

Stoughton Cross House, Stoughton Cross, Wedmore, Somerset, BS28 4QP

Tel: 01934 712041 Mobile: 07801 321162 Fax: 01934 712118 Email: bob@sellwoodplanning.com

**Sellwood
Planning**

Chartered Town Planners
Chartered Surveyors

No : 24712 / 24715

Forest Heath District Council

Site Allocations Local Plan Public Examination

Matter 1
“Legal Requirements”

Submitted by Sellwood Planning

on behalf of

The Earl of Derby

October 2017

Regulated by RICS

Sellwood Planning is a trading name of Sellwood Planning Limited. Registered Office: 7th floor, Dashwood House, 69 Old Broad Street, London EC2M 1QS
Registered in England and Wales Reg. No. 6374492

Directors: R M Sellwood BA. Dip. TP. MRTPI. FRICS, M P Sellwood

1.0 Introduction

- 1.1 This response has been prepared on behalf of Lord Derby who is the owner of the Hatchfield Farm site which was previously proposed for 400 homes, a Primary School and a minimum of 5 hectares of employment land under Policy N1(c) of the Site Allocation Local Plan Preferred Options (April 2016). This proposal was assessed in the corresponding SA prepared by AECOM and found to be an appropriate site in the context of the spatial strategy in the adopted Core Strategy (May 2010).
- 1.2 The site was deleted from the pre-submission Site Allocations Local Plan (SALP) in January 2017 following the Secretary of State's refusal of an application for 400 homes in August 2016. Since then, High Court has quashed the Secretary of State's decision but not the Inspectors Report recommending approval. The Newmarket Horsemen's Group (NHG) sought leave to challenge this decision in the Court of Appeal, but leave was refused in August 2017. There is no further right of appeal.
- 1.3 This Statement only responds to those questions which are related to the duly made objection.

2.0 (Q 2.2) "Does the SALP appropriately reflect the overall vision and strategic framework of the CS?"

- 2.1 The SALP is not consistent with the vision, spatial objectives and settlement hierarchy of the statutory 2010 Core Strategy. Examples of this inconsistency can be seen as follows
- Vision 1 (page 17) 'climate change adaptation ... will have influenced the location and design of development'
 - Vision 1 (page 17) 'Development will be focussed in the towns and key service centres'

- Vision 2 ‘Newmarket’ (page 18) ‘Most of the additional housing development will have taken place to help meet the needs of local people and businesses’
- Spatial Objective H1 (page 22) ‘To provide enough decent homes to meet the needs of Forest Heath’s urban and rural communities, in the most sustainable locations’
- Spatial Objective T1 ‘To ensure that new development is located where there are the best opportunities for sustainable travel and least dependency on car travel’
- Paragraph 2.5.9 (page 27) ‘To be in general conformity with the RSS the highest proportion of new development should be directed to the three market towns followed by the key service centres’.

2.2 The Council’s response of the 27th June 2017 blurs the inconsistency with Core Strategy by treating the Market Towns and KSC’s as a single category. For example, Table 4 refers to 55% of completions and commitments (2011 – 16) being in the Market Towns and KSCs. However, Table 1 discloses how far FHDC has departed from its adopted spatial strategy in that 78% of all completions and commitments are outside Market Towns. Furthermore, Table 3 of the response demonstrates that 66% of the total housing provision will be outside the three Market Towns.

2.3 The Inspectors Report into the 2010 Core Strategy explained what was understood to represent ‘a Market Town’ focus. At paragraph 5.9, he stated

“Policy CS7 proposes that the three market towns will take approximately 59% of the future allocations to 2031. Collectively, this is below the level they could be expected to accommodate if growth was proportional to their population (70%). This difference is most evident at Newmarket and to a lesser extent at Brandon and appears in part to reflect the constraints affecting each town”.

2.4 In comparison to the Inspectors expectation of 59% of allocations being in the three Market Towns, Table 2 of the 27th June response discloses that the figure is now 41%.

- 2.5 Whilst providing only 34% of the overall housing provision in the Market Towns is not a strategy to focus most development in the most sustainable locations, the detailed distribution between the three Market Towns shows some alarming disparities. Of the 34%, 23% is located in Mildenhall, which is probably appropriate for the second largest town in FHDC even if it is constrained by SACs / SPAs and noise. However, this means that only 2% is provided at Brandon and 9% in Newmarket.
- 2.6 The FHDC justification in Table 4 of the 27th June response is that the 2010 ‘visions’ were adopted in the context of the expectation of 1,400 homes in Newmarket and 500/1,000 at Brandon. In the case of Brandon, this cannot be achieved because of SPA / SAC constraints and in the case of Newmarket (which is not affected by SPA / SAC constraints) the reduction is stated to be due to ‘a lack of available and achievable sites’ (page 2). This is a coded reference to the removal of Hatchfield Farm.
- 2.7 If this is the extent of FHDC’s justification, it should have gone back to first principles and expanded the scope of the SIR to revise the spatial strategy in Policy CS1, the spatial objectives and the ‘visions’. Since the SIR is unsound, this defect also applies to the SALP which is based on the SIR.

