

**Forest Heath District Council’s response to Inspectors’ letter of 2 June 2017**  
**27.6.17**

**1. In view of the above, is the distribution of housing now proposed consistent with the Core Strategy’s vision for the district, its settlement specific visions, spatial objectives and settlement hierarchy?**

For the purpose of answering this question, it is important to distinguish between existing completions and commitments and the additional provision set out in Policy CS7 of the Core Strategy Single Issue Review (SIR) (CD: C3) as set in tables 1 and 2 below. The third column of each table sets out the percentage distribution. Table 3 sets out the total percentage distributions of Policy CS7 as drafted.

**Table 1: Policy CS7 existing completions and commitments (2011-2016) and percentage distribution**

Settlement	Existing completions and commitments (2011-2016)	Percentage distribution Towns/KSCs/PVs
Brandon	59	Towns 22%
Mildenhall	185	
Newmarket	291	
Lakenheath	95	Key Service Centres 33%
Red Lodge	699	
Primary Villages	953	Primary Villages 39%
Other*	155	6%
Windfall		
<b>TOTALS</b>	2437	100%

**Table 2: Policy CS7 additional Provision and percentage distribution**

Settlement	Additional provision	Percentage distribution Towns/KSCs/PVs
Brandon	71	Towns 41%
Mildenhall	1412	
Newmarket	321	
Lakenheath	828	Key Service Centres 44%
Red Lodge	1129	
Primary Villages	454	Primary Villages 10%
Other*	0	
Windfall	225 (25 a year x 9 years)	5%
<b>TOTALS</b>	4440	100%

**Table 3: Policy CS7 percentage distribution**

Settlement	Existing completions and commitments (2011-2016)	Additional provision	Totals	Percentage distribution	Percentage distribution Towns/ KSCs/PVs
Brandon	59	71	130	2%	34%
Mildenhall	185	1412	1597	23%	
Newmarket	291	321	612	9%	
Lakenheath	95	828	923	13%	40%
Red Lodge	699	1129	1828	27%	
Primary Villages	953	454	1407	21%	21%
Other*	155	0	155	2%	2%
Windfall		225 (25 a year x 9 years)	225	3%	3%
<b>TOTALS</b>	2437	4440	6877	100%	100%

Taking into account the above tables, table 4 below considers the accordance of Policy CS7 with the relevant Core Strategy’s vision, spatial objectives and settlement hierarchy, with an emphasis on those referred to in the background section of the Inspector’s letter.

**Table 4: Accordance of Policy CS7 with the Core Strategy’s vision, spatial objectives and settlement hierarchy**

Core Strategy Vision/ spatial objective/ settlement hierarchy	Policy CS7
<p>Vision 1 Forest Heath</p> <p><i>Development will be focused in the towns and key service centres</i></p>	<p>The 2011-2016 completions and commitments show that just over half (55%) are in towns and key service centres.</p> <p>The additional provision distributes 85% of growth to towns and key service centres.</p> <p>Commitments and completions and additional provision are combined to distribute 74% of total growth in town and key service centres which accords with this vision statement.</p>
<p>Vision 2 Newmarket</p> <p><i>Most of the additional housing development will have taken place to help meet the needs of local people and businesses.</i></p>	<p>Newmarket is recognised in paragraph 3.19 of the SIR as being the district’s largest market town.</p> <p>Vision 2: Newmarket was drafted in the context of 1400 homes being distributed to Newmarket under Policy CS7. This policy was subsequently quashed but the Vision statement remains.</p> <p>Due to a lack of available and achievable sites in Newmarket, 9% of the district-wide growth will take place in the town. This is due to continuing</p>

<b>Core Strategy Vision/ spatial objective/ settlement hierarchy</b>	<b>Policy CS7</b>
	uncertainty around the deliverability and developability of the Hatchfield Farm site in Newmarket. (See answers to questions 3 and 7 and Annex A for further detail).
<p>Vision 3 Mildenhall</p> <p><i>Additional housing, including housing to meet the needs of local people will have been provided</i></p>	1597 (23%) of the total growth will be in Mildenhall to meet the needs of local people, thus according with Vision 3.
<p>Vision 4 Brandon</p> <p><i>The market town will become increasingly self-sufficient, meeting the needs of the local community with residential and employment growth.</i></p>	<p>Vision 4 was drafted in the context of 500-1000 homes being distributed to Brandon under Policy CS7. This policy was subsequently quashed but the Vision statement remains.</p> <p>Brandon is surrounded by Breckland SPA and its buffers. Paragraph 3.15 of the Submission SIR states that no evidence has been found to demonstrate that the Breckland SPA constraints can be overcome to allow further growth.</p> <p>The level of housing distributed to Brandon did not change between the Issues and Options SIR (CD:B38) and the Submission SIR due to there being no evidence that SPA constraints could be overcome. The response from Natural England (Rep 24884) to the Submission SIR states:</p> <p><i>"...Natural England is satisfied that any environmental constraints have been taken into account. Therefore we do not have detailed comments regarding the Single Issue Review document..."</i></p>
<p>Vision 5 Lakenheath</p>	<p>Core Strategy Vision 1 Forest Heath states that <i>"Development will be focused in the towns and key service centres"</i>. The focus of growth in key service centres is implicit in the references in the Lakenheath and Red Lodge vision statements around the development of services and facilities to support growth.</p>
<p>Vision 6 Red Lodge</p>	
<p>Spatial Objective H1</p> <p><i>To provide enough decent homes to meet the needs of Forest Heath's urban and rural communities, in the most sustainable locations.</i></p>	74% of overall growth (or 85% of additional growth) in the towns and key service centres will meet the needs of FHDC's communities in sustainable locations, thus meeting the aims of this spatial objective.

