

No : 24712 / 24715

Forest Heath District Council

Site Allocations Local Plan Public Examination

Matter 4

**“The Spatial Distribution of Housing in the
Market Towns : Brandon, Mildenhall and Newmarket”**

Submitted by Sellwood Planning

on behalf of

The Earl of Derby

October 2017

1.0 Introduction

- 1.1 This response has been prepared on behalf of Lord Derby who is the freeholder 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 4.1) "In relation to all of the proposed sites in the Market Towns:

- Are the criteria in the allocations policies necessary, relevant and deliverable?**
- Is the extent of each site correctly identified?**
- Are the detailed requirements for each of the sites clear and justified?**
- Are all the allocated sites deliverable?"**

- 2.1 Since this question relates to sites currently proposed for allocation in the pre-submission SALP, this response does not reiterate the information contained in other submissions on behalf of Lord Derby that both the SIR and SALP are unsound with the remedy being the reinstatement of the mixed use allocation at Hatchfield Farm.

- 2.2 The criteria for the proposed housing allocations in Newmarket (Policy SA6) fail to address the key issue of the potential conflict between traffic and horses at the various horse crossings in the town. Previous submissions have identified the reason why the Council removed Hatchfield Farm allocation was the (now quashed) Secretary of State decision in 2016. The Council's response of the 27th June 2017 (Question 3(b) p6) confirmed that

“it is the consequential increase in traffic from the new houses that is the main cause of concern to parties opposed to development in Newmarket. Particularly with regard to the increased numbers of cars driving into town and the impact on horses and riders using the horse crossings as evidenced by the planning history of Hatchfield Farm”.

- 2.3 At 3(d) of the same Council statement, the reason for removing Hatchfield Farm was stated to be :

“until the matter for the consideration of the planning application for 400 homes reaches a final conclusion, there remains substantial uncertainty whether the scale of growth would be judged harmful to the HRI. The outcome is unknown and the Local Planning Authority has taken the view that it should accept the Secretary of State's final conclusion”. (p8)

- 2.4 The response to SALP Matter 1 on behalf of the Earl of Derby and the Appendix containing the WSP Technical Note shows how the Council has misinterpreted the AECOM reports which clearly demonstrate that the retention of the Hatchfield Farm allocation would have a negligible impact on traffic movements at the Rayes Lane crossing. However, having raised this as a key issue in terms of 400 homes at Hatchfield Farm, no attention whatsoever is given to how the 612 homes proposed to be built in Newmarket (including the 321 proposed to be allocated under Policy SA6) will affect horse crossings across Newmarket. This is a key flaw in the SALP since the AECOM reports show that the allocated sites (plus background growth) will increase

traffic movements across the Rayes Lane crossing by 28% (see Appendix 1 to Matter 1 for WSP Technical Note).

2.5 So, the Council's somewhat illogical position appears to be

- that the (quashed) Secretary of State's conclusion (DL19) that an increase in traffic at Rayes Lane from Hatchfield Farm of 5% is sufficient justification to remove the site from the plan, but
- it is still acceptable to allocate other sites in Newmarket and nearby villages that will increase traffic movements (along with background growth) at Rayes Lane by 28%. All other horse crossings will also experience traffic increases of well over 5%, although
- the additional 2.8% movements at Rayes Lane attributable to Hatchfield Farm is unacceptable, although no evidence has been produced by FHDC to substantiate this
- it lacks evidence to demonstrate that any increase in traffic beyond 28% is unacceptable but even if that were the case, the Council does not appear to have considered why Hatchfield Farm should not form part of the 28% that is acceptable.

2.6 Whilst these are evidentially unsound reasons to remove Hatchfield Farm, it would also have been expected that this issue of the impact on the horse crossings would have been addressed in relation to each of the six proposed housing allocations in Newmarket. However, there is no assessment and no policy guidance relating to any of the sites in terms of mitigation. By not dealing with what it regards as a key issue, the SALP fails the tests of soundness.

2.7 A further 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 north west of Newmarket. This is referred to in more detail in *Appendix 1* of the Matter 1 submission. 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.