3.0 (Q 1.6) “Has the formulation of the SALP been based on a sound process of sustainability appraisal and testing of reasonable alternatives, and is the sustainability appraisal adequate? Does the SA consider all likely effects on the environment, together with economic and social factors? Is it clear how the SA has influenced the final plan?”

- 3.1 The brief answer to Question 1.6 is that the SALP SA is not sound for a range of reasons
- the process of testing reasonable alternatives did not follow best practice in considering the scope for mitigation
 - it did not consider all the potential allocations in Newmarket and their effect on the horse crossings on an equal basis

- the SA was used to justify the sites allocated in the pre-submission SALP rather than influencing its content.

3.2 It is a matter of fact that the Preferred Options SA supported 400 homes at Hatchfield Farm. It is self-evident that the pre-submission SALP without Hatchfield Farm which redistributes housing to less sustainable settlements must be an inferior solution in terms of both delivering sustainable development and Policy CS1.

3.3 The January 2017 SALP SA is useful in drawing together how the strategy has evolved over the last two years. This is summarised below.

3.4 The 2015 Issues and Options SA assessed the four options but makes no conclusion on relative merits. However, paragraph 8.22 of the 2015 SA does confirm that

“Newmarket is comfortably the largest town in the district, with a 2014 housing stock of 8,167. On this basis, given the established commitment to maintain the settlement hierarchy locally, Newmarket should be a focus of housing delivery”.

3.5 The 2016 Preferred Options proposed two options. Option 1 would allocate 968 homes to Newmarket and Option 2 would allocate 1,368. It should be noted that growth options below 968 homes in Newmarket had been dropped as unreasonable or unsustainable. Box 6.1 of the 2017 SA justifies the Preferred Options choice of Option 1 with 968 homes at Newmarket on the basis that

“it conforms with Policy CS1 of the Core Strategy, in seeking to deliver the additional housing growth required in accordance with the settlement hierarchy” and

“the growth of Newmarket (ie. 968 homes) would balance the need to protect the Horse Racing Industry while delivering additional growth, meeting the needs of the whole Town”.

- 3.6 The 2017 SA confirms the difference between the Preferred Option and the submission option was primarily due to the Secretary of State's refusal of 400 homes at Hatchfield Farm in August 2016 (para 6.5.5). As a consequence of that decision

“the Council determined a need for the preferred option to involve nil homes at the site, which necessitated finding houses elsewhere to meet the resulting shortfall”.

- 3.7 The SA (Appendix iv) assessed an option without Hatchfield Farm (Option 1) against the previous Preferred Option (now Option 2) which included Hatchfield Farm. No attempt was made to assess whether the Secretary of State's concerns in respect of that planning application could be addressed through additional policy requirements in the SIR and SALP whilst retaining Hatchfield Farm; a site which had previously scored well in all previous SAs.
- 3.8 The comparative SA assessment in Table 7.1, Table 1 of Appendix iv and the conclusions at page 23 also contain some questionable conclusions about the merits of the two options. For example, in terms of health, Option 2 is scored more poorly because of the perceived safety danger at Rayes Lane (page 23 and Appendix IV page 93). However, no recognition is given to the 28% increase in traffic (agreed at the SIR Hearings) through the Rayes Lane crossing resulting from the other SALP allocations in Newmarket and the relatively modest (2.8%) additional increase if Hatchfield Farm was retained as an allocation (see WSP Report forming *Appendix I*). Also, no reference is made to the even greater growth in traffic through the Bury Road crossing (+33%) as a result of increased housing provision at Red Lodge and other SALP allocations. The scope for mitigation is ignored.
- 3.9 A material change since the publication of the pre-submission SIR and its SA, is the Council's resolution to approve an application by The Jockey Club to create a new uphill horse gallop to the west of Newmarket. This is referred to in more detail in *Appendix I*. The Applicants case to the Council was that by having horse gallops to the east and west of the Town, the number of cross town horse movements would be

significantly reduced. This would include a reduction in horses crossing at Rayes Lane which, in turn, would reduce the potential for incidents occurring between horses and traffic.