<b>Core Strategy Vision/ spatial objective/ settlement hierarchy</b>	<b>Policy CS7</b>
Spatial Objective T1  <i>To ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel.</i>	74% of overall growth (or 85% of additional growth) in the towns and key service centres will locate development where there are the best opportunities for sustainable travel and the least dependency on the car, thus meeting the aims of this objective.
Policy CS1 Settlement Hierarchy	74% of overall growth (or 85% of additional growth) will take place in the towns and key service centres, in the most sustainable locations with access to services and facilities, with 21% located in the primary villages, thus according with the CS1 settlement hierarchy.

In light of the above, the council is satisfied that the housing distribution is consistent with the Core Strategy’s vision for the district, its settlement specific visions, spatial objectives and settlement hierarchy.

**2. The Regulation 22 Statement advises that the position within the settlement hierarchy has helped to determine the overall capacity for each settlement. Please could you explain this statement in more detail.**

Vision 1 in the 2010 Core Strategy states that “development will be focused in the towns and key service centres”. This is because the larger towns and key service centres are more sustainable locations for growth, as established in Core Strategy Policy CS1 - Spatial Strategy.

However, other factors are also taken into account when determining settlement capacity (as noted in paragraph 3.13 of the Submission SIR), including:

- the settlements’ environmental and infrastructure constraints;
- the availability of suitable sites in the SHLAA;
- the outcomes of the sustainability appraisal and Habitat Regulations Assessments;
- national and local policy.

A balance between all of the above factors, including the settlement’s position in the hierarchy, helps to determine the overall capacity of a settlement.

As set out in the council’s response to question 1, 85% of the additional provision in Policy CS7 will occur in the highest order settlements, towns and key service centres, with 10% distributed to primary villages. This demonstrates the use of the settlements’ positions in the hierarchy as a factor in the identification of appropriate capacities.

**3. Relative to other settlements, notably Mildenhall and Red Lodge, and the Primary Villages category, housing growth at Newmarket is rather less than one might ordinarily expect, especially in the light of its general sustainability credentials. It is the district’s largest market town, with a wide range of services and facilities, and is recognised as one of its most sustainable settlements, if not the most.**

**a) What precisely is the reason for this modest allocation? In answering this, we ask that the Council unambiguously explains the specific impacts of greater housing growth on the horse racing industry.**

Newmarket is constrained by various factors, see para 5.6.8 of the submission Site Allocations Local Plan (SALP) (CD: C8). It is constrained by a tight administrative boundary with adjoining land in East Cambridgeshire district (Local Plan Submission Draft Policies Map - CD: C12). A key constraint impacting upon planned levels of housing growth is that the majority of land immediately surrounding Newmarket is in horse racing industry (HRI) use, which policies in the Core Strategy and West Suffolk Joint Development Management Policies document (JDMPD) (CD: B2) have sought to safeguard.

The impacts of growth and development on the HRI are considered in the SIR and SALP evidence base and through evidence to planning applications, the most notable one being the Hatchfield Farm planning history (see Annex A: Hatchfield planning application history).

The JDMPD covers this in detail as it includes development management policies which assess the impact of proposed development on the HRI. The table below summarises the potential impacts of growth and development on the HRI that were considered, evidenced and included in the JDMPD.

<b>Potential impacts of development such as housing growth on the HRI</b>
Erosion of unique character of the townscape and landscape setting of Newmarket – this is described in section 9.7 and 9.8 of the JDMPD
Conflict between horses and traffic and consequent road safety effects - JDMPD section 9.10 explains that HRI land uses are integrated into the fabric of the town. Section 9.18 further explains the conflict between racehorses and traffic.
Loss of existing sites relating to the HRI – JDMPD section 9.7 explains that these sites are a finite resource.
Other effects on the operational use of HRI land such as noise and access which are explained in section 9.11 of the JDMPD

There is a lack of suitable, available and achievable sites on unconstrained land in Newmarket. The only identified site that is less constrained is to the north east of Newmarket at Hatchfield Farm, but it’s not appropriate to allocate it on the basis planning permission has recently been refused, see response to question 3(d). This has resulted in the modest allocation at Newmarket.

