



**Forest Heath**  
District Council

**DEV/FH/17/033**

## **Development Control Committee 6 September 2017**

### **Planning Application DC/16/2063/FUL – Land West of Hamilton Road, Newmarket**

<b>Date Registered:</b>	21.09.2016	<b>Expiry Date:</b>	21.12.2016
<b>Case Officer:</b>	Gary Hancox	<b>Recommendation:</b>	Seeking further information
<b>Parish:</b>	Newmarket	<b>Ward:</b>	St. Mary's
<b>Proposal:</b>	Planning Application - Artificial 'uphill training' gallop with lagoon, car park, access and all associated works		
<b>Site:</b>	Land West of Hamilton Road, Newmarket		
<b>Applicant:</b>	Jockey Club Estates Limited		

#### **Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

#### **Recommendation:**

It is recommended that the Committee determine the attached application and associated matters.

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**Background:**

1. The application is before members of the Forest Heath Development Control Committee as it is a significant proposal in connection with the Horse Racing Industry in Newmarket, and raises issues of more than local importance.

**Proposal:**

2. The proposals include the construction of new artificial 'uphill training' gallop, lagoon, car park, access and all associated works. The gallop itself would be linear in form stretching almost the full extent of the application site from south west to north east. The gallop intends to replicate the existing topography as the site already has an incline from south west to north east. The gallop would be 904 metres long and 8.7 metres wide, and would include a 30 metre incline. The construction of the gallop would include earthworks, bridge decking, concrete supporting structure and landscaping. At its southernmost point, (the start of the gallop), the gallop will sit approximately 5.2 metres below existing ground level. From here it will extend in a north easterly direction at a level gradient. Approximately 246 metres along the gallop it will cross underneath and perpendicular to an existing track/bridleway which will be bridged to run over the top.
3. The gallop will continue to rise at a gradient of approximately 1:61. As the gallop rises up above ground level the construction will change to that of a bridged deck comprising a concrete structure supported on concrete columns. The bridged deck section of the gallop will terminate on an embankment.
4. A lagoon is proposed to the south west of the application site that will collect drainage water from the gallop whilst also creating a source of irrigation for the wider Newmarket site for use by the Jockey Club. The use of this harvested grey water by the Applicant will reduce their consumption of fresh water resources, including pumping from private boreholes. The lagoon will be approximately 7,217 sqm in area at ground level and is capable of storing approximately 15,000 cubic metres of water. Its lowest point it will be 3.3 metres deep.
5. A small private car park will be created (12 parking spaces) for the use of trainers/owners of horses using the gallop.
6. Vehicular access to the site will be provided via the existing access from Hamilton Road (a private road), which joins the B1103 to the north of the Site at a T junction. The site can then be accessed via an existing track from Hamilton Road which will lead to the car park. Horses will principally access the site from Hamilton Road having utilised the existing network of horse walks/bridleways throughout the town. An asphalt route within the gallop structure to allow for emergency vehicle access will also run the entire length of the gallop. This will be for horse ambulance / emergency use and maintenance of the gallop. Two vehicular access points will serve the construction of the gallop, one from the existing track from Hamilton Road and one from the existing track leading to Southfields Farm.
7. Landscaping will be provided within the site in the form of new tree planting as well as lower level shrub and grass planting. Where tree

removal is required along the route of the gallop and at the northern vehicular access, this will be replaced with new woodland planting on the existing woodland both north and south of the route of the gallop.

8. Finally, no lighting on the gallop, horse walk or in the car park during operation or maintenance is proposed. All maintenance and repair works will be undertaken during daylight hours. The gallop will only be used during daylight hours.

### **Application Supporting Material:**

9. Following a screening process, the Council issued a Screening Opinion that concluded that the proposed development constituted EIA development. Consequently the application is now accompanied by an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 & 2017. In accordance with Parts 1 and 2 of these Regulations, the ES includes the following information:
  - a description of the Development comprising information about its nature, size and scale;
  - an outline of the main alternatives studied and an indication of the main reasons for the choices made taking into account the environmental effects;
  - a description of the aspects of the environment likely to be significantly affected including population, fauna, flora, soils, water, air, climatic factors, material assets including architectural and archaeological heritage, landscape, and the inter-relationship between the above factors;
  - a description of the likely significant effects of the Development on the environment covering, direct and indirect, secondary, cumulative, short, medium, long term, permanent, temporary, positive, and negative;
  - a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects;
  - a non-technical summary of the information specified above.
10. Included within the ES are various technical reports, which inform the assessment of the impacts of the development. The reports include:
  - Ecology Phase 1 Habitat Survey
  - Hydrological and Hydrogeological Impact Assessment
  - Flood Risk Assessment
  - Archaeological Geo-Physical Survey
  - Archaeological Trial Trenching Evaluation Report
  - Landscape and Visual Impact Assessment

### **Site Details:**

11. The application site is located to the north west of Newmarket in between the A14 and the Hamilton Road area of the town. The site extends south as far as the petrol filling station on the A14, and as far north as the Eriswell Road, with all of the site to the north of the Racecourse. The site extends to approximately 31.84 hectares (ha) and is within the ownership of the Jockey Club Estate. The site currently comprises blocks of woodland and grassed paddocks linked by a series of managed hedgerows, all currently used for equestrian purposes. The paddocks are fenced and used for turn-out of racehorses, whilst the majority of the woodland is subject

to a Woodland Management Plan and managed by the Applicant accordingly.

