

Hope Bagot Parish Meeting
Nash Parish Council
Concerned residents of Whitton

30th July 2020

Planning Enforcement Office
Shropshire Council
Shire Hall
Shrewsbury
SY2 6ND

Copies to;
Peter Nutting Leader Shropshire Council
Environmental Health – Kirsty Bell
Rights of Way Officer – Helen Foxall
Cllr Richard Huffer
Environment Agency
Right Hon Philip Dunne MP

Dear Sirs,

Motorcycle Course and Events at Whitton and surrounding area - postcode SY8 3DB

Whitton is a small hamlet (population approximately 75) five miles to the east of Ludlow – there are no shops, pubs or village hall there is a parish church but no other venues.

On the weekend of 27/28th June a motorcycle event took place with no prior notice given to residents. These off-road motocross bikes were incredibly noisy and complaints were made to the police and Shropshire Council by residents within a three-mile radius (including the parishes of Hope Bagot and Nash).

A second event was held a fortnight later over the weekend of 11/12th July with 300 riders participating. On each day the event was operational from 10am to 4pm. The nature of the event is that of a continuous access trial for riders, who set off at intervals throughout the day utilising the tracks and challenging earthworks freely, using the facilities as many times as they wish. The result is 6 hours of non-stop noise emanating from all points throughout an extensive area."

While there is an issue of the significant increase in traffic on both weekends it will not be addressed at this juncture.

Statutory Nuisance:

Following complaints about the first event weekend Shropshire Council members (Richard Huffer and Andy Boddington) and officers were present on the Saturday 11th July in order to consider the noise impact. The organisers were aware that this would be the case and took precautions - including not permitting riding on the Whitton side of the escarpment. A north westerly wind was also blowing noise away from Whitton where an Environmental Health officer considered noise levels – effectively upwind of the starting point of the event.



It was noted that no sound level monitoring equipment was used nor did the officer, to our knowledge, visit the upper reaches of the circuit. The event covered a much wider area than the area closest to Whitton village - crossing into Hope Bagot parish and bordering Nash parish and an AONB where it could clearly be heard. The worst affected area on the Saturday being properties in Hope Bagot parish, north east of the uphill area of the event where the properties are directly opposite the ridge being ridden – a mile or so from Whitton village.

On the Sunday, however, there was a full complement of riders on the Whitton side and, with the wind blowing from the south east, the noise was severe with some residents feeling forced to leave the village. Mobile phone recordings were sent to Kirsty Bell, Specialist Technical Officer, Environmental Protection and Councillors.

The volume of noise produced by motocross bikes is very different from road bikes – these four stroke engines emit a real ‘bark’ that carries a long way making ‘normal’ life impossible for anyone within a 3-4 mile radius. Numerous dwellings in the villages of Whitton, Hope Bagot, Nash and the surrounding rural areas were affected by the noise but most significantly the tranquil setting of St Mary's Church Whitton where Sunday services, weddings and baptisms would have to be cancelled - having an impact on the viability of the church and, similarly, any events or celebrations planned within the area would be significantly adversely affected.

We believe that these events do, in fact, constitute a statutory noise nuisance and note that the Council is obliged to take appropriate action if a nuisance is found to exist.

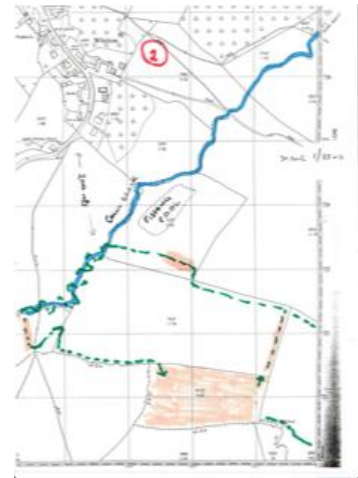
We regret that insufficient attention had been paid to the wind direction or to precautions taken by the organisers whilst officers were present.

and request that, if any future events take place, a more comprehensive noise survey be carried out and, if necessary, request that action is taken against the individuals responsible by serving an Abatement Notice under Section 80 of the Environmental Protection Act 1990.