**b) Would it be the presence of more houses that would cause the problem, or the increase in traffic and/or other human activity?**

We have no evidence to suggest that it is the presence of more houses that is the problem in Newmarket, as long as housing development does not take place on horse racing land, (unless allocated in a Local Plan as set out in JDMPD Policy DM49). It is the consequential increase in traffic from new houses that is the main cause of concern to parties opposed to development in Newmarket. Particularly with regard to increased numbers of cars driving into town and the impact on horses and riders using the horse crossings as evidenced by the planning history at Hatchfield Farm (see Annex A: Hatchfield Farm planning history).

**c) If the latter, given Newmarket’s function as a market town, and the attraction of the race course, what evidence is there that the proposed spatial distribution will lead to less of the activity causing concern?**

Clearly the occupation of new dwellings will result in an increase in traffic movements and other human activity (cyclist and pedestrian movements). The AECOM cumulative impact study, August 2016 (CD: B18) and the later addendum, October 2016 (CD: B17) illustrate this well. Such additional movements will be on top of the existing traffic movements of people visiting Newmarket for shopping and other services.

The cumulative impact studies were focused on the impacts of residential growth. All junctions that were assessed for the August 2016 study in terms of percentage impact were revised in the October 2016 addendum to take account of the changes in relation to the reduction in dwellings at Newmarket and increase in numbers at other settlements. The conclusions of the October 2016 addendum indicate that even with a lower growth option the highways mitigation measures remain the same.

The extracts from the two AECOM studies below illustrate the anticipated difference in vehicular trip generation from the proposed growth in Newmarket including Hatchfield Farm, and with a lower number of dwellings in Newmarket without the Hatchfield Farm allocation and, additionally Newmarket and Exning multi-modal trips with and without Hatchfield Farm and with higher growth in Exning.

**Vehicular trip generation**

In terms of overall vehicular trips generated, extracts from Table 5.2 AECOM Cumulative Impact Study August 2016 and Table 7 are set out below:

**Vehicular Trip Generation Newmarket**

<b>AECOM Cumulative Impact Study August 2016</b>				
<b>Peak periods</b>	<b>Total number of dwellings</b>	<b>Vehicular Trip Generation</b>		
		<b>Arrivals</b>	<b>Departures</b>	<b>Total</b>
0800 – 0900	654	70	269	339
1700 – 1800		177	111	288

AECOM Cumulative Impact Study Addendum October 2016					Difference in Vehicular Trip Generation from Previous (August 2016) Assessment		
0800 – 0900	321	34	132	166	-36	-137	-173
1700 – 1800		87	55	141	-90	-67	-147

### Mode shares and multimodal trip generation

In respect of mode shares and multimodal trip generation (based on trip purposes for work, education, shopping, other) Table 8 of the October 2016 addendum shows that trip generation in Mildenhall, Newmarket, Exning and West Row changed from the August 2016 study with the decrease in dwelling numbers in Newmarket, and increase in the other settlements. Extracts for Newmarket from Table 8 (October 2016) and Table 5.3 (August 2016) are set out below. The effect of the reduction in the number of dwellings in Newmarket can clearly be seen. Figures for Exning are included here as these were included in the original tables.

### Mode Shares and Multimodal Trip Generation, Newmarket and Exning

	Modeshare		Total Trips by Mode			
	AM	PM	AM	PM	AM	PM
<b>August 2016 (Table 5.3 extract)</b>						
<b>Newmarket / Exning</b>			<b>Newmarket</b>		<b>Exning</b>	
Walk	27%	18%	253	113	100	45
Cycle	3%	3%	25	21	10	8
Car Driver	37%	47%	339	288	135	114
Passenger	20%	19%	182	118	72	47
Rail	1%	2%	14	10	5	4
Local Bus	7%	5%	65	31	26	12
Others*	5%	5%	41	32	16	13
<b>Total</b>	100 %	100%	919	612	365	243
<b>October 2016 (Table 8 extract)</b>						
Walk	27%	18%	124	55	126	56
Cycle	3%	3%	12	10	13	10
Car Driver	37%	47%	166	141	168	143
Passenger	20%	19%	89	58	90	58
Rail	1%	2%	7	5	7	5
Local Bus	7%	5%	32	15	32	15
Others*	5%	5%	20	16	21	16
<b>Total</b>	100 %	100%	451	301	456	304

*\*this includes work from home, motorcycle and taxi trips*

The studies show that the proposed spatial strategy with less housing growth in Newmarket (and higher growth in other settlements including Exning) will lead to less traffic and multi-model trips in Newmarket.