2.8 At the SIR Hearings the County Council confirmed that a solution can be provided at Rayes Lane and the NHG has indicated that this would take the form of a signalised horse crossing. It is for these reasons that the proposed modification to Policy SA6 (*Appendix 2*) states that the Hatchfield Farm allocation would provide the signalisation of the Rayes Lane horse crossing.

2.9 Whilst the signalisation of the Rayes Lane horse crossing would overcome the Secretary of State's concerns, the opening of the new uphill gallop will also reduce the number of cross town horse movements across Rayes Lane.

3.0 **(Q 4.2) "Para 3.3 – Could the LPA be more specific about what 'opportunities for expanding the economic advantages of the race horse industry' they are referring too? Is this reference directly related to employment land allocations proposed?"**

3.1 Whilst it is primarily for the Council to answer the question, the Sellwood Planning response to SALP Matter 3 'Employment' explains how the only 'new' employment site in Newmarket (St Leger) is not a 'new' site. Even if it was, the 1.6 ha is well short of the requirement for 5 hectares set out in Policies CS1 (2) and CS6. As a consequence, the actual opportunities to 'expand the economic advantages of the race horse industry' are very limited.

3.2 It is the conclusion of the Sellwood Planning submission on Matter 3 that additional employment land should be allocated at Newmarket. This can be achieved by the reinstatement of the Preferred Options employment land component at Hatchfield Farm (described as 'at least 5 hectares'). Support for this view can be found in the 2017 SA (Appendix IV, p103) where it is stated that

“Furthermore, with regards to the Hatchfield Farm site, the ELR finds the following

***“The allowance for some provision of employment uses would appear appropriate given the site’s close proximity to the A14 Newmarket Bypass and existing employment area at Newmarket Business Park”*”.**

4.0 (Q 4.17) “How is the acknowledged lack of affordable housing to be addressed?”

- 4.1 The reduction in the capacity of the proposed housing allocations in Newmarket from 680 in the Preferred Options to 321 in the pre-submission version, critically undermines the Council’s efforts to reduce the significant shortfall of affordable housing in the town. Even if all of these allocations deliver the required 30% affordable housing, only 96 affordable homes will be built. Evidence presented at the 2015 Hatchfield Farm Inquiry (Sellwood para 6.7.11) referred to the 2015 waiting list figures which showed 221 households registered as seeking affordable homes in Newmarket. This was referred to by the Inspector at IR363

“There is no dispute that there is a pressing need for the provision of homes for those in housing need is an important objective in the Framework and this aspect of the development should be seen as a substantial benefit”.

- 4.2 In his decision letter (DL17) the Secretary of State concluded

“that the proposed provision of market and affordable housing is a substantial benefit and carries substantial weight in favour of the scheme”.

- 4.3 The current Hatchfield Farm S106 confirms the viable delivery of 30% affordable homes. If Hatchfield Farm was reinstated as an allocation, its 120 affordable homes, combined with the 96 from the other allocations could significantly address the acute problem of affordable housing in Newmarket by the end of the plan period.

5.0 (Q 4.18) “Site SA6 (a) – How has the HRI been taken account of in terms of this proposed allocation – where is the specific evidence on this issue?”

- 5.1 As a preamble to Questions 4.18, 4.19, 4.20 and 4.21, it should be noted that a common element to sites SA6(a) (Brickfield Stud), SA6(b) (Blackbear Lane and Rowley Drive) and SA6(c) (Philips Close / Leaders Way/ Sefton Way) is that they all entail the development of land currently or previously in horseracing use. There is no evidence in the SALP or its SA that an assessment of the impact of the loss of this horse racing land on the industry has been undertaken. It is not sufficient for the plan to rely on a subsequent planning application assessment of the impact of each site through Policy DM48. This is because by that point they will have become allocated SALP sites where the principle of residential use is deemed to be acceptable in principle. The main purpose of Policy DM48 is to test sites which are not allocated in the SALP and are being brought forward outside the development plan.
- 5.2 In contrast to proposed sites SA6(a), SA6(b) and SA6(c), no part of Hatchfield Farm is, or has been, in horseracing use. The issue of the loss of horse racing land does not, therefore, arise with Hatchfield Farm.
- 5.3 Site SA6(a) Brickfield Stud is one of the proposed allocations in Newmarket which is on horseracing land. *Appendix 1* is a copy of a plan submitted to the 2105 Inquiry by William Gittus on behalf of the Newmarket Horsemen's Group (NHG). This shows that the Brickfield Stud proposed allocation forms part of the Stud Plan Site 51. Given the Council's concern not to promote development which may harm the Horse Racing Industry (HRI), it is inconsistent to have submitted no evidence to justify why the loss of this horseracing land will have no effect on the HRI.