Breaches of Planning Rules:

The adjacent map shows the area of the event closest to Whitton Village which has been extensively engineered to create a 'challenging' environment for the motocross participants with significant earthworks having been carried out (see brown rectangle). It is our view that this area of development and, subsequently, the events are in breach of planning.

The events are, apparently, being held under the Permitted Development Rights 14/28 day rule. LARA, The Motoring Organisation's Land Access & Recreation Association, lays out Good Guidance for Event Organisers & Land Managers (see accompanying file). The sections below are relevant regarding planning;

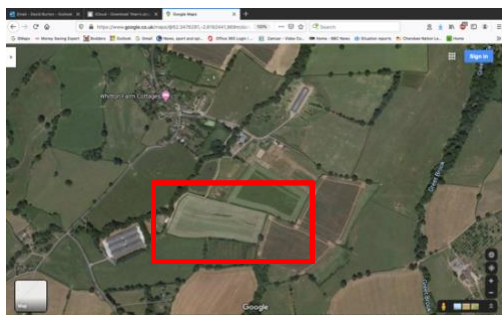


1.3 – Sites must revert to their principal use after the event has taken place – the site in question has had significant earthworks carried out. Large mounds have been built and a deep trench lined with old tyres for riders to traverse. Plainly this is not intended to be temporary and is therefore in breach of the relative planning requirements. Planning permission is required if the works being carried out meet the statutory definition of "development" as defined in Section 55 of the Town and Country Planning Act 1990. Where development includes (amongst other works) - (1) material change of use of land and buildings, and (2) engineering works (e.g. groundworks).

1.10 – The 14/28 day rule does not allow the building of tracks – the site has established a number of permanent tracks on what was otherwise originally undisturbed grass meadowland (which can clearly be seen on previous google satellite images).

The following pictures downloaded from cam footage taken at the events and available on youtube (<https://www.youtube.com/watch?v=1fyzQe5JcL4>) clearly illustrate some of the significant earthworks carried out in breach of planning regulations compared to the grassland seen from the google earth photograph.

Recordings showing the full extent of the tracks have been forwarded to council officers.





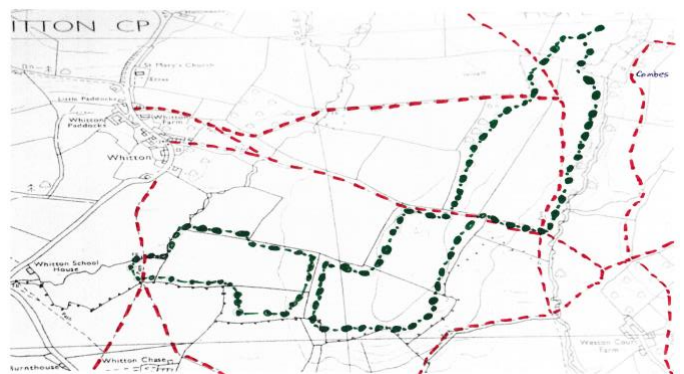
Furthermore the dumping of used tyres and the part burial of a motor car is in breach of waste regulations and risks significant pollution of groundwater (see pictures below). This will be pursued with the Environment Agency



Public Footpaths and breach of Countryside and Rights of Way Act 2000 and Road Traffic Act 1991:

The map illustrated shows the route of the circuit (in green) and public footpaths (in red) emanating from Whitton village and extending onto the ridge above Hope Bagot.

Shropshire Council Guidance Note 19 '*Motor Trials or Rallies Utilising Public Rights of Way* -



Obtaining Permission for Events' states clearly that *'Racing and trials of speed are never permitted on public footpaths, bridleways or restricted byways and the council has no powers to authorise such events. Furthermore, it is an offence to drive a mechanically propelled vehicle on a road or public place without due care and attention'*.