12. The surrounding land uses largely comprises managed woodland and paddocks. Buildings associated with equestrian uses are located adjacent to the south western boundary and north eastern boundary of the Site, along Hamilton Road. The proposed gallop itself is located approximately 300m north west of the closest building off Hamilton Road.

### **Planning History:**

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
DC/16/2063/FUL	Planning Application - Artificial 'uphill training' gallop with lagoon, car park, access and all associated works	Pending Decision	

### **Consultations:**

13. Newmarket Town Council - No objection.
14. Exning Parish Council - Strongly supports the Suffolk County Archaeology statement with regard to this site; in that 'this site lies in an area of high archaeological potential recorded on the County Historic Environment Record' and 'that no development shall take place within the indicated site until the implementation of a programme of archaeological work has been secured.
15. Highways England - No objection.
16. Tree Officer - No objection, subject to securing the proposed mitigation woodland planting.
17. Ecology and Landscape Officer – Although disagreeing with elements of the LVIA conclusions, the development is capable of being accommodated within the landscape subject to the following conditions:
- provision of an arboricultural method statement and tree protection plan
  - full details of landscaping proposals to be agreed
  - details of habitat creation for chalk grassland, woodland and hedges to be agreed
  - 10 year management plans for all new and existing habitats including: existing woodland, new woodland, tree belt to the northeast, chalk grassland, new and existing hedgerows to be agreed.
18. Natural England – No objection, subject to conditions requiring the removal of horse waste from the site.
19. National Planning Casework Unit (NPCU) – No comments.
20. Ramblers Association – No objection.
21. SCC Highways – No objection, subject to conditions.

- 22.SCC Rights Of Way – No objection, but offer comment on the works affecting Bridleway 1 crossing the site.
- 23.SCC Archaeology – No objection, subject to conditions securing the implementation of a programme of archaeological work.
- 24.Suffolk Wildlife Trust – No objection, however request that the recommendations made within the ecology section ES are implemented in full, via a condition of planning consent, should permission be granted. In particular, Newmarket Heath County Wildlife Site (CWS) lies adjacent to the southern boundary of the development area and it should therefore be ensured that measures are put in place to make sure that works do not impact on the CWS.
- 25.Environment Agency - No objection, subject to appropriate conditions.
- 26.SCC Flood and Water Management – No objection.
- 27.East Cambridgeshire District Council - Whilst Policy EMP 5 the East Cambridgeshire Local Plan supports proposals for the horse racing industry, careful consideration should be given to the visual impact of the raised structure on the wider landscape.
- 28.Public Health and Housing – Further to our memorandum of the 17 October 2016 and the 10 April 2017, Public Health and Housing would not wish to make any further comments with regard to the above application following the re-submission of the revised Chapter 10 of the Environmental Statement relating to Landscape and visual with Appendices 10.1 to 10 on the 3 August 2017.
- It is however recommended that the following conditions are included in any consent granted so as to minimise the impact of the proposed development during construction, on the residential occupiers within the vicinity of the application site.
- i. The site preparation and construction works including deliveries to the site and the removal of excavated materials and waste from the site shall be carried out between the hours of 07:30 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays without the prior consent of the Local Planning Authority.
  - ii. Any waste material arising from the site preparation and construction works shall not be burnt on site but shall be kept securely in containers for removal to prevent escape into the environment.
  - iii. Prior to the development commencing a comprehensive Construction and Site Management Programme shall be submitted to the Local Planning Authority for approval. The approved programme shall be implemented throughout the development phase, unless the Local Planning Authority gives written consent to any variation. The programme shall include:-

- a) site set-up and general arrangements for storing plant (including cranes), materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
- b) noise method statements and noise levels for each construction activity including any piling and excavation operations;
- c) dust, dirt and vibration method statements;
- d) site lighting.

29. Anglian Water - We have had constructive discussions with the applicant and their consultants to address our concerns. We have now reached agreement on the preferred mitigation, as confirmed in the Environmental Statement Addendum dated March 2017, and can confirm that we remove our holding objection to the above application, as submitted, subject to an appropriately worded condition and legal agreement to secure the necessary mitigation. The preferred mitigation is in the form of network modifications to enable alternative Anglian Water groundwater sources to be used to serve customers during the cutting period of the construction phase.