6.0 (Q 4.19) “How long has the site referred to at para 5.6.19 been vacant? Should the capacity for the site be indicated at this stage?”

6.1 It is for the Council and the promoters of this site to advise how long Site SA6(b) has been vacant. However, part of this land was previously in horse racing use.

6.2 The capacity of this site should be clearly expressed in the policy. It is only by specifying the mix of uses that it will be possible to

- ascertain the extent of the loss of HRI land (see Site 71 on *Appendix I*) and the impact this may have on the HRI
- assess the level of housing and employment use proposed on this site and the consequential impact on traffic using the horse crossings in Newmarket.

7.0 (Q 4.20) “SA6(b) – how has the quantum of development for the site been considered?. Is the site deliverable?. With reference to the Historic England (24933) representations regarding the viability of the listed stables to be refurbished – how has this been considered?”

7.1 With regard to the quantum of development, it is not clear that any particular figures have been considered by the Council. For the reasons explained in paragraph 6.2 above, the capacity of the site should be expressed in the policy so that its impacts can be assessed, particularly on the horse racing industry.

8.0 (Q 4.21) “Site SA6(c) whose ownership are the existing properties in Phillips Close in? Is the site likely to be deliverable during the plan period? How has the effect of the proposal on the HRI been considered?”

8.1 As with all the proposed housing allocations in Newmarket (Policy SA6), there is no evidence that the potential impact of the development / redevelopment of the Phillips Road site on the horse crossings has been assessed in the SALP or its SA. Reference

to Site 31 of **Appendix 1** discloses that the northern part of this site forms part of HRI land owned by The Jockey Club. Since it forms part of the defined ‘Stud Lands’, it would be expected that the plan, its SA and the evidence base would have critically assessed this site in terms of both the impact on the HRI and the consequential increase in traffic across the horse crossings in the town.

9.0 **Conclusions on Matter 4**

9.1 To summarise the submissions on Matter 4 on behalf of Lord Derby

- the proposed allocations in Policy SA6 have not been assessed for their impact on the HRI. In particular, their impact on traffic levels at the horse crossings in Newmarket have not been assessed in the context of the ‘reasonable alternative’ of retaining Hatchfield Farm with its package of mitigation
- the AECOM evidence base shows levels of traffic increase at the various horse crossings far in excess of the 5% deemed to be unacceptable by the Secretary of State. On this basis, why are the SA6 sites acceptable without mitigation when the Hatchfield Farm allocation, which is regarded as unacceptable, would only increase traffic levels by a further 2.8% and bring with it a mitigation package?
- the proposed employment allocations in Newmarket do not provide the 5 hectares of ‘new’ employment land required in Newmarket by Policies CS1 (2) and CS6. This absence of new employment land will not allow the HRI to ‘**expand its economic advantage**’ (SALP para 33.) The reinstatement of the employment element of the Hatchfield Farm allocation would allow the CS1 (2) and CS6 requirement to be met and provide expansion room for industries related to the HRI
- even if the 321 houses proposed to be allocated in Newmarket provide the full 30% affordable housing, they will meet less than half the identified need for affordable housing in the town. The addition of 400 homes at Hatchfield Farm would allow this need for affordable housing to be largely met

- parts of sites Site SA6(a), SA6(b) and SA6(c) are all on protected HRI land. The impact of these developments on the HRI has not been assessed in the plan. In contrast, no part of Hatchfield Farm is HRI land
- each of the SA6 sites should have their capacities specified along with proposals explaining how traffic impacts on horse crossings will be mitigated.