Newmarket is a market town which serves the surrounding area for employment, leisure (including visits to the racecourse) and shopping. A calendar detailing the events of the racing season (April to early November) is available on the Newmarket race courses website: <http://newmarket.thejockeyclub.co.uk> This indicates that racing fixtures take place on approximately 39 days a year. It is accepted on race

days that traffic will be at its worst, however, Suffolk County Council have a robust traffic management plan in place to ensure the impact of additional race day traffic is managed.

**d) Overall, what evidence is there that indicates any harmful impact on the horse racing industry of greater housing growth in Newmarket?**

Evidence that indicates greater housing growth would have a harmful impact on the HRI can be found in the planning decisions for the Hatchfield Farm site (see Annex A: Hatchfield Farm planning history), specifically the Secretary of State's decision letter of 31 August (CD: B19) which refuses permission for 400 homes on the site. The Secretary of State considered that the "*material safety benefits which the Inspector cites are not certain. Overall he considers that the additional risks arising from the increased traffic are a material consideration which carries moderate weight against the proposal.* (para19)".

He goes on to state in paragraph 20:

*"...He considers that the question of risk is highly relevant, and that there is a substantial risk that the potential adverse consequences of increased traffic at the Rayes Lane horse crossing will create perceptions among owners and others in the industry of a more negative context for the industry in Newmarket. The Secretary of State considers that this would threaten the long-term viability of the horse racing industry, and that the benefits of the scheme would not significantly outweigh the harm to the industry."*

There is further uncertainty following Justice Gilbert's quashing of the Secretary of State's decision on two grounds (CD: D1). Justice Gilbert states at paragraph 174:

*"I accept Mr Moules' submission that the creation of a risk of adverse perception can be relied on as a threat in the terms described by the policy. I therefore reject this ground if it stands without the support of Ground 2. The Inspector, unsurprisingly given her conclusions, and the levels of traffic involved, took the view having heard the evidence that the claims of adverse perception were without substance. I am just persuaded that the SSCLG was entitled legally to take a different view. However, if it is correct that his approach to the Rayes Lane crossing was quite deficient anyway, and correct that the development would produce, at worst, barely perceptible increases in traffic flow, it might be thought very difficult to sustain this as a matter of objection."*

This site remains in the legal system, following The Newmarket Horsemen's Group seeking of permission to appeal the High Court Decision of Mr Justice Gilbert to the Court of Appeal. Until the matter of the consideration of the planning application for 400 homes reaches a final conclusion, there remains substantial uncertainty whether this scale of growth would be judged as harmful to the HRI. The outcome is unknown and the Local Planning Authority has taken the view it should accept the Secretary of State's final decision.

**4. The Local, National and International Impact of the Horse Racing Industry (2015) report recommends a highways study be commissioned in connection with the issue of highways conflict. Has this been undertaken/completed? If not what is the projected timetable?**

An overarching study has not been commissioned. Instead, work has been focussed on identifying practical measures to improve horse crossings and horse walks in



Newmarket. This is a proportionate and practical means of delivering on the intent of the Deloitte recommendation – to reduce highway conflict and improve safety.

Through a local transport working group (which has existed in various but broadly similar guises for a number of years), the county and district councils have worked with the town council, racing industry representatives and Suffolk Constabulary to improve the operation of the highway network. Practical steps identified by the working group and taken so far include:

- A survey of HGV movements within the town was undertaken in 2013, due to concerns related to indirect impacts on horse movements. It concluded that, relative to typical percentages for traffic volumes on principal roads, the level of HGV traffic was relatively low but vans and other goods vehicle traffic volumes were high. The study did not highlight any practical measures to be taken.
- Improvements to the safety and accessibility of the Snailwell Road horsewalk were made in 2015, with further amendments being considered by the Newmarket Transport Working Group. In addition, a new signalised junction with pedestrian facilities was put in place at the junction with Fordham Road. This junction was previously uncontrolled with limited visibility of horse movements for vehicles using Fordham Road. More recently, the Jockey Club funded a new horsewalk improvement, also on Snailwell Road, between Malcolm Way and the Godolphin Stables.
- Bollards were installed at various horsewalks across the town in 2014, to prevent vehicles using horsewalks. These replaced “baffles” (large frames), which had been used at vehicle and road crossing points. The new timber bollards give better access for maintenance and offer better permeability for racehorses using the walks.
- An ongoing review of 17 horse crossing points in the town. Concept designs are being prepared which will provide consistency across the town and improve awareness by drivers. Concepts include the installation of variable message signs, capable of being triggered by a mounted rider, and raised table crossings to ensure reduced vehicular speeds. Specialist surfaces are also being investigated, however more testing is required before these can be deployed.
- An ongoing review of entry points. Provision of new signs will help educate drivers arriving in the town as to the unique highways issues of Newmarket. There is an agreement to have a standard approach to signs at arrival points to the town.