30. Suffolk Chamber of Commerce – Strongly support the proposal.

### **Representations:**

31. None received.

32. **Policy:** The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

#### **1. Joint Development Management Policies Document:**

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM15 Listed Buildings
- Policy DM20 Archaeology
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards
- Policy DM47 Development Relating to the Horse Racing Industry
- Policy DM48 Development Affecting the Horse Racing Industry

2. St Edmundsbury Core Strategy December 2010:

- Policy CS1 - Spatial Strategy
- Policy CS2 - Natural Environment
- Policy CS3 - Landscape character and the historic environment
- Policy CS4 - Reduce emissions, mitigate and adapt to future climate change
- Policy CS5 - Design quality and local distinctiveness
- Policy CS6 - Sustainable economic and tourism development

**Other Planning Policy:**

33.National Planning Policy Framework (2012)

**Officer Comment:**

34.The issues to be considered in the determination of the application are:

- Principle of Development
- Environmental Impact Assessment
- Planning Balance

35.For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance. The starting position for decision taking is therefore that development not in accordance with the development plan should be refused unless material considerations indicate otherwise. The Courts have re-affirmed the primacy of the Development Plan in Development Control decisions.

Principle of Development

36.In this case, the proposed development is a significant project by the Jockey Club that is intended to enhance the ability of the horse racing industry in Newmarket to cope with current and future demand as well as facilitate further growth in the horse racing industry and for existing and new businesses in the town. The applicants state that the project will deliver infrastructure to enable growth on the racecourse side of town opening this area of Newmarket to investment in new and existing yards for the next 10 years and beyond. It will create employment opportunities for new roles both directly and indirectly related to the horse racing industry. For these reasons it is noted that the Suffolk Chamber of Commerce support the application.

37.Policy CS1 of the Forest Heath Core Strategy (FHCS) recognises the importance of the horse racing industry and seeks to protect it. Specifically, the economic and cultural role of Newmarket as the living heart of British horse racing will be developed and promoted.

38. Policy CS6 of the FHCS indicates that support will be given to developing and sustaining Forest Heath's existing economy with particular priority given to key sectors including the equine industry around Newmarket.
39. Policy DM47 of the Joint Development Management Policies Document allows for development relating to the horse racing industry provided that it complies with specific criteria. Those relevant to non-residential development are:
- a. That there is evidence of business viability, functional need for and scale of the proposal;
  - b. The development is designed to make a positive contribution to local character and distinctiveness;
  - c. Access proposals (including for the movement of horses for training) and the impact of all other movements on highway safety and the network capacity for all relevant modes of transport, are acceptable.
40. In terms of viability and need, the applicants have indicated that the proposal would provide better facilities for existing trainers and stables based in the area, and be a catalyst for future growth of the horse racing industry. The scheme would in effect enhance the business viability of existing trainers and stables, and attract others to the town. In terms of need, JCE state that the number of horses in training in Newmarket has increased from 800 in 1970 to over 2500 in 2015 (an approximate three-fold increase). However, training facilities on the north east side of the town are operating at near capacity and therefore the proposals will meet a functional need to ensure the growth of the horse racing industry, particularly on the racecourse side of town.
41. In terms of scale, the applicants have indicated that the proposed gallop has been designed having regard to similar uphill training gallops in Japan, and feedback from existing trainers in Newmarket as to the optimum training requirements for their horses.
42. In respect of the design of the proposal making a positive contribution to local character and distinctiveness of the area (as required by Policy DM47 (b)), it is unlikely that a scheme of such scale can ever be expected to fully comply. The degree of conflict with this element of the policy is considered separately below.
43. In terms of access and impact on the highway network, the applicants state that *'there would be a reduction in horses traversing Newmarket to get to the existing Warren Hill gallop. In terms of vehicular movements, the length of combined trips is expected to reduce overall as those trainers using the car park at the proposed gallop are most likely to be located in the Hamilton Road area of Newmarket and so will no longer need to travel across Newmarket to observe the gallops at Warren Hill.'*
44. Subject to full consideration of the environmental impact of the proposal, including landscape character and highway impact, the proposal is considered to be broadly in compliance with Core Strategy Policies CS1, CS6 and Joint Development Management Policy DM47.

## Environmental Impact Assessment

45. Following the issue of the Screening Opinion, Officers also undertook a scoping exercise which identified the main subject areas for inclusion in the Environmental Statement (ES). These included, but were not limited to, Hydrology and Drainage, Ecology, Landscape and Visual Impact, Archaeology/Cultural Heritage. The applicants undertook their own scoping exercise, which also scoped in Surface Water Drainage, but scoped out Transport impacts. This is considered to be an incorrect omission, and therefore an assessment of the highway impact of the proposal will still be undertaken. A full assessment of all the environmental impacts is set out below.