The events did not have permission to close public footpaths and were, subsequently, in breach of both the Countryside and Rights of Way Act 2000 (which states that it is an offence to drive a 'mechanically powered vehicle' on a footpath, bridleway or restricted bridleway) and the Road Traffic Act 1991 (if any vehicle is driven dangerously or carelessly on a public footpath, the driver may be prosecuted).

The pedestrian footbridge (on footpath 0564/7/2) going over Stoke Brook was crossed numerous times by an estimated 200-300 bikes. Cam footage downloaded from youtube clearly show riders driving at speed over the footbridge with no marshals present to warn pedestrians of this illegal use.



On numerous occasions footpaths were crossed or ridden along by riders at excessive speeds with no account of pedestrian usage and a local family were subject to significant abuse by the organisers when attempting to use the public rights of way. Following complaints on the first weekend marshals were deployed on the second weekend but only requested dismounting when they saw pedestrian observers approaching.



Environmental Damage

The track was routed through and along Stoke Brook (see Map 2 on P2 and <https://www.youtube.com/watch?v=1fyzQe5JcL4>) - this brook eventually feeds into Ledwyche Brook and the Teme. It is populated by trout and frequented by otters. The environmental damage can clearly be seen in the pictures of this otherwise clean flowing brook.





The track was, in fact, extended for the second weekend to include the 5-acre woodland immediately behind Whitton Chase. As far as we are aware no survey of nesting birds was carried out and steps taken to ensure no breach of the Wildlife and Countryside Act 1981 by disturbing Schedule 1 birds known to nest in the area. We are informed that events are planned for May and June next year. As this is much earlier in the season we believe that there will

be more harm caused to breeding wildlife.

Needless to say we are not aware of any ecological assessment carried out before the staging of these events.

Shropshire Local Development Framework – adopted Core Strategy

It is clear that the development is not in line with Shropshire Sustainable Community Strategy in that, to quote;

Council's Core Strategy for CS5 Country side and Green belt p65

'Subject to the further controls over development that apply to the Green Belt, development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, ... New developments must demonstrate no unacceptable adverse environmental impacts'. This development - does not "maintain and enhance countryside vitality and character" nor or does it bring "local economic or community benefits" but it does have significant adverse environmental impacts.

CS16 Tourism, Culture and leisure p.104

'Supporting schemes aimed at diversifying the rural economy for tourism, cultural and leisure uses that are appropriate in terms of their location, scale and nature, which retain and enhance existing natural features where possible, and do not harm Shropshire's tranquil nature;'

and 6.37 p106

'The rural and tranquil nature of Shropshire's countryside is also a key component of Shropshire's attractiveness as a visitor destination and significantly adds to the quality of life for residents. It is therefore vital that all tourism, cultural and leisure facilities, particularly in rural areas, are compatible with their location so that Shropshire's unique character and tranquillity are retained.'

The motocross track is in direct opposition to this part of the CS16.

CS17 Environmental networks p108

Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their

connecting corridors;

The motocross track has an adverse impact on the visual and ecological value of the area . It is totally out of keeping and adversely affects the recreational value for other users.

This motocross track is a permanent change of land use, it lies in close proximity to the AONB and we believe it has a detrimental impact upon both the local communities in which it is set, the environment and landscape of the area.

While we are advised that there will be no more events at this location this year (as pheasants are shortly to be released) there are clearly at least two weekends scheduled for early 2021 (with the possibility of many more). Hope Bagot Parish Meeting and concerned residents of Whitton and Nash wish to object strongly to these events and will seek to ensure that the landowners are challenged on areas that impact upon;

- Planning
- Noise
- Use of footpaths
- Environmental Damage

We look forward to your response and the appropriate action,

Yours sincerely,

Signed in hard copy

Julian Rogers-Coltman
Chair
Hope Bagot Parish Meeting

Signed in hard copy

Robert Michael Young
Chair
Nash Parish Council

and the concerned residents of Whitton (*note: no Parish Council in Whitton*)

Replies to:

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