

**Single Issue Review of Core Strategy Policy CS7 and the
Site Allocations Local Plan Examination**

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Mrs Marie Smith
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By email only

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Dear Mrs Smith

Examination of the Single Issue Review of Core Strategy Policy CS7 ('the SIR')

This letter provides our response to your letter of 13 November. It sets out our soundness concerns in greater detail than previously, and indicates possible ways forward.

The overall distribution of housing

We turn firstly to your note that deals with the consistency of the proposed Policy CS7 with the adopted Core Strategy. Section 1 of that note discusses the settlement hierarchy, or 'types of place', set out in Policy CS1. From our reading and in summary, the argument made appears to be that Policy CS1 does not purport to set out a strategy for growth or to indicate any particular spatial distribution for new housing save for, as you say, the implication that Policy CS1 does not seek to change the relative order of the settlements by promotion or demotion from one tier to another. We accept this point. Policy CS1 itself is high on silent in this regard. It was the now quashed parts of the policy that gave explicit direction.

However, the crucial point about Policy CS1 is that it does set out a list of the 'types of place' that exist in Forest Heath. It groups those places into categories, the Towns and Key Service Centres being those categories of relevance here. The paragraphs in Section 2.5 of the Core Strategy explain the factors that have been considered in devising the groupings, in part at least. Constraints to and capacity for housing development have been taken into account, as have the services and facilities available, and access to employment opportunities. Our point here is that each settlement has been allocated to a category on the basis of its sustainability credentials relative to those of other settlements. As the Core Strategy Inspector's report says, the hierarchy reflects the "*relative importance and perceived roles of the existing settlements*".

At paragraph 17, the NPPF sets out 12 core planning principles. Among them is the principle that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. With this in mind, a fundamental question for the examination of the SIR is whether or not the distribution of housing growth proposed would achieve this. A growth pattern directing most new homes to the settlements best served by shops, services and other facilities, including public transport – that is, one reflecting the list of the ‘types of place’ in Policy CS1 – clearly would. It is therefore relevant to consider the degree to which the distribution brought about through Policy CS7 would be consistent with or reflect the categorisation of settlements in Policy CS1.

Indeed, the Council has considered this. Box 6.1 of the Sustainability Appraisal (January 2017) [C4] sets out the Council’s housing distribution preferred option as it stood in April 2016. It says that that option *“was developed taking into account the need for the distribution of growth to accord with national and local policy, in particular the existing settlement hierarchy in Core Strategy Policy CS1”*. In our view that was, and remains, an appropriate approach to take.

We recognise the influence of existing housing completions and commitments on the distribution. These are homes that have been built or given planning permission, and cannot be ignored. Table 1 of Appendix B of your note indicates that 21% of new homes from these sources are in Towns, and 37% are in Key Service Centres. From Table 2 of that appendix, we also appreciate that of the ‘additional provision’ – homes to be delivered through sites in the Site Allocations Local Plan (‘the SALP’) and through windfall sites – 44% would be in Towns and 41% in Key Service Centres.

The overall distribution, taking account of completions, commitments and sites in the SALP, is shown in Table 3 of Appendix B of your note. For convenience, we re-produce an extract below, although we have re-labelled the far right hand column.

Settlement	Completions and commitments	Additional provision	Total	Percentage distribution	Percentage distribution by ‘type of place’
Brandon	103	33	136	2%	Towns 34%
Mildenhall	193	1406	1599	23%	
Newmarket	386	254	640	9%	
Lakenheath	105	828	933	13%	Key Service Centres 39%
Red Lodge	1081	755	1836	26%	

It is apparent that the three Towns are expected to receive rather less new housing than that apportioned to the two Key Service Centres. The percentage distribution to Brandon, Newmarket and Red Lodge is most striking. We recognise the constraints of the Breckland Special Protection Area in relation to Brandon. Nevertheless, the distribution between the four other settlements does not sufficiently reflect their categorisation in the list of 'types of place' in Policy CS1. In short, this distribution places too few homes in the most sustainable places and too many in less sustainable settlements. In our judgement, in this regard the SIR does not do enough to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Neither does it adequately focus significant development in locations which are suitably sustainable or can be made so, notwithstanding the existing and proposed facilities in Lakenheath and Red Lodge.

As things presently stand, we regard the proposed distribution of new housing to be unsound. It is neither adequately consistent with national policy nor is it justified – it has not been demonstrated to be the most appropriate strategy when considered against the reasonable alternatives. We have reached this view on the basis of all the written and oral evidence. Our visits around the district have reinforced our stance.

The distribution of housing to Newmarket

It is clear from the Sustainability Appraisal that the situation concerning the Hatchfield Farm site has influenced the way in which both the Council and consequently the Sustainability Appraisal has considered the potential for greater housing growth in Newmarket than that presently proposed. Paragraph 6.5.5 of the Sustainability Appraisal confirms that:

"The preferred [housing distribution] option was, and remains, a modified version of the April 2016 preferred option. The need to modify the preferred option came about primarily as a result of the Secretary of State's decision (August 2016) to refuse permission for 400 dwellings at Hatchfield Farm in Newmarket. This is a large site, which featured as part of the April 2016 preferred option. In light of the Secretary of State's decision, the Council determined a need for the preferred option to involve nil homes at the site, which necessitated finding homes elsewhere to meet the resulting shortfall (given a need for the plan to provide for OAN)".

