

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 is 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:
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