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Forest Heath
District Council

Agenda No	Item
9.	<u>Forest Heath Local Plan Examination - Post-Submission Interim SA Report Dealing with Alternative Approaches to Adjusting the Submission Single Issue Review (SIR) Spatial Strategy (Pages 1 - 6)</u>

Report No: **COU/FH/18/004**

The attached correspondence was received and noted but Members did not use the contents of the letters in the decision making.

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13 February 2018

Ref: RJB/FHLP

Cllr J Waters
Forest Heath District Council
College Heath Road,
Mildenhall,
Suffolk
IP28 7EY

Dear Cllr Waters,

We write on behalf of Newmarket Town Council (NTC), following consideration of the letter dated 18 January 2018 from Marie Smith to Mr Berkeley and Ms Masters.

NTC submitted representations to both the SIR and SALP concurring with the level of growth as proposed by FHDC. This level of proposed growth acknowledges the impact any addition housing will have on the horse racing industry in Newmarket and its status as the most important centre in the world for horse racing. This primary local industry is of growing importance both locally, nationally and internationally as confirmed in various economic reports. No other town in the UK or even Europe has such a role, providing around 9,000 jobs annually and no other town has thoroughbred horses crossing through its centre on a daily basis. The approach to the application of planning policy must therefore take this uniqueness into account and be sympathetic in its allocation of housing numbers and development.

Noting the letter from the Inspectors to Marie Smith dated 10th January we stand by our original representations for the following reasons:-

1. The Newmarket Neighbourhood Plan is at an advanced stage and excludes Hatchfield Farm from any development. To ignore the Neighbourhood plan both ignores and is contrary to the intentions of the Localism Act 2011.
2. The Secretary of State Sajid Javid recently approved in early February 2018, and hence since the correspondence referred to above, the merger of FHDC and St Edmundsbury District Councils to become the West Suffolk District Council with effect from 1st April 2019. This is a fundamental change for Newmarket as it will no longer be the largest town within the district. Accordingly, the merger will mean Newmarket is the third largest town within a district which already meets its 5 year housing requirements. Hence to make such a decision now on such a large scale development within the town is premature.
3. Red Lodge was originally created by FHDC in order to take development away from Newmarket. There is no justification or evidence to state why this policy is no longer valid.
4. Until a full study has been undertaken which takes into account the impact on Newmarket's infrastructure including highways and public services, of all the current approvals within a 5 mile radius and hence across the border with East Cambs District Council, no large scale developments should be allocated in a local plan which has a very short i.e. 12 month life span.

The developments in Exning, Fordham, Soham, Kennett will impact significantly on Newmarket and easily amount to over 1,000 new homes using Newmarket's highway and public services.

Noting the above points, NTC hopes and expects FHDC to maintain its stance as per the original housing numbers and allocations, and agree that further work is needed before contemplating committing Newmarket any changes in either, let alone to such large scale and clearly damaging development.

Accordingly, we respectfully request that FHDC either withdraw the SIR or produce further evidence to justify the present housing distribution proposed, as provided for by the Inspectors' comments.

Yours Sincerely,

Roberta Bennett
Town Council Manager
On Behalf of Newmarket Town Council Development and Planning Committee

CC
NTC Development and Planning Committee
Forest Heath District Councillors
Forest Heath Planning Officers

NP/CAM.0857 rev A

20 February 2018

BY EMAIL ONLY

Marie Smith
Forest Heath District Council
Council Offices
College Heath Road
Mildenhall IP28 7EY



Dear Marie,

Single Issue Review of Core Strategy
Recommendation to Full Council on 21 February 2018

I write on behalf of the Newmarket Horsemen's Group (the NHG) in response to your recommendation to the above committee regarding proposed changes to the Single Issue Review (SIR) in response to the comments of the examining Inspectors.

It is noted that your recommendation proposes the redistribution of housing with a further 450 dwellings at Newmarket and reductions at Red Lodge and Lakenheath totalling 215 dwellings. Paragraph 12.3 of your committee report notes that this provides a total provision of 7,271 dwellings against the identified housing need of 6,800, which represents an over-provision of 471 dwellings calling into question the need to identify the additional dwellings at Newmarket. This is important given the issues that the NHG has previously raised and still has regarding the impact of development in Newmarket on the horse-racing industry.

In the case of Newmarket, the majority of this additional housing is to be provided at Hatchfield Farm where it expected that 400 dwellings, 5ha of employment land and a new primary school will be delivered. A further 50 dwellings have now been confirmed at site SA6(b), which previously lacked a capacity figure in the submission draft.

Your committee report identifies that previous traffic work has been updated to reflect this redistribution and it notes that a mitigation package for horse walks (secured by S106) has already been negotiated for the Hatchfield Farm site. The report is materially inaccurate in these respects as is the AECOM February 2018 Report (Post-submission Interim SA Report) e.g. at p 35.