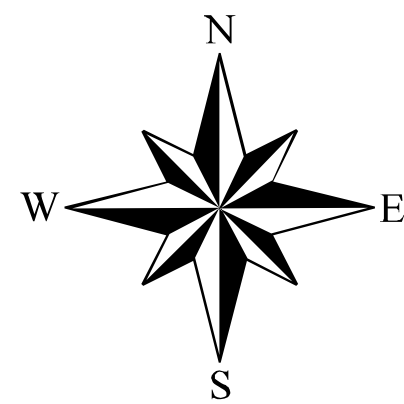
9.2 The conclusion to be drawn from the above is that the SALP and its SA are unsound and they are, in turn, based on an unsound housing distribution in the SIR. In order to ensure that both the SIR and SALP accord with the Core Strategy spatial strategy (CS1) and its employment strategy (Policies CS1 (2) and CS6) and for Newmarket to fulfil its correct role in a sustainable planning strategy for Forest Heath, the Hatchfield Farm mixed use allocation (N1(c)) promoted by the Council at Preferred Options stage should be reinstated in the SALP. **Appendix 2** contains pre-submission Policy SA6 modified to include Hatchfield Farm.

Appendix 1

Newmarket Stud Plan

**(Appendix 2 of 2015 Evidence of William Gittus
on behalf of NHG)**

Newmarket Stud Plan



Legend

- Training Ground and Yards
- Equine Hospital
- 01 - Mr Al-Rashidi - Widgham Park
- 02 - Animal Health Trust
- 03 - Mr J S Bell - Shirley Stud
- 04 - Boffa - Fittocks Stud (Cheveley)
- 05 - British Horse Racing School
- 06 - Mr Eric Cantillon - Herringwell Manor Stud
- 07 - Chippenham Estate
- 08 - Mr Walter & Fran Cowe - Arran House Stud
- 09 - Mr Robert Cowell - Bottisham Heath Stud
- 10 - Mr Duncan Crawford - East Green
- 11 - Miss Nicky Crisp & Mr Will Barker - Brook Farm
- 12 - Mr J S Crowhurst - Poole Farm & Crockfords Stud
- 13 - Mr & Mrs L Cumani - Fittocks Stud
- 14 - Curley Leisure Ltd - Little Heaven Stud
- 15 - Mr David Curran - Gazeley Stud
- 16 - Darley
- 17 - The Earl of Derby - Woodland Stud/Stamley House/Stamley Estates
- 18 - Mr & Mrs L Dettori - Hare Park
- 19 - Mr & Mrs S Dudley - Hope Hall Stud
- 20 - Elsdon Farms - Northmore Stud
- 21 - Mr R Fenwick - Longstones Stud
- 22 - Mr John Ferguson - Bloomfields Stud
- 23 - Mr S M Fustok - Deerfield Farm
- 24 - Mr S Gibson - Red House Stud
- 25 - Godolphin - Chippenham Gallops & Moulton Paddocks
- 26 - Mr Guy Gredley - Widgham Farm
- 27 - Mr W L Gredley - Stechworth Park Stud
- 28 - Mr Trevor Harris - Lordship Stud
- 29 - Mr Guy Heald - Egerton Stud
- 30 - Mr John James - Brookside Stud
- 31 - Jockey Club
- 32 - Juddmonte Farms
- 33 - Julia Feilden Racing - Harraton Stud
- 34 - Mary Kennell - Rosyground Stud
- 35 - Mr & Mrs R G Levin - Swynford Paddocks Stud
- 36 - Loderi Racing (Kate & Harriet Loder - Marwell Stud
- 37 - Mrs K M Mack - Lower Hare Park Stud
- 38 - Meddlar Properties - Meddlar Stud (b)
- 39 - Mr Richard Morgan-Evans - Great Bradley Oak Stud
- 40 - Mr Hassinain al Nakeeb - Harefield Park
- 41 - Mr Farzi Nass - Aislabie Stud
- 42 - National Stud
- 43 - Newmarket Equine Hospital
- 44 - Mr Michael O'Leary - Plantation Stud
- 45 - Mr Antony Oppenheimer - Hascombe & Valient Studs
- 46 - Mr Jim Paltridge - Westley Waterless IRT
- 47 - Mr Ed Peate - Penny Farm
- 48 - Dilip Rahulan - Chippenham Lodge
- 49 - Mr & Mrs J M Ratcliff - Manor Farm Stud
- 50 - Ms K Rausing - Lanwades Stud, Meddlar Stud (a) & St. Simon Stud
- 51 - Mr Gary Robinson - Brickfields Stud
- 52 - Rosdals
- 53 - Saleh al Sagar - Blue Diamond Stud (south)
- 54 - Candy Sasse - Executive Stud
- 55 - Michelle Saunders - Wall House Stud
- 56 - Mrs Julia Scott - Glebe Stud
- 57 - Shadwell Estates Co. Ltd. - Beech House Stud
- 58 - Mr David Shekells - Old Mill Stud
- 59 - Snailwell Stud Co. - Snailwell Stud
- 60 - The Hon. Peter Stanley - New England Stud
- 61 - Stechworth Estate - Equine Fertility Unit
- 62 - Sheikh Farad al Thani - Longholes Stud
- 63 - Mr D B Thompson - Cheveley Park Stud
- 64 - Mr & Mrs Mark Topmkins - Dullingham House Stud
- 65 - Mr John Troy - Willingham House Stud
- 66 - White Crown Stables - Clare House Stables
- 67 - Mr Julian Wilson - Grove Farm Stud
- 68 - Mr Dwayne Woods - Brook Stud
- 69 - Mr Nick Wright - Badlingham Manor
- 70 - Mr Charlie Wyatt - Dukes Stud
- 71 - Newmarket Training Yards
- 72 - Tattersalls
- 73 - Sheikh Mohammed - Dalham Estate

