking months weeks or days/hours?

'How the calendar of events would be regulated' - what does this mean?

What elements do the event ticketing and vehicle permitting strategies need to contain as a minimum? How will they be made visible to CDC and local parish councils?

12. As has already been pointed out in communication with Tony Brummell in 2023, the silting up of the stream is already happening and affecting wildlife and biodiversity. Hence, as well as an 'Exit' Strategy Management Plan the site now requires an 'Entry' Strategy Management Plan. Inspection of these aspects of the site needs to happen, urgently, before these conditions are finalised, and restoration of the brook needs to be completed.

Appendix I
Recommended Conditions Submitted by Hornton Parish Council
June 2021

This document was submitted to the entire relevant Planning team (including Alex Chrusciak) and to the Enforcement team, notably Jane Law. No one has discussed it with us,

despite our repeated requests.

280621 - HPC/PC

Wroxton MX - Key Conditions Summary

To be clarified:

What is the penalty for any of these conditions being breached? Is there a standard penalty or does it depend on the contravention? eg. excessive noise = site closure;

Will CDC accept as a designated partner HPC supplying enforcement evidence in an agreed format - eg. periodic site photographs

The following conditions will apply, in perpetuity, from [xx date] and will be enforced in full by Cherwell District Council.

In addition, further conditions and issues, as listed and reported by Planning officers, remain to be fully resolved, to the satisfaction of the Council Planning Enforcement team, on Ecology (especially regarding the presence of Great Crested Newts), Drainage and Surface Water Management, Highways and Landscaping.

Days & hours of use & seasonality

For clarity, a calendar year is January-December inclusive and the three-month periods in a calendar year are January-March, April-June, July-September, October-December, all inclusive.

Wroxton Motocross site shall not be used for any motocross purposes (ie. racing, practising, hire-out events, set-up and set-down, maintenance) for a total of more than 60 days in any calendar year and that 60 days shall be comprised of no more than 20 days in any calendar year for track events, ie. days on which the motocross track is used for racing, practising or hire-out events.

In addition, out of those 60 days, the site shall not be used for motocross purposes (that is racing, practising, hire-out events, set-up and set-down, maintenance) for more than 15 days in any three-month period and the track not used (that is for racing, practising or hire-out events) for more than 5 days in any three-month period.

On days when the track is in use, engines will only be allowed to run between the hours of 10am and 4pm. Any set-up, set-down and maintenance should only take place between 8am and 8pm.

If a single-day track event takes place on a weekend [ie. one day only of racing and/or practising], racing and/or practising must only be on a Sunday, with arrivals of participants, supporters and spectators on a Saturday evening and the entire site being vacated by participants, supporters and spectators on Sunday evening.

If a two-day event takes place on a weekend, no participants, supporters or spectators arrive before Saturday morning and all of them are gone by Sunday evening. In this case, only practising takes place on a Saturday - no racing.

Weekend events will not occur on consecutive weekends.

No track event may take place on the first Monday Bank Holiday of May, of any year, as this is Hornton's long-standing annual festival day.

For the avoidance of doubt, a day of site and/or track usage means any usage on a calendar date, no matter how long the operator and/or users are on site on that day or part thereof - eg. an hour of presence on site of any number of people on a particular day would count as an entire single day - ie one of the maximum of 60 available per calendar year.

Site status

The development shall be retained strictly in accordance with the application forms and the following documents: PI 01; PI 02; SU2192 2D-1; SU2192 2D-2; SU2192 2D-3; SU2192 2d-4

For the avoidance of doubt, no changes, additions, expansions or modifications of any kind

are permitted to the site, its boundary, the circuit contours or levels or any permanent fixtures on the site, such as the toilet block, fencing and marshals' huts.

Incinerator skips are to be removed with immediate effect, no incineration of waste being permitted on-site at any time. All waste and litter is to be removed from the site within 24 hours of the end of each race meeting or practice session.

Permitted track events

Only motocross events are allowed at the site - ie. not quadcross nor any other form of motorsport nor any other sporting event of any kind.

Permitted bike engines sizes are restricted to a maximum of 450cc. The maximum number of any bikes on the track circuit at any one time is 40.

Noise (See also Appendix I for full details)

Noise levels at or from the site must not exceed 96dB(A) for two stroke engines and 94 dB(A) for four stroke engines at track side using the approved FIM Two Metre Max Test. (Ref Auto cycle Union - ACU - methodology)

Noise testing will be conducted, without prior notification, by Cherwell District Council enforcement officers at track events and on MX bikes of their choice, including national events, hire-out events as well as Banbury MX Club events. Cherwell District Council conducts such tests at least quarterly.

In addition, noise tests will be conducted by Cherwell District Council at homes, businesses and other locations within a 1 mile radius of the site and on adjacent footpaths at least quarterly.

Use of public address announcements, in whatever form, will be limited to security and health and safety announcements only.

Number of vehicles, parking & camping

Vehicles of any kind may only be parked in accordance with a plan, approved in writing by Cherwell District Council, showing parking provision for vehicles to be accommodated within the site. For the avoidance of doubt, a car, van, camper van or lorry towing a trailer or caravan shall constitute two vehicles.