- 3.10 It is also curious that Option 2 scores less well in terms of ‘land’ given that the Preferred Options SA did not identify this as a significant issue and page 97 of the 2017 SA accepts that there will be a significant loss of best and most versatile land under both options.
- 3.11 The third SA negative for Option 2 is ‘unemployment’. However, in this case the SA concludes the conclusion ‘is not entirely clear cut’ (page 23 and pages 102 / 103). So, the summary (page 23 and page 104) shows Option 2 (with Hatchfield Farm) scoring best in terms of renewable energy, biodiversity and transport and worse for health (dubious), land (inconsistent) and unemployment which is noted as being ‘not entirely clear cut’.
- 3.12 So, the conclusion in respect of Question 1.6 is that the SA has previously supported a higher level of housing in Newmarket and there is no justification for a lower figure.
- 3.13 The Council has failed to assess whether the adverse horse racing effects it identifies resulting from Hatchfield Farm were capable of being mitigated. In particular, whether the concerns of the Secretary of State could be mitigated through policies in the SIR and SALP. The PPG is clear in its advice :

“the SA should identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them. The SA must consider all reasonable alternatives and assess them in the same level of detail as the option the plan maker proposes to take forward in the Local Plan (the preferred approach)” (para. 11-018-20140306).

- 3.14 Since schemes of mitigation were in the public domain, the SA should have followed the advice in the PPG. This failure to follow the correct approach renders the SA unsound.
- 3.15 Having identified horse racing impacts as a critical issue, the SA also fails to consider whether any such impacts arise from the other proposed allocations in Newmarket or from the allocations in the surrounding villages which use Newmarket as their service centre. The SA is, therefore, inconsistent in its assessment.

Appendix 1

WSP Technical Note

TECHNICAL NOTE ON TRAFFIC LEVELS IN NEWMARKET AND THE SCOPE FOR MITIGATION AT HORSE CROSSINGS.

Prepared by WSP in conjunction with RPS, on behalf of The Earl of Derby.

1 INTRODUCTION

- 1.1 This Technical Note has been prepared to address the Inspectors questions in the context of the Site Allocations Local Plan.
- 1.2 The response specifically relates to the Hatchfield Farm site at Newmarket and seeks to address matters raised within questions 1.6, 2.1, 2.2, 2.4 and 4.1 of the Matters and Issues identified by the Inspector.
- 1.3 Accordingly this Technical Note addresses the following main issues:-
 - Whether the spatial distribution including the Hatchfield Farm site will lead to more traffic in Newmarket in particular at the horse crossings.
 - Whether the perceived safety concerns at horse crossings is acceptably mitigated?
 - Whether the infrastructure provision within Newmarket is deliverable including upgrading of the A14 / A142 junction.
- 1.4 In the first instance an update is undertaken of the traffic impacts of the proposed spatial distribution of the housing comparing the “with” Hatchfield Farm scenario to a “without” Hatchfield Farm scenario. This follows the representations and discussions at the SIR.
- 1.5 It is considered that FHDC have not appropriately considered this nor have they considered the possibility of mitigating any harmful effects resulting from the development. As part of this, the Technical Note considers sustainability in terms of transportation, and the overall opportunities for sustainable development which can be delivered from development within Newmarket as opposed to development elsewhere.
- 1.6 Following this, measures are identified to address the perceived safety concerns relating to the effects of increased adverse traffic flows at the relevant horse crossings and horse walks. Furthermore consideration is given to the overall mitigation measures that can be delivered at Newmarket as a consequence of the Hatchfield Farm development.
- 1.7 Finally information is provided of the potential changes in the movement of horse within Newmarket resulting from the recent consent for the Hill Gallop to the north west of the Town.

2. BACKGROUND.

- 2.1 As background to any assessment of the impact of development affecting Newmarket, it is important to note that the interaction of traffic and horses that primarily occurs at the three main horse crossings within the town, namely the crossings at St Mary’s Square, Bury Road and Rayes Lane. The locations are shown on the plan attached at **Appendix A**.
- 2.2 The Secretary of State refused planning permission for 400 dwellings at Hatchfield Farm, by reference only to the Rayes Lane crossing. It was agreed in the evidence at the Inquiry that the Hatchfield Farm would result in a 5% increase in traffic at this crossing in the morning peak period. This impact related to 48 additional vehicles from the development travelling along Fordham Road (two way) set against the background traffic on Fordham Road of 918 vehicles (two way) 2015 base.