### Hydrology, Hydrogeology and Water Quality

46. The geology of the majority of the site is chalk, with some sand and gravel across the north-east end of the site. The chalk beneath the Site is classified by the Environment Agency as a 'Principal' aquifer where there is a high level of water storage supporting a water supply in the surrounding area. The nearest public water supply abstraction borehole to the Site is operated by Anglian Water (AW) and is located at Southfield Farm Pumping Station, approximately 230m to the south. The majority of the Site is located within the Inner (Zone 1) groundwater Source Protection Zone (SPZ1) of the pumping station. SPZ1's are designated to inform the planning process of where constraints and measures would be required to provide the highest level of protection to groundwater quality. It is essential to protect the public water supply sources from contamination from any activities that might cause pollution, both during construction and when operational.
47. The NPPF at paragraph 143, stresses the need to ensure planning applications do not have unacceptable adverse impacts on the environment or human health, including impacts on groundwater and migration of contamination from a development. Development should not constrain the future use of the safeguarded area.
48. The proposed development would cause some changes to the run-off characteristics of the site as a result of the use of a combination of impermeable and permeable surfaces in the construction of the gallop and its exit ramp. Consequently, as part of the original submission the applicant proposed a number of mitigation and monitoring measures, including management through standard procedures and best practice such as the creation of small ditches to convey water, silt fences or silt mats. AW advised that due to the highly vulnerable nature of the Chalk aquifer in this location, and in the context of the level of risk to public water supply, these were considered to be insufficient and would not provide the necessary level of protection.
49. Following discussions with AW, the applicants submitted revised drainage proposals, and mitigation and modifications to the existing water supply network have been agreed. This will enable alternative Anglian Water groundwater sources to be used to serve customers during the construction phase. This option means that AW will temporarily cease the use of the Southfields pumping station and the risk of interruption to supply as a result of contamination during the construction phase is

removed. Following completion of the cutting construction phase of the gallop, the Southfields source will be reintroduced once inspections and pumping to waste procedures have been followed and water quality can be confirmed.

50. AW have confirmed that this mitigation requires a change to the water supply network and may require ground works, and that the costs of this work have not been included as part of investment planning and are required directly as a result of the proposed development. Therefore, a S106 legal agreement and financial contribution is necessary to ensure that this work is completed. An appropriately worded planning condition will also be necessary to ensure that construction on the site only commences once the mitigation is in place. Subject to this condition, AW raises no objection to the scheme.

#### Drainage and Flood Risk

51. The Site is located entirely within Flood Zone 1 and the residual risk of increased flooding on the site and external receptors is therefore negligible. However, as discussed in the above section dealing with Hydrology and Hydrogeology, the majority of the site is directly underlain by the chalk principal aquifer and is located within a groundwater source protection zone (SPZ), namely SPZ1 (Inner Zone) of a public water supply abstraction. The Environment Agency (EA) comment that the north east part of the site is located in SPZ2 (Outer Zone) where groundwater is shallow beneath parts of the proposed development. The environmental sensitivity of the site is considered to be very high. The EA also confirm that the proposed works (including the excavation extending beneath the resting groundwater level within SPZ1) have the potential to effect the water quality and water availability at the public water supply abstraction boreholes as well as the groundwater flow within the chalk aquifer.
52. However, the EA are satisfied that the proposed scheme is acceptable, subject to conditions requiring details of a dewatering scheme, its associated monitoring and mitigation, along with a Construction Environmental Management Plan (CEMP), to be submitted and approved. The CEMP will allow potential impacts on surface and groundwater during the construction phase to be assessed, managed and controlled. Subject to these conditions the scheme is considered to accord with Joint Development management Policy DM6 in this regard.

#### Archaeology and Cultural Heritage

53. In accordance with Joint Development Management Policy DM20 and paragraph 128 of the NPPF, the ES considers both direct and indirect impacts and effects upon cultural heritage. Direct impacts are those that physically affect a cultural heritage asset and indirect effects can occur as a result of significant changes to the setting of a cultural heritage landscape or asset, whether permanent or temporary. There would be no direct impacts upon any designated heritage assets during construction or operation. Five listed buildings, including Southfields Rubbing House, as well as Exning Village Conservation Area lie within approximately 1km of the Site boundary. None of these are considered to have a visual or contextual relationship with the Site due to a combination of topography,

the divorcing effect of the A14 corridor, mature woodland and intervening development.

54. With respect to archaeology, the site lies in an area of high archaeological potential recorded on the County Historic Environment Record. A programme of archaeological investigation, including geophysical survey and trenched evaluation has been undertaken on the areas of land south-west and north-east of Seven Springs Wood, within the footprint of the proposed works. The results of these investigations identified significant and extensive archaeological remains of regional importance, including evidence for Roman occupation, and ritual activity and burial of probable Prehistoric and later date. Based on this evidence, it is also highly likely that further heritage assets of equal importance will exist within the area of the woodland which it has not been possible to investigate, especially given the ritual significance of springheads to pre-modern cultures.