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Appendix 2

Modified Policy SA6 and Plan

Policy SA6: Housing and mixed use allocations in Newmarket

The following sites are allocated for residential or mixed use development in Newmarket:

These sites are identified on the Policies Map.

Reference	Location	Area (hectares)	Indicative capacity
SA6(a)	Brickfield Stud, Exning Road	2.9	87
SA6(b)	Land at Black Bear Lane and Rowley Drive junction	3.3	Mixed use TBC (Design brief required)
SA6(c)	Land at Philips Close and grassland south west of Leaders Way & Sefton Way	4.25	117*
SA6(d)	Former St Felix Middle School	4.5	50
SA6(e)	Land Adjacent to Jim Joel Court	0.23	21
SA6(f)	Land at 146a High Street	0.38	46
SA6(g)	Land at Hatchfield Farm	28.0	Mixed use to include 400 dwellings, a minimum of 5 ha of employment and a 1.5 ha school site

The following specific requirement should be met on all sites :

- A) A contribution or works to the improvement of affected horse crossings and horse walks
- B) Strategic Landscaping and open space must be provided on all sites to address the individual site requirements and location.

In addition :

Site (a) must include sustainable travel provision including facilities for pedestrians and cyclists and links to existing networks.

Site (b) will be the subject of a development brief that will be prepared in consultation with the landowner and the public and approved by the council prior to any planning permission being granted. Any scheme for development of the site must facilitate the restoration and appropriate reuse of the listed buildings, have regard to their setting, be sympathetic to the character and appearance of the conservation area, and retain a horse racing related use on the site. Any application for planning permission should be in accordance with the approved development brief.