- 2.3 The impact of this increase in traffic on “incidents” at the crossing was explored at the Inquiry into the development. It should be noted that the reference to incidents are where there is a horse behavioural occurrence. This may be triggered by traffic, pedestrians or other horses. These are not accidents. At the time of the 2015 inquiry the assessment of accidents along Fordham Road showed that there had been no accidents involving horses over the 5 year period assessed. In reviewing the work undertaken by Aecom for the Local Plan, there is no further evidence to suggest that this does not remain the case.
- 2.4 An assessment was undertaken of the saving in ‘incidents’ at the crossing as a result of the Hatchfield Farm development (with its proposed mitigation) by the Newmarket Horsemen’s Group (‘NHG’) consultant Mr Cottee. This was with reference to video recordings of the horses crossing, and judgements were made by him as to whether such incidents would be expected to be removed from the crossing dependent on the scheme of improvements implemented. Lord Derby did not (and does not) dispute the judgements on the potential savings per scheme reached by Mr Cottee.
- 2.5 The mitigation proposed as part of the application included the ‘Suffolk County Council’ scheme which has a potential to reduce horse incidents by around 20%. In addition a scheme prepared by Mr Cottee (known as the ‘Cottee Signal Scheme’) was proposed by NHG which included traffic signals which has a potential to reduced incidents by around 73%.
- 2.6 Whilst the Inspector considered the SCC scheme as sufficient to mitigate the development resulting in a net safety improvement, (ref. Para 54 and 391 Inspector’s Report [CD B19]), the Secretary of State rejected this view. The Secretary of State’s decision letter did not evaluate whether the implementation of the Cottee Signal Scheme, with a 73% reduction in incidents, would address his concerns regarding the Rayes Lane Crossing.

3. CUMMULATIVE IMPACT WITHIN NEWMARKET.

- 3.1 In the context of the Inspectors questions, and the locations for development being appropriate, the only comparative assessment of the effect of the Hatchfield Farm site by FHDC is within the work undertaken by Aecom within the following reports:
- Forest Heath District Council Site Allocation Plan Cumulative Impact Study (August 2016) [CD B18]; and
 - Forest Heath District Council Site Allocation Plan Cumulative Impact Study – Addendum (October 2016) [CD B17]
- 3.2 The assessment undertaken within these reports includes the following trip rates for development within Newmarket. This is taken from Table 5.1 of the Aecom (August 2016) report.

Table 3.1. Aecom trips Rates taken from August 2016 Report (Table 5.1)

Location	Peak Period	Arrivals	Departures	Total
Newmarket.	08.00-09.00	0.11	0.41	0.52
	17.00-18.00	0.27	0.17	0.44

- 3.3 These trip rates are consistent with the work undertaken by WSP in support of the planning application and the consideration of traffic on Fordham Road associated with the Horse Crossings presented in evidence to the Hatchfield Farm Public Inquiry. These rates are shown below.

Table 3.2. WSP trips Rates taken from Evidence to the Hatchfield Farm PI.

Location	Peak Period	Arrivals	Departures	Total
Newmarket.	08.00-09.00	0.11	0.39	0.50
	17.00-18.00	0.37	0.23	0.60

- 3.4 In addition to the above trip rates, 85th %tile rates were also used in the assessment of the measures to the A14/A142 junction for the purposes of a robust assessment as discussed later in this note.
- 3.5 In the context of the Aecom assessment, when comparing the two reports it can be deduced as to the levels of impact of the increases in traffic on Fordham Road at the Rayes Lane crossing. This is set out in the technical note attached to Matter 4 of the SIR on behalf of The Earl of Derby. The table below replicates this comparison from which it can be seen that the proposed distribution of housing within the district results in a 28% increase in traffic using the Rayes Lane crossing.

Table 3.3. Comparison of Traffic Flows through the various Horse Crossings.

	ST MARY'S SQUARE		RAYES LANE		BURY ROAD	
	Traffic flow	% Change	Traffic Flow	% Change	Traffic Flow	% Change
2016 Base	943	0	858	0	1136	0
2031 (including HF)	1123 (+180)	19%	1125 (+267)	31%	1524 (+388)	34%
2031 (excluding HF)	1103 (+160)	17%	1094 (+236)	28%	1511 (+375)	33%
Hatchfield Farm Impact	+20	(1.8% of total flow)	+31 *	(2.8% * of total flow)	+13	(0.9% of total flow)

* - this is slightly higher than the comparison in 'development' flows on the Aecom diagrams, and therefore may overstate the increase. That is because it is not possible to generate total vehicle movements from their diagrams due to a lack of detail in the area around the Rayes Lane crossing. The absolute difference in 'development' flows from the Aecom studies as a result of Hatchfield Farm at the Rayes Lane Crossing is identified as only 24 vehicles or 2.2%.