55. The groundworks for the development will impact on the heritage assets present in the ground. Suffolk County Council has advised that there are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

#### Landscape and visual amenity impact

56. Joint Development Management Policy DM13 seeks to ensure that development leading to an unacceptable impact on the character of the landscape, landscape features, wildlife or amenity value is not allowed. Emphasis is placed on areas of particularly landscape sensitivity and their very limited capacity to absorb change without significant impact on their character and/or condition. Such sensitive areas include, Special Landscape Areas, The Brecks, and The Stour Valley. All development should demonstrate that its location, scale, design and materials will protect and where possible enhance the character of the landscape. It is essential that commensurate provision must be made for landscape mitigation so that harm to landscape character is minimised with no net loss of characteristic features. If this can not be achieved, then development should be refused.

57. In this case the site is not located within a sensitive landscape setting, and is outside of any areas designated as such. In terms of Landscape Character, the site is located within 'Rolling Estate Chalklands' (as defined in the Suffolk County Landscape Character Area Assessment). This landscape type is found on the western fringe of Suffolk, running from the county boundary in the west around Newmarket and through Snailwell, Chippenham and Freckenham, to Barton Mills on the south side of the River Lark. Key Characteristics of the Rolling Estate Chalklands include:

- Very gently rolling or flat landscape of chalky free draining loam;
- Dominated by large scale arable production;
- "Studscape" of small paddocks and shelterbelts;
- Large uniform fields enclosed by low hawthorn hedges;
- Shelter belt planting, often ornamental species;

- A "well kept" and tidy landscape;
- Open views;
- Clustered villages with flint and thatch vernacular houses; and
- Many new large "prestige" homes in villages.

58. The landholding and enclosure pattern within the Rolling Estate Chalklands is described as:

*"Newmarket Heath area to the west of the town was formerly more open, but is now occupied by the world-famous racecourse and racehorse studs with rectangular paddocks and linear plantations. Elsewhere, planned enclosure in the 18th and 19th centuries has replaced the extensive areas of common fields that dominated the landscape in the 17th century, with geometric late-enclosure fields. Where land is devoted to horse racing, as in Exning, the enclosure pattern is a small network of paddocks divided up by post and rail fencing and narrow shelterbelts."*

59. The visual experience within the Rolling Estate Chalklands is described as:

*"The feel of this landscape is one of open space with long views, which is emphasised by the straight roads and regimented pattern of belts and hedges. However, where the "studscape" is most apparent, belts of trees and woodland planting confine the views."*

60. In terms of local landscape character, the applicant describes the site as being 'on the north-west edge of Newmarket comprising a number of pastoral fields subdivided by species poor hedgerows, and a large woodland block to the centre of the Site. Much of the pastoral land is used as exercise grounds for race horses. The Site adjoins further areas of pastoral land and areas of woodland and beyond this the landscape is enclosed by the A14 to the west, the B1103 to the north, Hamilton Road to the east and a local access track to the south.' Officers concur with this assessment.

61. The impact of the development in respect of landscape and visual amenity impact is considered in chapter 10 of the ES, which contains a Landscape and Visual Impact Assessment (LVIA). This LVIA includes a landscape strategy that seeks to avoid and minimise the adverse effects and maximise potential beneficial effects of the development within the wider landscape setting. The LVIA explains that based on site observations and visibility mapping, taking into account the scale of the proposed development, screening afforded by surrounding vegetation and adjacent built environment it was considered that a 2km study area would be appropriate for the assessment (i.e. a maximum 2km offset from the Site). This approach is considered appropriate by Officers.

62. Following discussions with Officers further information was submitted in the form of a supplementary Environmental Statement (SES) submitted in March 2017. In June 2017, following further meetings and submission of comments, it was agreed that a replacement Landscape and Visual Impact Assessment should be submitted, which should include photomontages from several agreed locations around the site. This was duly received at the beginning of August 2017. Specifically, the revised LVIA provided additional information with respect to views of the site from the Devils Dyke area to the SW of the site, from the racecourse itself (publically accessible in the afternoons by consent of JCE), and from Hamilton Road.