Funds have been identified to continue delivering these practical measures. These works, and established ways of working, represent a collaborative, proportionate and ongoing commitment to delivering the outcomes of the 2015 Deloitte recommendation; to implement practical measures.

## **5. How has the effect of housing growth on the horse racing industry been assessed in terms of the Sustainability Appraisal and where is the evidence in relation to this issue?**

Sustainability Appraisal (SA) is a mechanism for considering and communicating the impacts of a plan, and alternatives, with a view to avoiding and mitigating adverse impacts and maximising the positives. The SA Scoping Report (CD: D6), published

and consulted on in 2015, established issues and objectives that should be a focus of, and provide a methodological SA framework (table 4.1) for subsequent SA work. Notably the scoping report established that – “*The town of Newmarket is in the District, and is notable for its links to horseracing, which gives it a special character and constrains development.*” From this point, the impact of housing growth on the HRI has been a consideration in the identification, refinement and appraisal of reasonable alternatives throughout the SA process.

The SA focuses on the significant effects of the plan and alternative options (in this case the different distribution and housing provision options put forward) identified in the SA Framework. The HRI is integrated into the fabric of the town and has an economic, environmental and social role. One of the unique features of Newmarket is the presence in the town of training yards and HRI related services and facilities. The effects of housing growth on the HRI is therefore part of the consideration across many of the SA topics, but is mainly considered under the ‘unemployment’ heading.

Any options that have an effect on traffic could potentially affect the HRI. The framework includes the topic ‘Transport’ and the objective is to “*reduce car use and car dependency*”. The evidence that informed the SA is the Forest Heath Site Allocations Cumulative Traffic Impact Study (August 2016) (CD: B18 ) and the Forest Heath Site Allocations Cumulative Traffic Impact Study – Addendum (October 2016) (CD: B17). These evidence base documents are relevant to the SIR in so far as they are cumulative studies that explore the effect of planned growth for Newmarket within the plan-period as outlined within the SIR; however it should be noted that the finalised versions of these documents were only available to inform the 2017 SA.

As mentioned above, the appraisal of the different spatial alternatives considered the potential economic effects associated with growth in Newmarket, particularly in light of the HRI, in the section on ‘unemployment’. Specific evidence related to the Horse Racing Industry, namely ‘Newmarket’s Equine Cluster – The economic impact of the horse racing industry centred upon Newmarket (SQW, January 2014)’ (CD: B51) and ‘Newmarket Horseracing Industry – Local, national and international impact of the Horseracing Industry in Newmarket (Deloitte, June 2015)’ (CD: B37) establish the significance of the Horse Racing Industry.

Commentary is included throughout the 2017 SA in regard to additional effects on the Horse Racing Industry resulting from the options, within the following topics; *housing*, *poverty* and *health* (in regard to the impacts of highway safety).

The evidence for the 2017 SA is in Appendix II of the SA report and the Council’s Local Plan background evidence for the SIR and SALP at [http://www.westsuffolk.gov.uk/planning/Planning\\_Policies/local\\_plans/forest-heath-local-plan-background-evidence.cfm](http://www.westsuffolk.gov.uk/planning/Planning_Policies/local_plans/forest-heath-local-plan-background-evidence.cfm). In addition the 2017 SA draws on the Secretary of State’s Decision Letter in respect of an application for planning permission at Hatchfield Farm, Newmarket (for 400 homes)(CD: B19) in identifying effects. SA is a process and alternatives have been refined throughout in order to determine what is considered ‘reasonable’ at each stage. This is in light of emerging evidence. The impacts of housing growth in Newmarket have been assessed within the SA at each consultation stage and the findings of various options/alternatives are documented in previous iterations of the SA (see response to Question 6 below). The 2017 SA includes the appraisal of an ‘Option 2’, which explores higher growth in Newmarket through the allocation of Hatchfield Farm for 400 additional homes. The assessment of Option 2 draws upon the Secretary of State’s Decision Letter as it is the most up to date evidence in regard to the effects of growth in Newmarket on the HRI, however it should be noted that the decision letter is relevant only to one specific proposal.