- 3.6 The level of increase in traffic at the Rayes Lane crossing was agreed by the FHDC and SCC at the SIR hearing on the 27th September 2017. This level of increase is therefore common ground between the Council, SCC and The Earl of Derby. Whilst it is recognised that the 2016 base flow at Rayes Lane of 858 is below the 2015 base flow figure identified in paragraph 2.2 above, it is still evident from this that the Council recognise and accept that the effect of development within the district will result in increases in traffic at the Rayes Lane crossing in the order of 28%.
- 3.7 It was also agreed at the SIR on the 27th September 2017, and stated by SCC that measures were capable of being implemented at the Rayes Lane crossing to mitigate the effect of additional traffic and that such measures would ensure a safe and suitable crossing. Newmarket Horsemen's Group confirmed this at the SIR hearing on the 27th September 2017 and stated this was a signal scheme at Rayes Lane.
- 3.8 What follows from this is that the effect of the Hatchfield Farm development being included within the allocations represents a 2.8% increase in traffic at the crossing. This is significantly less than the 28% agreed to be able to be mitigated. In addition there is no evidence put

forward by the Local Authority that such a small increase above the 28% would be unacceptable in safety terms so as to prevent Hatchfield Farm site from being one of the proposed allocations.

3.9 Two points emerge:

- 1) This level of change in traffic is around half that assessed at the Public Inquiry and upon which the Inspector made her conclusions i.e. the 5% increase; and
- 2) Whilst the Secretary of State had found a 5% increase (with mitigation) at Rayes Lane unacceptable, the proposed Local Plan (without Hatchfield Farm) is proposing an increase of 28% with no mitigation. Given that the Secretary of State's decision was the sole basis for the Hatchfield Farm allocation being removed, it is striking that there is no explanation or evidence from the Council to explain why it has adopted the Secretary of State's conclusions to justify removing the Hatchfield Farm allocation, but disregarded his conclusions in so far as it affects the remainder of its spatial distribution of housing and results in a much higher level of traffic.

- 3.10 Not only have these points not been taken account by FHDC, but there is no evidence that an additional 2.8% traffic at the Rayes Lane Crossing resulting from 400 homes at Hatchfield Farm will have a material impact on user safety. Furthermore this assessment takes no account of the potential mitigation that can be introduced at this location which is discussed later in this technical note in Section 4 below.
- 3.11 It should also be recognised that the additional vehicles do not necessarily translate directly into an increase in potential incidents at the horse crossings. Where there is already traffic on the road present when horses approach the crossing, the addition of an additional vehicle from the Hatchfield Farm development will not affect the potential for interaction between vehicles and horses (as there are vehicles already approaching the crossing at the time the horses start to cross). The additional "Hatchfield Farm vehicle" will simply increase the length of the queue at the crossing. Consequently, although the Hatchfield Farm development has been shown to increase peak traffic flow through the crossing by 2.8%, the increase in potential incidents as a result of this change would be expected to be even lower.
- 3.12 The Aecom studies [CD B17 and B18] therefore illustrate that the impact of the proposed allocation of Hatchfield Farm is minimal in relation to the other traffic growth and development that is assumed in the local plan. Growth in Red Lodge is generating additional trips into Newmarket regardless of Hatchfield Farm proceeding and Bury Road particularly sees an increase in traffic of 33% as a result of this. It is clear that the destination trips to Newmarket occur regardless of where growth happens, however more remote development means car-borne trips are more likely.
- 3.13 In consideration of the trips from centres outside Newmarket, the evidence of The Earl of Derby presented to the SIR demonstrated that the opportunities for travel by non-car modes was significantly higher from Newmarket than other settlements such as Red Lodge. This is due to the range of facilities within Newmarket compared to Red Lodge and the spatial relationship between housing and facilities within Newmarket.
- 3.14 The Aecom Report (Table 3.9), which relies on the 2011 Census data for journeys to work, demonstrates that 16% of journeys to work are by foot, 6% by cycle, 1 % by Rail from the Train Station within Newmarket, and 3% by Bus. Overall this shows some 26% of journeys to work are by sustainable modes within Newmarket.
- 3.15 By comparison only 6% of journeys to work from Red Lodge are by sustainable travel, which will result in higher levels of car travel from sites within Red Lodge compared to Newmarket.
- 3.16 It is therefore clear that development within Newmarket offers the greater potential for travel to be made by sustainable modes not only for journeys to or from work but also associated with all trips to and from residential development.