We appreciate that the drawn out appeal process and subsequent legal challenge have muddied the waters in relation to this site. But appeals are decided on the merits of the specific scheme in question, on the basis of the development plan and other material considerations in evidence. The SIR and SALP involve the entire re-casting of parts of the development plan. This process involves consideration of the whole evidence base, including in relation to the need for new housing and the assessment of alternatives. That is not the task for decision makers in relation to planning applications and subsequent appeals. Consequently, given the different legal framework and planning context involved,

it is not appropriate to discount the potential for greater housing growth in Newmarket on the basis of the Hatchfield Farm planning appeal proceedings alone, regardless of the eventual outcome.

Moreover, it is notable that the reasons given by the Secretary of State for rejecting the appeal in his now quashed decision relate largely to the level of traffic at the Rayes Lane horse crossing. But the delivery of the SIR and SALP will lead to a greater level of traffic at the crossing than that contemplated by the Secretary of State, and it is apparent that the Council considers this acceptable. In this context, we see no clear reason why the preferred option for the distribution of new housing across the district should have been predicated on the basis of nil homes at this site. So far as we can see, there is no evidence to suggest that including this site in preference to others would inevitably result in more traffic at the crossing than excluding it. It seems to us that much depends on the distribution overall.

Consequently, in our view, this is a flaw in the Council's rationale underpinning the distribution of housing. Given this, so far as we can see there is no compelling justification for the modification to the April 2016 preferred option.

We note the Council's paper concerning the horse crossings in Newmarket. This is rather more detailed than the evidence before us at the time of the hearing sessions, and we thank the Council for this. We particularly note the Council's view that mitigation requirements to ensure the safety of pedestrians, horses and riders at the crossings can be secured through relevant planning applications, and that it is most appropriate to deal with the issue through 'development management' policy. That being so, we remain unclear even at this stage of the examination as to why, in the Council's view, the present level of housing growth apportioned to Newmarket would not unacceptably impact on the horse racing industry, but a greater level of growth would.

Based on the aforementioned April 2016 preferred option, the Council's draft SIR (April 2016) [B24] proposed to provide more housing in Newmarket than the current draft of Policy CS7. The April 2016 draft SIR says of that the growth in Newmarket then proposed would balance the need to protect the horse racing industry while delivering additional growth. Aside from the Council's stance in relation to Hatchfield Farm, we do not know what has changed since then to alter the Council's opinion about the effect of such a level of housing on the horse racing industry. Both the Sustainability Appraisal and the Council's responses to our questions at the hearings are at best less than explicit. Should the Council choose to continue pursuing a path that does not involve an increase in housing in Newmarket, greater clarity and more tangible or convincing evidence will be necessary. In any event, the Sustainability Appraisal should also be reviewed in this respect.

Taking the examination forward

It is clear to us that the soundness concern we have raised is capable of remedy through main modifications. To assist the Council, we should say that in our planning judgement a relatively focussed re-balancing of the housing distribution would rectify matters. The situation is not such that a comprehensive re-think is necessary.

Indeed, we suggest that in broad terms the level of housing associated with the Hatchfield Farm site in the April 2016 preferred option may well be in the order of that required to sufficiently re-balance the distribution of housing, at least insofar as it relates to increasing the provision in the Towns. This advice should not be taken to mean that we recommend inclusion of the Hatchfield Farm site itself – as we have made clear, that is a question of plan-making and is a matter for the Council. There may be numerous ways in which the distribution could be made acceptable.

The options open to the Council are therefore as follows:

- a) Re-consider the balance of distribution between the Towns and the Key Service Centres and put forward main modifications accordingly
- b) Produce further evidence to justify the present housing distribution proposed
- c) Withdraw the SIR

It is difficult to see what further evidence the Council could produce to persuade us that the present distribution should be regarded as sound. However, that is not to pre-judge and we are, naturally, willing to consider with open minds any such evidence the Council may wish to bring forward.

That said, considering our misgivings, we strongly urge the Council to pursue the first option listed above. If this is the Council's chosen path, this will likely involve increasing the housing apportionment for one or more of the Towns and potentially decreasing it for one or more of the Key Service Centres. Precisely how this is achieved should be a matter for the Council to decide. Plan-making is an exercise for local decision-taking involving democratic processes and in the context of the nature of our concern in this specific case it is not for us to direct or prescribe.

We suggest that, as a first step, the Council should review the Sustainability Appraisal in the light of present circumstances and our view about the influence of the Hatchfield Farm site. Re-visiting the modification to the April 2016 preferred option may well assist in selecting the most appropriate strategy for housing distribution.

Timetable and procedure

We would be grateful to hear from the Council at the earliest opportunity in relation to the points we have raised. Until we know the Council's intended way forward, we are not able to indicate the likely timescales involved or whether further hearings will be necessary. At present, it seems to us probable that additional hearings will be needed if either option a) or option b) is chosen.

Once the way forward is clearer, we will decide on the best way of allowing other participants a fair and proper opportunity to be involved further. We have not as yet invited comment on the evidence produced by the Council accompanying your letter of 13 November. We will ensure that participants have the chance to respond to it, and any other evidence the Council may produce, at an appropriate stage depending on which option the Council chooses to pursue.

We trust that you find this letter helpful. Please rest assured that we will do all we can to assist, and to give the Council every opportunity to address the issues raised.

We look forward to hearing from you at the earliest opportunity. Please place a copy of this letter on the examination website.

Yours sincerely

Simon Berkeley and *Christa Masters*

Inspectors