**6. Is it correct to say that the Sustainability Appraisal starts from the assumption that greater housing growth in Newmarket would lead to harm to the horse racing industry? If so, please would the Council explain the reason for this?**

The SA scoping report (June 2015) (CD: D6) describes the district and in section 1.3 states that *“the town of Newmarket is in the District, and is notable for its links to horseracing, which gives it a special character and constrains development.”*

The scoping report makes this statement based on the various evidence documents available at that time. Spatial strategy alternatives (varying in respect to growth at numerous settlements, including Newmarket) were considered throughout the SA process in line with available evidence informing considerations as to what constitutes a ‘reasonable alternative’. Irrespective of the known constraints to development in Newmarket, the SA does not start from the assumption that greater housing growth in Newmarket would lead to *harm* to the horse racing industry. All growth scenarios for Newmarket were considered in the first iteration of the SA (see section 8.2.2-4 of the 2015 SA (CD:B39)) and reasonable options/alternatives were refined throughout and in subsequent iterations of the SA process.

The SA has continually assessed reasonable alternatives throughout the process; these are summarised in the table below. Spatial strategy alternatives were considered when finalising the Proposed Submission Plan, and reported in the SA Report for publication. The 2017 SA offers a commentary on the process of refining options that has been undertaken at all stages. All previous SA iterations have been submitted as part of the core document library. The 2017 SA assesses those options that are deemed ‘reasonable’ at the Regulation 19 stage.

**Options considered during the SA/Local Plan process**

<b>Core document library reference</b>	<b>Iteration of the SA</b>	<b>Options appraised including number of homes in Newmarket and at Hatchfield Farm (HF)</b>
CD: D6	SA Scoping - June 2015	
CD: B39	Further issues and options SIR interim report - August 2015	Opt 1 high(1470-1630) in Nmkt - 1200HF+ Opt 2 medium (680-750) in Nmkt - 400HF+ Opt 3 low (300-330) in Nmkt - 0 HF+ Opt 4 High (1470-1630) in Nmkt - 1200+
CD: D7a/b	SA briefing report for local Plan Working group - Jan 2016	Opt 1 medium 968 in Nmkt -400HF+ Opt 2 high 1368 in Nmkt - 800HF+ Opt 3 high 1368 in Nmkt - 800HF+
CD: B25	Preferred options SIR consultation – April 2016	Opt 1 medium 968 in Nmkt - 400HF+ Opt 2 high 1368 in Nmkt - 800HF+
CD: C4	Proposed submission SIR and SALP consultation - Jan 2017	Opt 1 low 612 in Nmkt - 0HF Opt 2 medium 945 in Nmkt - 400HF+

Key: HF Hatchfield Farm + including employment land

The SA report published in January 2017 (CD: C4) on page 20, Box 6.2, Unreasonable approaches to housing growth, lists:

*"Any strategy involving higher growth at Newmarket – given limited available/achievable sites. The option of a larger, 800 home scheme at the Hatchfield Farm site was considered at the Further Issues and Options stage, before subsequently being dismissed as 'unreasonable'. The challenges associated with this site, and housing growth at Newmarket more generally, are well understood."*

This statement was made in the light of the Secretary of State's decision (CD: B19) to refuse permission for the 400 house scheme at Hatchfield farm and in light of the very limited availability of alternative sites in Newmarket that could be delivered without allocation of land already in horseracing use.

Whilst the proposed submission SIR proposes a low level of growth at Newmarket, the 2017 SA has also assessed an alternative growth scenario, option 2, which includes a medium level of growth including 400 homes at Hatchfield Farm as a 'reasonable alternative'. The SoS's decision letter was taken into account when appraising the spatial strategy alternatives. The 2017 SA (CD: C4) in section 11.1.4 states that, *"With regards to Newmarket, past SA work has highlighted the benefits of growth, whilst also recognising that the town is heavily constrained, most notably by the highly sensitive horse-racing industry. At the current time, given the Secretary of State's recent decision in respect of a large planning application at the town, there is greater certainty regarding the merits of lower growth; however there remain some question-marks."* This further demonstrates that the SA does not assume that housing growth in Newmarket would lead to harm to the horse racing industry, but that, in consideration of the reliance on Hatchfield Farm to achieve higher growth, a low growth scenario is a more certain/achievable option at this point in time.

**7. The SIR notes the previous planning applications in relation to Hatchfield Farm. What bearing, if any does the High Court judgement quashing the Secretary of State's decision have in relation to the soundness of the SIR?**

The SIR distribution is 'sound' without the inclusion of the Hatchfield Farm site. The Hatchfield Farm application remains with the Secretary of State to re-issue a decision. It is not known when that decision will be issued, or what that decision will be.

The council has adopted a precautionary approach to the Hatchfield Farm site's deliverability/developability, given its long and complex planning history (see Annex A: Hatchfield planning application history). It should be noted that a further challenge has been made by the Newmarket Horseman's Group who have sought permission to appeal the recent High Court decision of Mr Justice Gilbart to the Court of Appeal.