4. THE PROVISION OF APPROPRIATE MITIGATION.

- 4.1 In the context of this matter, it is a question as to whether the effect of greater housing and hence traffic in Newmarket results in harmful impacts, and whether there is any mitigation to address these impacts.
- 4.2 Clearly the assessment above demonstrates that the premise of the effect of development at Hatchfield Farm has been over estimated in relation to the changes in traffic movements. In practice the difference in the traffic movements from the Aecom studies have shown that the effect of Hatchfield Farm on the Rayes Lane Crossing would be between 24 and 31 vehicles in the AM peak hour (2.1-2.8%).
- 4.3 For the reasons set out above there is no evidence to suggest that a 24 to 31 vehicle increase has a detrimental impact on user safety. In any event there is no assessment by FHDC of whether any harmful effects can be mitigated (or improved)
- 4.4 As have been identified above, options were considered to improve the Rayes Lane crossing at the Inquiry. These included signalisation measures proposed by the NHG's own consultant Mr Cottee which were said to have the potential to reduce incidents at the crossing by 73% even taking account of the Hatchfield Farm development traffic, together with the non-signalised SCC scheme with the potential of saving around 20% of the incidents.
- 4.5 In this regard the Hatchfield Farm proposals are willing and content to fund in full and implement the works to improve this crossing as per the Cottee signalised scheme.
- 4.6 WSP/ RPS have identified that other non-signalised options are available which also offer the potential for significant reductions to the level of incidents at the crossing. (See Technical Note attached to SIR evidence, Matter 4 of the Earl of Derby)
- 4.7 It is considered that such mitigation would more than address the impact of the development at Hatchfield Farm as identified by SOS. However such measures would not be addressed by development out with Newmarket, although these developments would still have an impact on this crossing and other crossings within Newmarket for the reasons set out above.
- 4.8 In essence the comparative assessments could be summarised as follows:
 - Submission Local Plan + 28% trips at Rayes Lane and no mitigation.
 - Submission plus Hatchfield Farm + 31% trips at Rayes Lane plus mitigation.
- 4.9 As previously identified there is no evidence to suggest that FHDC nor Aecom have considered any of the above mitigation measures in their assessment of development within Newmarket.
- 4.10 Beyond the measures at the crossing, the improvements proposed also enhance the horse walk along the Fordham Road adding to the overall enhancements of the horse facilities within Newmarket. Such measures are considered to be related to the Hatchfield Farm development and would be provided by this development as per the suggested condition 23 included within the Inspectors report.
- 4.11 Beyond the Rayes Lane crossing, the other mitigation measures the development at Hatchfield Farm would deliver include the following. These are also shown indicatively on the plan attached at **Appendix B**.
 - New pedestrian crossing on Fordham Road linking the development with the employment and retail areas to the west of Fordham Road.
 - New Pedestrian/ cycle crossing on Fordham Road, connecting the site to the Yellow Brick Road.
 - New footway /cycle way on Fordham Road to the south of the site providing an alternative link to the Yellow Brick Road.
 - Improvements to the junction of Exning Road / Studlands Park Avenue.
 - Contributions towards improvements to the Yellow Brick Road cycle route linking to the town centre.
 - Contributions towards improvements to the Bridleway No.2 between Exning Road and Willie Snaith Road.

- 4.12 Finally the development at Hatchfield Farm offers a scheme to improve the A14/A142 junction. This scheme will address the existing safety issues at this junction and improve the levels of capacity reducing peak time queuing. The scheme which includes land within the control of The Earl of Derby, has been assessed within a Microsimulation model which extends to the junction of Fordham Road and Willie Snaith Road. This scheme which is referenced at Condition 14 of the proposed conditions is based on 2012 traffic flow data, to which traffic growth has been applied to a design year of 2023.
- 4.13 The assessment of this junction considered the trip rates identified in Table 3.2 above and also 85th %tile trip rates to ensure a robust assessment.
- 4.14 The assessment of the junction has been agreed with SCC and HE and this is reflected in the SOCG agreed prior to the Hatchfield Farm Inquiry. These agreements and the benefits of the measures are referred to within the Inspectors report at paras 365 and 367 together with the SOS letter at para 18.

5. NEW HILL GALLOP, NEWMARKET.

- 5.1 In consideration of the allocations within Newmarket, it is pertinent to consider the effect of recent consents within the town. Any assessment of new development would generally be required to take account of committed development which would affect the overall impact of the proposed development being assessed.
- 5.2 In this regard there has been a recent resolution to approve a New Hill Gallop to the north west of the town. The planning application reference is DC/16/2063/FUL. Accompanying the application were various supporting documents including a Horseracing Industry Impact Statement by the Jockey Club, a Planning and Consultation Statement by Bidwells on behalf of the Jockey Club and a Transport Statement also on behalf of the Jockey Club.
- 5.3 The proposals are for a new 904m uphill gallop on land to the west of Hamilton Road, Newmarket. The project will involve cut, fill and bridge sections to create an engineered 30m incline from start to finish. The gallop will be constructed on land owned by the Jockey Club. Set out below are a number of references from these documents.

Jockey Club Horseracing Impact Statement.