The site shall not be used other than in accordance with the approved details and the number of vehicles parking within the site shall not exceed 260 (as per application), excluding MX bikes. If the number of vehicles is exceeded, this will be confirmed by drone photographic evidence, commissioned by and at the expense of Hornton Parish Council, supplied to Cherwell District Council.

Community liaison and communication

The applicant and track operator will maintain, at all times, a proactive system to notify the Council Planning Enforcement team and Hornton Parish Council, plus all neighbouring homes and businesses in Wroxton Heath, of all fixtures, their nature (ie. club, race or practice event) and duration, with a minimum of three months' advance notice. The Applicant and track operator undertake that any fixtures put in the diary without three months' notice will not go ahead.

Simultaneously, the track operator will publish the complete fixture list on a public Facebook page (not a closed group) and/or website where it can be viewed freely.

Should weather or exceptional circumstances intervene, alterations to fixture dates will be communicated in the same way with immediate effect and a minimum of three months' notice. If bad weather or exceptional circumstances intervene and a fixture has to be moved/postponed, the above rules in relation to the maximum of 60 days per year/15 days per three month and two days per calendar month will still apply.

Appendix I: Noise considerations

Given the margins for error and misunderstanding, as already demonstrated, we suggest that any future noise monitoring is undertaken by two officers, working as a team, as follows:

1. Location

1.1 90db+ is considered hazardous and we believe anyone on the footpath alongside the track should not have their welfare put at risk simply by walking in the country. We therefore suggest monitoring on the footpath alongside the start line.

1.2 A resident in Wroxton Heath (Andrew Bock of Stone Edge), in one of the nearest houses, has offered his garden as a location and, given the impact on the lives of residents, this would be a sensible place to monitor, it also being in the opposite direction to Hornton.

1.3 Hornton. Given that most complaints come from the village we suggest readings are taken in Eastgate, Millers Lane, Quarry Road and on the village Green. This is also directly in line of the prevailing wind.

1.4 The Indian Queen as a business has been adversely impacted by the track and it is at a different compass point to the suggestions above. The same is true of Hornton Grounds Farm.

Clearly, weather, mainly wind speed and direction is important in the effect it has on noise. So we believe having testing at compass points around the site makes for a more accurate picture of noise impact.

2. Individual bike monitoring

2.1 We suggest that a random check is undertaken to evaluate whether individual machines meet the stated standards. It is not uncommon for bikes to be modified for racing.

3. Event type

As noted above, the diversity of events makes a huge difference to noise. Monitoring a few five- and six-year-olds on 50cc machines bears no relation to a full-on adult race with machines up to 10x the capacity. Elsewhere, we have requested three months' notice of events, so there should be no problem with determining which race days to monitor. As noted above, there is a particular issue with noise at the startline, so it is important to measure noise at the start of the race, as well as during it. For clarity, we would suggest that annually at least one major adult national meeting is monitored, in addition to any other adult race meetings.

4. Frequency

For the first two years following any resumption of MX activity, we request quarterly monitoring. This should include at least one major national adult event, and all monitoring should be of adult racing. Thereafter, assuming acceptable levels, we would suggest two readings a year to ensure compliance, again with the condition all are adult and one a major national event, eg. Bridgestone British Masters.

5. Reporting

We would ask that a full noise report is made available to HPC within a reasonable period, to be not more than three weeks after it is completed.

Appendix II: Background: rationale for 20 days and spreading it across all four seasons:

- **** Villagers living near the track (not just Hornton) are most disturbed by it, of course, during the spring and summer months when they are out in their gardens - though it can also be heard indoors sometimes. An equal spread of 5 days per quarter prevents the spring and summer months being dominated and ruined by noisy MX events

The additional arguments for the 20 days of racing/practising/hire-out to be spread evenly across the four seasons are:

- It's what they have been doing: in recent years they have spread their unlawful fixtures (26-28 per year) across all four seasons and added a new 'Winter Series' (four dates), the latter being for Banbury MX Club primarily

- In 2019, for example, just the Banbury MX Club seven dates at Wroxton track began with their Winter Series of four meetings (24 Feb - 28 April inclusive), they had just one date in June - the other Wroxton summer fixtures all being more lucrative hire-outs events - and then closed with their last two Wroxton fixtures in October and November

- We have sent the Planning team fixture lists proving this four-season spread over a number of years, plus numerous screen grabs and other evidence

- The 2020 paper calendar of dates supplied by Brian Pounder, the operator, to the Vints at Hornton Grounds Farm began on 2 February and ended on 15 November

- For example, the 2020 schedule extended (partly due to Covid, admittedly) when Wroxton hosted an additional event in December last year, 2020. It was a hire-out to Coventry Junior

Club (CJMX). Events also took place in August, September and October 2020 during the pandemic.

- The British national MX calendar - covering the national competitions and big events - runs from March to September, inclusive: see this link

<https://dirtbikerider.com/news/motocross/british-mx-2021-dates/>

- The track team claim to host only two national events per year - hence, they cannot be needing a deep concentration of dates in the spring and summer.

Received Date

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Attachments