The quashing of the High Court judgement has therefore not had a bearing on the soundness of the SIR. In light of guidance in paragraph 47 (and its footnotes) of the NPPF (CD: A14), there is no 'reasonable prospect' at present that the site will be available for development and can be delivered/developed within the Plan period. There are sufficient alternative available, suitable and deliverable sites to meet the district's housing needs to 2031.

**8. Some 1129 dwellings are earmarked through the SIR for Red Lodge. What will be the effect of this in terms of Red Lodge's standing in the settlement hierarchy identified by Policy CS1? What evidence has the Council prepared to address this issue?**

Red Lodge was identified as a Key Service Centre in Policy CS1 of the Core Strategy (CD: B57), with the proviso that the planned school and village centre needed to be completed to meet the day to day needs of its residents. As the primary school

opened in September 2012 and the village centre in mid-2013, Red Lodge now has the necessary services and facilities to function as a Key Service Centre.

Core Strategy para. 2.5.3 states - *"The Parish Profile provides information on the facilities, services and characteristics of each settlement and outlines the methodology that informed their categorisation into a hierarchy and the scale of growth in each."*

And para. 2.5.8 continues - *"The services and facilities available in Key Service Centres include some if not all of: a convenience shop, public transport, health care, primary school and access to employment opportunities. It is considered that only Lakenheath currently has all of these services, Red Lodge will have these services when the agreed Red Lodge Master Plan has been fully implemented and the village centre and primary school have been delivered."*

The Core strategy was based upon the May 2008 Parish Profile which was updated in 2011 and again in 2016 to inform emerging planning policy. The bulk of the proposed planned growth is within the existing settlement boundary, apart from an element of the mixed use site SA10(a) to the north east of the settlement. It is considered that Red Lodge will remain a Key Service Centre after the planned growth in the SIR and SALP has been delivered. It will not have the range or depth of services and facilities to perform as a market town, but does include an appropriate level of services and facilities to perform as a Key Service Centre.

Evidence is provided in the Settlement Profiles 2016 document (CD: B7). This report updates the evidence base that underpinned the settlement hierarchy established in the Forest Heath Core Strategy adopted in 2010 (Policy CS1). To do this, the level of services and facilities in each of the settlements was reviewed to see what changes have occurred since the parish profile audits were undertaken in 2008. In addition the Infrastructure Delivery Plan (CD: C19) sets out a framework which will support the planned delivery of infrastructure required to deliver the growth in Red Lodge (pages 44 – 49).

**9. As a consequence of the successful High Court Challenge concerning Policies CS1, CS13 and CS7, numerous parts of the policies and other text were quashed. It would be of assistance to us, and no doubt to others, if the Council could provide an up-to-date version of the Core Strategy as amended by the judgment, in electronic form at least, showing the quashed paragraphs with a 'strike through'. This would help to prevent any confusion or scope for error, and to avoid the need to continually cross-reference to Appendix B of the SIR.**

See electronic version of the Core Strategy attached to email with quashed elements shown as strikethrough.

**10. Please could you clarify what stage the Newmarket Neighbourhood Plan has reached since the Newmarket Neighbourhood Area was designated in December 2015.**

The submission draft of the Newmarket Neighbourhood Plan is currently being drafted, with the Regulation 14 pre-submission consultation expected in late summer 2017.

## Annex A: Hatchfield planning application history

Core document library reference	Date	Decision making body	Recommendation	Key reasons for refusal/approval
D2	4 June 2010	FHDC	<b>Refusal</b> of planning application F/2009/0713/ESO for 1200 homes	<ol style="list-style-type: none"> <li>1. ...unable to conclude that the highway related implications of this proposal will be satisfactory.</li> <li>2. ...not satisfied how or if the impact of the development upon the horse racing industry within and around Newmarket can be appropriately mitigated.</li> <li>3. At present insufficient data has been supplied on how bat species use this site.</li> <li>4. The absence of a signed section 106 Agreement</li> <li>5. inappropriate to approve this large scale application at this stage.</li> </ol>

Core document library reference	Date	Decision making body	Recommendation	Key reasons for refusal/approval
D3	22 December 2011  (Inspector's report issued with Secretary of State's decision 22 March 2012)	Appeal recovered 8 December 2010 for the Secretary of State's determination.	<b>Dismissed</b> appeal F/2009/0713/ESO for 1200 homes	12.15.5 ...it would be premature to permit this strategic scheme which represents such a large proportion of the District's residual housing requirement on a site which may or may not be chosen when properly evaluated through the democratic development plan process (12.14.21).
D4	22 March 2012	Secretary of State	<b>Dismissed</b> recovered appeal F/2009/0713/ESO for 1200 homes	29. ...the Secretary of State agrees that in the absence of a spatial distribution and no clear requirement for 1,200 dwellings in this location in the development plan, it would be premature to permit this strategic scheme on a site which may or may not be chosen when properly evaluated through the democratic development plan process (IR12.15.5).

