

Date: 8th September 2017

From: The Trustees of the EG Lambton 1974 Settlement.

To: Annette Feeney, Programme Officer, C/o Strategic Planning, Forest Heath District Council, West Suffolk House, Western Way, Bury St Edmunds, Suffolk IP33 3YU

Statement to the Examination of the Single Issue Review of Core Strategy Policy CS7.

This written statement relates to Matter 4 of the Examination – The Spatial Distribution of Housing and is in addition to representation ID: 24736 made during the Consultation on the Submission Stage of the Single Issue Review in March 2017.

Forest Heath District Council's response of 27th June to question 7 of the Inspectors letter dated 2nd June 2017, in which it states that it *"has adopted a precautionary approach to the Hatchfield Farm site's deliverability/developability, given its long and complex planning history"* is no longer justified, in the light of the decision of the Appeal Court to refuse the NHG the right to Appeal Mr Justice Gilbert's decision on 9th May 2017 in the High Court to quash the SSCLG's decision to refuse planning permission for a development of 400 homes at Hatchfield Farm.

If the Inspectors were to find the spatial distribution of housing within policy CS7 sound; with a greatly reduced allocation for Newmarket, than that proposed at the Preferred Option stage of the process; this will become a material consideration which the SSCLG will have to consider when he makes a new decision on the planning application for 400 houses at Hatchfield Farm, which he is required to do following Mr Justice Gilbert's decision. Under these circumstances, there is a significant risk that the decision making process will become circular.

By way of illustration, a scenario could emerge whereby the planning application is again refused by the SSCLG, on the grounds that the overall housing allocation for Newmarket within an up to date Local Plan does not require it. However, that greatly reduced housing allocation has only been forced upon the Council because (1) they have taken a precautionary approach to the influence of Hatchfield Farm on the overall allocation for Newmarket, due to the uncertainties brought about by the SSCLG's decision, which has now been quashed and (2) because the Council have stated that there are no other available sites in Newmarket (see below).

It is therefore imperative, when considering whether proposed Policy CS7 is sound, that the Inspectors consider the evidence that was re-examined through the High Court judgement in May 2017, which led Mr Justice Gilbert to conclude, in line with the earlier Appeal decision for the same site in 2012, that the proposed housing development would not cause such significant harm to the HRI, so as to outweigh the benefits in terms of contributing to housing growth in line with Newmarket's position in the settlement hierarchy.

The Council's response to the Inspectors question 3(a) cites that *"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."* This statement is incorrect and our previous Representation ID: 24736 refers. Site N18 is not constrained in the manner set out in para 5.6.8 of the Submission Site Allocations Local Plan, nor in the manner set out in the Council's response to the Inspectors questions 3 (a). N18 could be allocated.

Detailed submissions were made at the Preferred Options stage to show how site N18 is capable of delivering around 200 hundred residential units and is therefore capable of contributing an up to 32% increase in the overall housing allocation for Newmarket from the proposed level. Consideration of the allocation of site N18 is therefore an issue for the SIR, because it's inclusion would have a material impact on the spatial distribution of housing within Policy CS7.

The reasons given for the non-inclusion of Site N18 at the preferred options stage were twofold: (1) that it had been allocated during the previous plan, but no acceptable scheme had come forward during the life of the plan and therefore that the likelihood of it coming forward in the coming plan period is questioned and (2) that, located off the Fordham Road, development is likely to raise similar concerns to those recently upheld by the SSCLG for the development of Hatchfield Farm.

Reason 1 is not substantially correct. A Planning Application (see F/2011/0541/HYB), submitted in 2011 for a mixed use development of site N18 was refused solely on grounds contrary to Policy CS11. All other site specific issues, including Highways and Access, Flood Risk, Contaminations, Ecology, Noise, Existing Services, Archaeology and provision of replacement sports facilities were deemed to have been satisfactorily dealt with. A residential development on this site would not be refused because it is in conflict with Policy CS11.

Reason 2 is not proven and can be discounted in the light of the recent High Court Judgement. The site at 8 Ha, rather than 70Ha in the case of Hatchfield Farm, is unlikely to raise the same fears over longer term large scale development. Use of the same arguments concerning the potential impact on the HRI of development of this site must be seen to be even more tenuous than those promoted by objectors to the Hatchfield Farm proposals, which have recently been comprehensively discounted.

Policy CS7 therefore remains unsound for the reasons set out in our previous Representation ID 24736.