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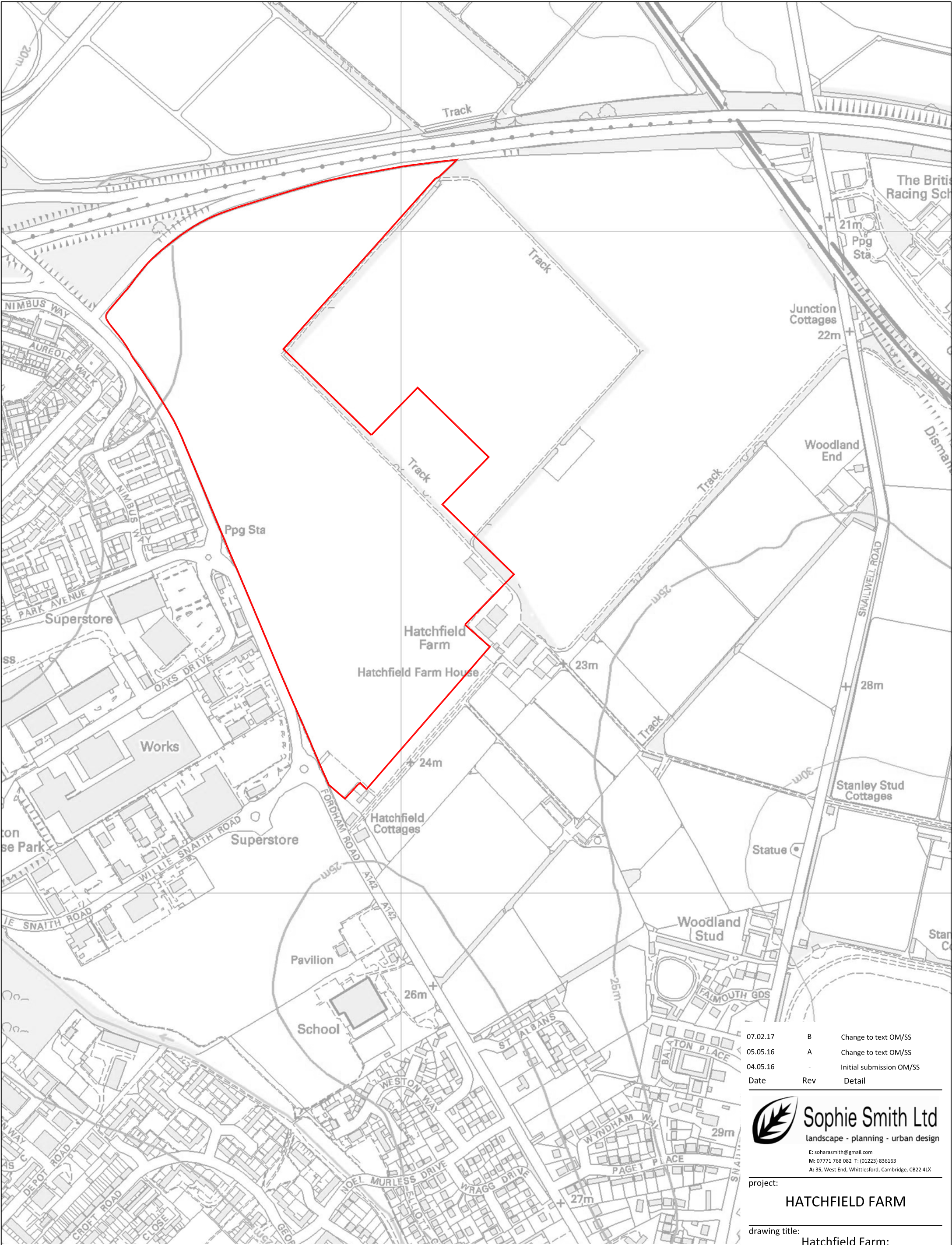
In addition :

Site (c). will be the subject of a development brief that will be prepared in consultation with the landowner and the public and approved by the council prior to any planning permission being granted. The brief should include any mitigation measures required to make the development acceptable in social, economic and environmental terms. Archaeological evaluation of this site will be required at an early stage. Any application for planning permission should be in accordance with the approved development brief.

Site (d) development must make provision for the retention of the existing tennis courts and open space for public use and provide access and connectivity to this facility and open space from George Lambton playing fields. Development must also protect and enhance the amenity and biodiversity of the Yellow Brick Road blue / green corridor and access route.

Site (g) will provide 400 dwellings, a minimum of 5ha of employment land and 1.5ha school site. Precise numbers and the distribution of uses and access arrangements will be informed by a detailed master plan for the site. The site will also provide for the signalisation of the A14/A142 junction and the Rayes Lane crossing.

***The indicative capacity stated for site SA6(c) is calculated using the net gain at Phillips Close and does not reflect the gross capacity of the site once developed.**



07.02.17	B	Change to text OM/SS
05.05.16	A	Change to text OM/SS
04.05.16	-	Initial submission OM/SS
Date	Rev	Detail



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project:
HATCHFIELD FARM

drawing title:
**Hatchfield Farm:
Proposed SA1 and SA6 Boundary**

scale: 1:5,000 @ A3 drawn by: O.M.
date: 07.02.17 chkd by: S.S.
drawing number: SS060854_21 revision: b