Para 3.3. ***“It is considered essential by the majority of trainers to maintain the momentum of growth Newmarket has as the country’s leading training centre. The benefits are considered to be:.....***

- ***Easing traffic congestion, reducing accident risk and enhancing the training and ownership experience of Newmarket.”***

Bidwells Planning Statement.

Para 3.8. ***“Furthermore, the new gallop would also provide an alternative training location for existing trainers on the same side of Newmarket. This new facility would therefore reduce the number of cross-town trips made by trainers and horses to the existing Warren Hill Gallop.”***

EAS Transport Statement.

Section 4 Equestrian Impact.

Para 4.7 ***“On Wednesday 13th May 2015 242 Horses crossed Exning Road, eastbound and 233 crossed Exning Road westbound between 06:00 and 13:00.***

Para 4.8 ***“ On Thursday 14th May 2015 159 Horses crossed Exning Road, eastbound and 183 crossed Exning Road westbound between 06:25 and 12:30.”***

Para 4.9 ***“It is probable that a significant proportion of these horses, if not all of them, were making their way to and from Warren Hill Gallop.”***

Para 4.10 ***“As a result of the new Hill Gallop a significant amount of these horses will not make this trip on a daily basis. It is not possible to provide precise numbers, but it is reasonable to suggest that the number making the entire journey will reduce significantly. This is a very positive impact.”***

Para 5.10 ***“By reducing the number of horses using this crossing point it is possible that there will be a positive impact on the accident potential in the vicinity of the Exning Road horse crossing point.”***

- 5.4 Horses crossing the Exning Road crossing and travelling to the Warren Hill gallop will also cross Rayes Lane. Hence the conclusions of the report in the context of Exning Road also apply to Rayes Lane. Therefore as a consequence of the new Hill Gallop, the number of horses crossing Rayes Lane will reduce significantly and there will be a positive impact on the “accident potential” at Rayes Lane crossing.
- 5.5 The level of horse crossing Rayes Lane over the period from 06:00 to 14:00 which was considered at the Hatchfield Farm inquiry was in the region of 1099 (Cottee POE para 2.10) horses two way. By reference to the EAS Traffic Statement this suggests between 342 and 475 horses could be removed from the Exning Road and hence Rayes Lane crossing. Such a change at the Rayes Lane crossing would relate to a reduction of between 31% and 43% less horses using the crossing.
- 5.6 The impact of the new Hill Gallop would offer a substantial reduction in the potential for horse related incidents at the Rayes Lane crossing which needs to be considered in the overall assessment of the effects of traffic within Newmarket.