Core document library reference	Date	Decision making body	Recommendation	Key reasons for refusal/approval
D5	2 July 2014	FHDC	<p><b>Approval</b> of planning application DC/13/0408/OUT for 400 homes</p> <p>See Extract from the Minutes in Key reasons for refusal/approval</p>	<p>329. The local planning authority cannot currently demonstrate a five year supply of deliverable housing sites.</p> <p>330. ...In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits.</p> <p>331. ...there is no evidence to suggest that the development proposed by this planning application would cause significant and demonstrable harm to the equine industry.</p> <p>332. ...the development would provide a level of market and affordable housing to meet the needs of present and future generations.</p> <p>333. In relation to the environmental role...On balance, the dis-benefits of the development proposals are considered acceptable, and would not significantly or demonstrably outweigh the benefits.</p> <p><b>Extract from the Minutes of DC Committee 02.04.14</b></p> <p>046. LAWYER'S ANNOUNCEMENT Prior to the consideration of the Newmarket (DC/13/0408/OUT) and Red Lodge (F/2013/0257/HYB) applications on the agenda,</p>



Core document library reference	Date	Decision making body	Recommendation	Key reasons for refusal/approval
				<p>the Lawyer advised all present that the National Planning Casework Unit (NPCU) had served Article 25 notices on the Council preventing it from issuing permissions for either application until they had had time to consider whether they should be called-in for consideration by the Secretary of State.</p>
B19	<p>9 July 2015</p> <p>(Inspector's report issued 31 August 2016 with Secretary of State's decision)</p>	<p>Application called-in by the Secretary of state on 11 July 2014 for his own determination.</p>	<p><b>Approval</b> of planning application DC/13/0408/OUT for 400 homes</p>	<p>369. In the circumstances it is not considered that the application development would result in an unacceptable increase in congestion or harm to highway safety. The residual transport impact of the development would not be severe.</p> <p>400. The application proposal would not result in an adverse effect on or an undue risk to the existing economic importance, potential for future growth and continuing success of the horse racing industry. There would be associated improvements to the Rayes Lane horse crossing which would at the very least mitigate the impact of the additional traffic generated but also result in a material safety benefit.</p> <p>401. ...It would conform with Policy DM48 in the JDMPD as it would not threaten the long term viability of the horse racing industry as a whole. It would also meet the requirements of Policy DM50 through the improvement of the existing Rayes Lane road</p>

Core document library reference	Date	Decision making body	Recommendation	Key reasons for refusal/approval
				crossing, which is part of the system of horse walks through the town
B19	31 August 2016	Secretary of State	<b><u>Refusal</u></b> of planning DC/13/0408/OUT for 400 homes	<p>33. Not in accordance with the development plan Policies DM5, DM27, DM48, Vision 2 of the CS, Spatial Objective ECO5 or CS1 and is not in accordance with the development plan as a whole.</p> <p>36. Threat to the HRI carries substantial weight...risks arising from increased traffic at the Rayes Lane horse crossing carry moderate weight...loss of countryside and best and most versatile agricultural land also carries moderate weight.</p>
D1	9 May 2017	Mr Justice Gilbert	<p>Application to quash the 31 August 2016 Secretary of State decision letter</p> <p><b><u>Claim succeeds (decision letter quashed) on Grounds 1 and 2.</u></b></p> <p><b><u>The matter has therefore been returned to the Secretary of State to issue a new decision. This decision could be</u></b></p>	<p>1. SSCLG failed to consider or apply his own policy in the NPPF: Paragraph 14.</p> <p>2. That the SSCLG failed to give any reasons why he was reaching a conclusion about Rayes Lane crossing which was consistent with his first Decision Letter or take his previous decision into account;</p> <p>The Judge found that the claim was successful on grounds 1 and 2. In short the Secretary of State had failed to apply his own policies in the NPPF; and failed to have regard to his own previous decision “where he had reached conflicting conclusions to those he now holds on matters relating to highway safety, or has reached a conclusion on safety without evidence, or which is irrational”. Meaning the Inspector and Secretary</p>

Core document library reference	Date	Decision making body	Recommendation	Key reasons for refusal/approval
			<b><u>to allow or refuse the application.</u></b>	of State had found in the case of the larger scheme that highway problems were not likely to arise. Latterly, there was no explanation as to the Secretary of States change in position.
	30 May 2017	Newmarket Horsemen's Group sought permission to appeal the High Court decision of Mr Justice Gilbert to the Court of Appeal.	To be decided	