63. The overall landscape sensitivity within which the site is located is described in the LVIA as being '*medium*'. The LVIA defines this level of landscape sensitivity as being a landscape with some features or sub-areas that are intact and/ or in good condition, of moderate aesthetic appeal, but that contains distinctive landscape features or that is replicated elsewhere in a regional or national context. The landscape makes a moderate contribution towards the public recreational experience. Officers concur with this assessment.
64. Having regard to the photomontages submitted with the LVIA, and having viewed the site and its surroundings from various vantage points in the area, it is clear that the landscape has partial enclosed areas and woodland pockets that offer screening potential for development. Views of the site from the north and west, beyond the A14, are limited due to the presence of intervening tree belts and vegetation. However, the creation of the gallop will intensify and extend the equine character of the landscape around Newmarket. The development proposals would result in the introduction of uncharacteristic landform features and the addition of a bridge structure and car parking, and significant sections of fencing, which could have a degree of harmful urbanising impact upon the rural landscape character of the study area.
65. Additional adverse impacts would also occur during the construction period, including the construction of a temporary site compound, erecting temporary security fencing, construction of temporary haul roads, creation of temporary soil storage mounds, and the introduction of plant and machinery. However these impact would be temporary and short term in nature.
66. Visually, the scheme has been assessed from 17 viewpoints, with photomontages provided for key receptor locations (i.e. where there are likely to be views of the site from publically accessible locations). Of particular importance to Officers were the views from the racecourse itself and from Hamilton Road. Officers concur with the conclusions of the LVIA that visibility of the development from residential properties is confined to a relatively small number of houses within or adjoining the Site. Views of the development from Exning would not be possible from ground floor levels, though slight glimpses of the elevated parts of the development may be afforded from upper floors of a small number of houses to the south western edge of Exning.
67. Views of the site from Public Rights of Way (two bridleways, a cycle route and Devils Ditch to the south of the site) are limited, although the bridge structure would be visible at certain positions along the routes. However, this adverse impact is not considered to be significant.
68. Proposed mitigation measures include the planting of a new larger replacement woodland block joining the existing woodland, and the seeding of the newly formed side-slopes with calcareous grassland, will overtime help to lessen the landscape impact of the proposal, however this will not be significant until perhaps between 10 to 15 years of completion of the scheme.
69. The residual landscape effects of the scheme, following the establishment of mitigation planting and seeding, can be summarised as follows:

- Moderate adverse impact on the existing landform (moderate meaning medium effect on landscape with a medium sensitivity to change)
- Moderate adverse impact on existing vegetation cover
- Moderate adverse impact on landscape pattern, character and tranquillity

70. In conclusion, the landscape in which the site is located can be described as attractive, however it is not an area of high landscape value. The proposed use is in-keeping with the current equine use of the land, albeit it is acknowledged that there will be an intensification of this use along with a degree of urbanising visual impact. The majority of views of the gallop structure will be glimpsed from relatively small geographical locations, and although harm has been identified and this needs to be taken into account in the planning balance, the residual landscape and amenity impact of the proposed development would not be significant. Whilst the development can not fully accord with Joint Development Management Policy DM47, as it is not considered to have been designed to make a positive contribution to local character and distinctiveness, the ES and its associated LVIA has demonstrated that the adverse residual landscape impact of the development will be acceptable and in accordance with Joint Development Management Policy DM13.

#### Ecology

71. The application site is in close proximity to Devil's Dyke Special Area of Conservation (SAC), which is notified at a national level as Devil's Dyke Site of Special Scientific Interest (SSSI). It is also within 700m of Newmarket Heath SSSI and approximately 5km from Chippenham Fen Special Area of Conservation (SAC). Joint Development management Policies DM10 does not allow development that would have an adverse effect on SSSI's or significant harm to biodiversity in general Policy DM11 does not allow development that would have an adverse impact on protected species unless there is no alternative and adequate mitigation can be provided. Furthermore, Policy DM12 requires development to protect biodiversity, mitigate for any adverse impact, and enhance commensurate with the scale of the development proposed.

72. Natural England has confirmed, following the submission of additional information, are now satisfied that Newmarket Heath SSSI will not be directly damaged due to a greater level of horses crossing the SSSI to reach the new training gallop. Furthermore, it considers that the identified impacts on Newmarket Heath Site of Special Scientific Interest (SSSI) and potentially sites further afield such as Devil's Dyke Special Area of Conservation (SAC), due to changes in air quality can be appropriately mitigated with measures secured via planning conditions or obligations. This will ensure that horse waste is removed from the new gallop daily, and whilst on site (waiting for removal offsite), the waste must be stored in a completely secure container at all times.