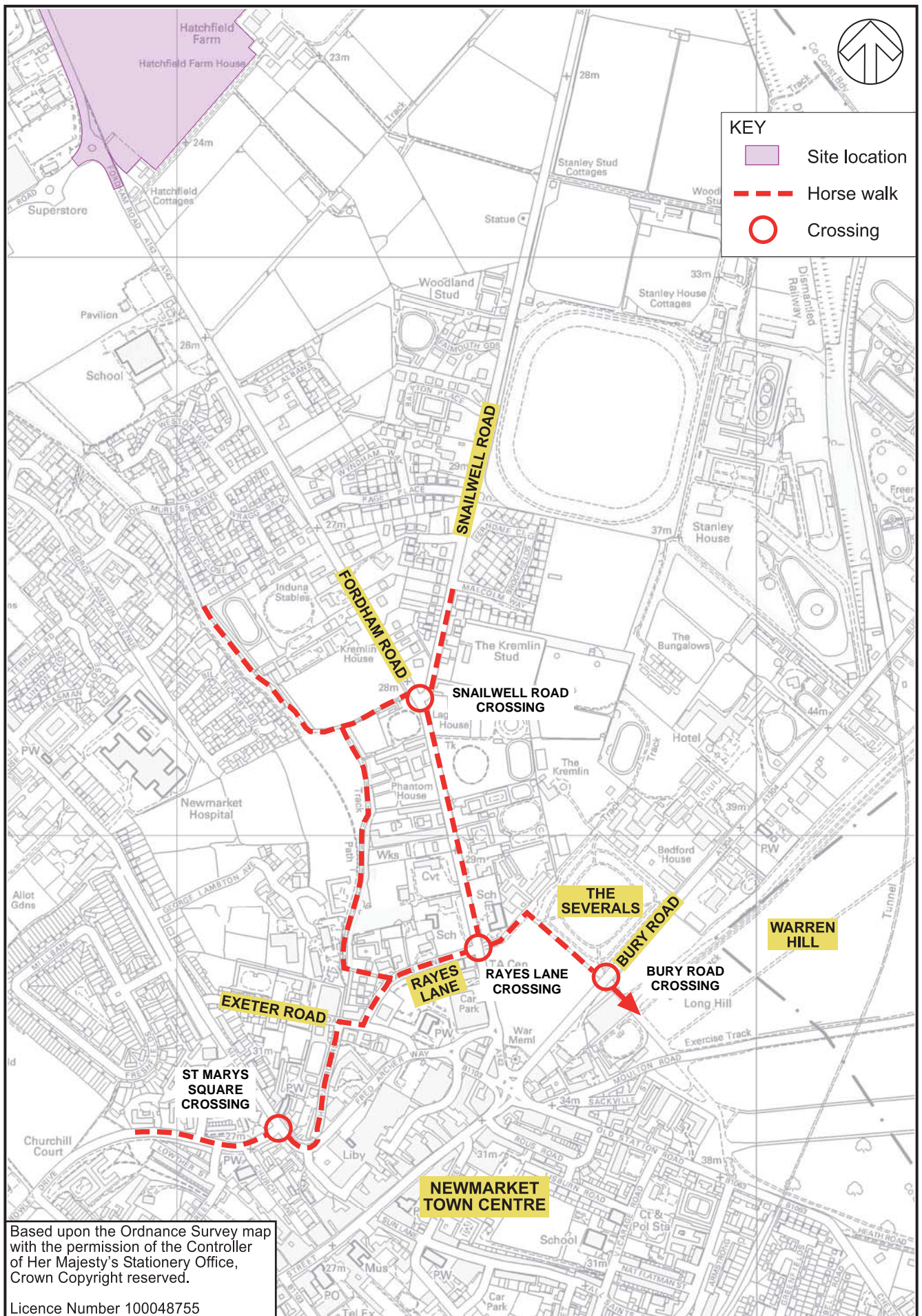
6. CONCLUSION

- 6.1 It is concluded that in answering the Inspectors’ questions and in the evidence base, FHDC have not properly considered the relative impact of removing Hatchfield Farm from the spatial strategy.
- 6.2 The purpose of the Aecom reports [CD B17 and B18] was to consider the potential cumulative highway impacts of growth across the district, with no reference to the specific mitigation measures that developments could bring forward on horse related safety concerns in Newmarket.
- 6.3 However these reports do provide the information to enable the assessment of the level of development traffic at the horse crossings to be assessed and the analysis set out in this note provides this detail.
- 6.4 In the context of the Aecom reports it is agreed by the Council that these show that the effect of other developments proposed in the SIR / SALP together with traffic growth, increase traffic flows on Fordham Road at the Rayes Lane crossing by some 28%.
- 6.5 The assessments also demonstrate that the overall effect of the inclusion of Hatchfield Farm within the spatial strategy increases traffic flows at the Rayes Lane crossing by only 2.8% of the overall traffic on Fordham Road.
- 6.7 Furthermore there is no evidence that this increase in traffic at Rayes Lane crossing means that there is any material detriment to user safety with the inclusion of the Hatchfield Farm development.
- 6.8 In practice it is only the development at Hatchfield Farm that is proposing funding for measures to be provided at Rayes Lane to reduce horse incidents. The potential incident savings that stem from these measures which are a condition of any consent provide a reduction of up to 73% dependent on the scheme adopted.
- 6.9 It is also relevant to consider the effects of the spatial distributions. The Aecom reports identify that a key consideration is that the continued growth of traffic at current mode share levels is unsustainable. In order to facilitate the proposed level of growth a holistic approach to transport is required and there is significant opportunity to support more sustainable travel patterns in the future.

- 6.10 Newmarket is the most sustainable settlement within the district and hence only by appropriate levels of housing within Newmarket is it possible to maximise non car modes and deliver a holistic approach to transport.
- 6.11 In relation to overall mitigation, it should be noted that the Aecom studies also assumes that an improvement is carried out at the A14 / A142 junction. A scheme has been agreed with HE and SCC for this junction and would be delivered as part of the Hatchfield Farm development.
- 6.12 It is considered that there is no evidence to show that the Aecom reports considered any mitigation measures within Newmarket, when assessing the spatial distributions.
- 6.13 Finally in the context of the recently consented Hill Gallop, the assessment of this proposal demonstrates that there would be a reduction in the levels of horse movements within the Town and across the key horse crossings including Rayes Lane. This indicates that horse movements at Rayes Lane could reduce by between 31% and 43%.
- 6.14 The impact of the new Hill Gallop would offer a substantial reduction in the potential for horse related incidents at the Rayes Lane crossing which needs to be considered in the overall assessment of the effects of traffic within Newmarket.

Appendix A.

Horse Walks and Crossing locations in Newmarket.



Appendix B.

**Proposed Highway Improvements associated with the
Hatchfield Farm Site.**