The NHG considers your approach to be flawed. It has perpetuated the shortcomings that it identified with the SIR at the examination hearings without any good reason advanced for failing to update the position. You will recall that the NHG's main criticism with the document was the way in which the impact of development on horse movements has been assessed. Both your consultants (AECOM) and the County Council confirmed that such movements had not been factored into the assessment of traffic through Newmarket. It is clear from your committee report and attachments that this has not been addressed in the work that now underpins your latest recommendation.

Furthermore, the transport work carried out to support the Hatchfield Farm application (which proposes a similar level of housing development as you propose to allocate) did not take into account the impact arising from the proposed allocations that are now identified in the Site Allocations Local Plan. At the examination it was reported that the allocations without Hatchfield Farm increased traffic by 28% - far in excess of that identified at the call-in inquiry for Hatchfield Farm, which prompted the Secretary of State to dismiss the application. Though that decision was subsequently quashed, the specific challenge to the rationality of the Secretary of State's findings on traffic impacts was rejected by the Administrative Court, and the terms of the judgment are such that it is open to the Secretary of State to reject the application again. It appears both premature and incautious to assume that the issues which were of concern to the Secretary of State do not arise or are of little significance.

We also heard at the examination that a 'significant scheme' is now needed to address the capacity issues that currently exist at the A142/A14 junction and that a proposal for upgrades has been submitted to Highways England for funding. It was also noted that the works proposed by the Hatchfield Farm application for this junction were described by the County Council as helpful but not sufficient. The scheme now identified as being required for the A14 junction is estimated at £20m compared to the sum of about £570,000 proposed in the case of Hatchfield Farm. It follows that the claim of contribution of wider benefits is no longer sustainable because the value is less than 3% of the cost of delivering the scheme required (£0.57 million compared to £20 million). It is clear that in this area alone, the S106 package identified by you in your committee report is no longer appropriate and for reasons which are not clear your report fails to provide an accurate account to members.

The committee report neglects to confirm the existence of any evidence that the traffic generation of the proposal to add a school as well as employment development at Hatchfield Farm has been assessed, still less assessed in the context of the 28% referred to above and the other major concerns with the lack of assessment. Your summary of transport work at paragraph 9.1 of your committee report confirms that the impacts arising from the inclusion of Hatchfield Farm has been restricted to the housing element of the scheme. Since this is proposed as an allocation, there should have been an assessment especially since these matters were not assessed as part of the call-in inquiry. Members should have this information available to them before considering your recommendation.

At the examination hearings we also heard that work had only just started on identifying the measures necessary to mitigate the impact of existing traffic levels on horse walks and crossings, which was acknowledged by the County Council as being necessary now. We also heard that that no such work had taken place to understand the mitigation measures required as a result of the proposed allocations. This prompted the NHG to object to the suggestion that such works could be identified through S106 obligations as it is clearly necessary to understand the cumulative impact first before identifying a fair and reasonable proportion of the work for each site to fund. In the absence of such work, the NHG does not believe that it is reasonable to fall-back on the S106 package that was agreed for the application at Hatchfield Farm as justification for its allocation through this Local Plan process, especially given the additional uses now proposed at this site.

Furthermore, you will recall that the applicant's team for the Hatchfield Farm site put forward an enhanced proposal for mitigating the impact of the development on the Rayes

Lane crossing at the examination hearings. This is not reflected in the current S106 and is also without any greater understanding of the cumulative impacts arising from the site allocations. This further demonstrates why it is inappropriate to rely on what is now an outdated S106 package to justify the allocation of this site in the manner you have recommended.

The perception of harm to the industry was a key issue for the Secretary of State when he determined the Hatchfield Farm application and will no doubt continue to be so when he redetermines the application. The NHG's concerns in this regard remain well-founded, and the Council's analysis has not demonstrated otherwise. It is disappointing that you continue to ignore this issue (or assume it to be of little concern) despite the Secretary of State having yet to redetermine the application where that issue is very much at large.

In view of the imminent date of the meeting and the importance of this matter, I have emailed this letter direct to the committee members. It is respectfully requested that you also make the committee aware of these concerns prior to its consideration of your recommendation. It is further requested that you ensure that the concerns raised are appropriately and accurately addressed in any subsequent modification document you choose to publish. The NHG will be monitoring your supporting work very carefully and will raise these concerns again when your document is published, should it prove necessary to do so.

The NHG remains committed to agreeing a working arrangement with you and assisting in whatever it can to help you understand the concerns that it has and the work required to address these.

Yours sincerely

Nicky Parsons
Executive Director

Direct Dial:
Email:

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