73. In terms of overall ecological impact, the ES surmises the following adverse impacts, all of which are classified as having a 'small' magnitude of impact and include appropriate mitigation:

<b>DESCRIPTION OF IMPACT</b>	<b>MAGNITUDE / SIGNIFICANCE</b>	<b>MITIGATION</b>	<b>IMPACT AFTER MITIGATION</b>
Temporary loss of 2.95 ha species poor grassland for access and soil replacement	Small/Minor	Reinstatement with general seed mix	Negligible/Beneficial
Permanent loss of 4.08 ha of species poor grassland to gallop, lagoon and horsewalk	Small/Minor	Reinstatement of a minimum 1.1 ha surrounding gallop with priority Habitat chalk grassland	Minor/Beneficial
Temporary loss of 0.29 ha plantation woodland	Small/Minor	Reinstatement	Negligible/Beneficial
Permanent loss of 0.35 ha of plantation woodland	Small/Minor	Creation of a 2.2ha new woodland adjoining existing	Minor/Beneficial
Permanent culverting of stream (35m)	Small/Minor	None possible	Minor/Adverse
Fragmentation of woodland	Small/Negligible	None possible	Negligible/Adverse
Permanent loss of 266 metres of species poor hedges to gallop and horsewalk	Small/Minor	Creation of 300 metres of hedgerow	Minor/Beneficial
Temporary loss of 70 metres species poor hedges to bridge construction	Small/Minor	Reinstatement	Negligible/Beneficial
Loss of three isolated trees	Small/Negligible	None	Negligible
Plants, invertebrates, birds	Small/Negligible	None	Negligible
Foraging bats	Small/Minor	None	Minor/Beneficial
Disturbance to bat roosts	None/Negligible	10 bat boxes	Minor/Beneficial
Dust	Small/Negligible	None	Negligible
Hydrological effects	Small/Negligible	None	Negligible

74. Officers have considered the above assessment of impacts and broadly agree with its conclusions in terms of overall impact. Following mitigation, there will be some enhancement for biodiversity, and the overall ecological impact of the development would not be significant. Taking into account the above, and subject to the implementation of the proposed mitigation, the development is considered to accord with the Joint Development Management Policies DM11 and DM12.

#### Access and impact on the Local Highway Network

75. Vehicular access to the site will be provided via Hamilton Road (in the control of the applicant), which itself connects with the Exning Road to the north of the site. An existing track off Hamilton Road will provide access to the Gallop car park as well as for general maintenance. Horses will

access the site via existing horsewalks. A car park with 12 spaces is proposed at the north east end of the site and this would be used by trainers/owners whilst their horses are using the gallop. The car park would not be open to the public.

76. A detailed Transport Assessment (TA) formed part of the ES, and this considered the impact of horses crossing the town, as well as vehicular movements to and from the site. The impact of vehicular movements during construction was also considered within the assessment. The TA concluded that as a result of the development there would be a reduction in horses crossing town to get to the existing Warren Hill gallop from the racecourse side of town. In terms of vehicular movements, this is likely to reduce as trainers using the car park are most likely to be located in the Hamilton Road area of Newmarket and so will not need to travel across town to the Warren Hill gallop.
77. Initially, Officers expressed concern that the use of the gallop by trainers could not be controlled, and that whilst it would clearly result in a reduction of movements from the racecourse side of town to the Warren Hill side, it could potentially result in an increase in movements in reverse. This may then result in the need for improvements to existing horse crossings. However, the applicant's consultants have since provided further information including an assessment of likely movements and this has been analysed by the Local Highway Authority. Whilst the assessment included various assumptions, even applying the 'worst case scenario' in terms of trip distribution, there would still be a reduction in the use of the main three horse crossings in the town (Mill Hill, Fordham Road and Bury Road).
78. These crossings are currently considered fit for purpose by the Local Highway Authority. However, they consider these three junctions should be upgraded to Pegasus crossings as a result of any significant increase in traffic on the carriageway or increased crossing movements caused by local developments. In this case it is not considered that the proposed development can be shown to require these improvements by way of obligation.
79. The TA also assess highway impact during construction. Two separate access points will be utilised in the construction of the Proposed Development; the northern and southern access. The northern access will be taken from Hamilton Road at the northern end of the Site and utilise an existing track that will be upgraded to accommodate the anticipated construction traffic. The southern access will also be taken from Hamilton Road at the north end of the Site, utilising the access track to Southfields Farm. It is anticipated that the Site Compound will be located at Southfields Farm on an area of existing hard standing to limit further land take, however the final location would be agreed prior to commencement on Site.
80. Either side of the gallop a 10m maintenance strip will be required. The applicant's indicate that the maintenance strip on the northern side of the gallop will be mainly used for general construction traffic due to potential presence of badgers within the woodland on the southern side. Access along the southern side of the gallop will also be required for cranes and other construction vehicles. During the operational phase, this access will

be used for maintenance vehicles; they will also be used for the decommissioning of the gallop structure itself when necessary.

81.All construction traffic would be routed to and from the site via Exning Road to the north, Studlands Park Avenue (Industrial Estate), Fordham Road and then north towards the A14 (trunk Road network). The TA confirms that the existing network beyond Hamilton Road is able to accommodate this vehicle with no modification, and that the additional volume of construction traffic is considered insignificant in relation to the volume of existing traffic flows on the surrounding local highway network. It is acknowledged that construction traffic would give rise to short-term environmental effects, such as increased noise, vibration, dust and air pollution, however again these impacts are not considered significant.

82.In conclusion the impact of the development on the local highway network is not considered to be significant. Subject to the submission and approval of a 'Deliveries Management Plan', that will allow for a route for construction/delivery vehicles (including HGV's) to be agreed, the Local Highway Authority does not object to the scheme, which is considered to accord with Joint Development Management Policies DM45 and DM47 in this regard. As it has been demonstrated that there will not be a material adverse impact on operational sites within the horse racing industry, the scheme also accords with Joint Development Management Policy DM48.

#### Other matters

83.In terms of sustainability, and having regard to the requirements of Joint Development Management Policy DM7, aspects of the scheme will bring positive benefits for the applicant. For example, the proposed drainage lagoon will store water run-off for use by JCE for irrigation, washing horses and other day to day uses. The use of 'grey water' will reduce the consumption of fresh water resources. The external materials used in the cladding of the gallop structure are likely to be made from processed paper and sustainably sourced wood, with off-cuts recycled by the manufacturer.

84.In terms of cumulative environmental impacts, the scheme has been assessed taking into account the interaction of the various impacts set out above, as well as the recent development of 120 dwellings on land to the south of Burwell Road, Exning (approximately 1km to the north of the site, beyond the A14). Officers concur with the conclusions of the ES that the residual cumulative effects will be negligible.

85.The applicants have requested a 7 year planning permission due to the lengthy construction period and the time required to secure funding. However, such a lengthy planning permission is unusual, and should any permission not be implemented until years 5, 6 of 7, it is likely that circumstances on the ground may well have changed (such ecology or hydrology), along with the content of the development plan. The cumulative position in respect of EIA may also be different, as other development within the area may well have been implemented.

86.Furthermore, the lengthy construction period is not considered to be a factor requiring an extended permission as a permission time limit relates to the implementation of permission, not its completion.

87. It is appreciated that funding for such large scale projects can be time consuming, in this instance, should members be minded to approve the application, a 4 year planning permission is considered to be appropriate, which can then be renewed if necessary.

### **Conclusion and planning balance**

88. The proposed development will bring with it economic and employment benefits to the Horse Racing Industry in Newmarket, as well as benefitting other supporting industries across the district. This accords with Core Strategy Policies CS1, CS6 and Joint Development Management Policy DM47 (a).

89. Having considered the ES as a whole, taking into account proposed mitigation, the environmental impact of the development is not considered to be significant. Specific adverse impacts in respect of landscape, ecology and hydrology are not considered to be severe, and proposed mitigation will lessen any long term impacts. The proposal accords with Joint Development Management Policy DM13 in this regard. In respect of highway impact, whilst there would be short term and temporary adverse effects during the construction period, long term benefits in terms of a reduction of horse movements across the town have been identified.

90. Although the scheme does not wholly accord with Joint Development Management Policy DM47 (b), as it is not considered to have been designed to make a positive contribution to local character and distinctiveness, its adverse impacts are considered to be outweighed by the benefits of the scheme. This minor departure from the development plan is considered acceptable in this case.

### **Recommendation:**

91. It is recommended that planning permission be **APPROVED** subject to the completion of a S106 legal agreement to secure funding for the off-site water supply network mitigation, and subject to the following conditions:

1. 4 year planning permission
2. Materials (final details of construction and finishing to bridge construction and boundary treatments)
3. Construction and Environmental Management Programme (CEMP) to be submitted and agreed. This will include ecological protection measures during construction.
4. Landscaping – full schedule of planting and timetable for implementation to be submitted and agreed prior to commencement of development.
5. Arboricultural method statement and tree protection plan to be submitted and agreed.
6. 10 year management plans for all new and existing habitats including: existing woodland, new woodland, tree belt to the northeast, chalk grassland, new and existing hedgerows to be submitted and agreed
7. Details of habitat creation for chalk grassland, woodland and hedges to be submitted and agreed
8. Construction and site preparation (including deliveries) restricted to between 07:30 and 18:00 hours Mon to Fri, and 08:00 and 13:00 Saturdays.

9. No development shall take place within the whole site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
10. Completion of off-site water supply network mitigation pre-commencement
11. Off-site highway works (improvements to Hamilton Road / Exning Road) to be submitted and agreed prior to commencement of development
12. All HGV traffic movements subject to a deliveries management plan to be submitted a minimum of 28 days before delivery of any materials
13. Daily disposal of horse waste and secure storage whilst on site
14. Details of proposed de-watering scheme to be submitted to and agreed in writing pre-commencement
15. Details to a Groundwater Monitoring Plan to be submitted to and agreed pre-commencement
16. No investigation boreholes to be undertaken with prior approval of the Local Planning Authority
17. Ecological mitigation to be implemented in full in accordance with agreed details

Officer delegation is also sought to agree final wording/variation of the above conditions.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/16/2063/FUL](#)