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## **Forest Heath District Council**

### **Site Allocations Local Plan Public Examination**

#### **Matter 2 “Basis for the Plan”**

**Submitted by Sellwood Planning**

**on behalf of**

**The Earl of Derby**

**October 2017**

Regulated by RICS

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## **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 2.1) "What methodology was used for site selection and are the criteria clear, justified and robust?"**

- 2.1 The methodology for site selection over the five year preparation of the SALP has been clear, justified and robust. As a result, all successive iterations of the SALP up to and including the Preferred Options in 2016 included the allocation of Hatchfield Farm site for housing and employment. As explained in the submission to the SIR Inspectors Questions, the Council made it clear in its response of the 27<sup>th</sup> June 2017 (p5) 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 is not appropriate to allocate it on the basis that planning permission has recently been refused, see**

**response to Question 3(a). It has resulted in the modest allocation at Newmarket”.**

2.2 This is even more starkly put at paragraph 6.5.5 of the 2017 SA where it is stated that the consequence of the Secretary of State’s decision was that

**“..... 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 .....**”.

2.3 As explained in the responses to Matters 1 and 4 of the SIR, since successive SALP documents and their associated SAs had highlighted Hatchfield Farm as a sustainable and suitable site for allocation, the appropriate response to the Secretary of State’s decision should have been to assess whether the policies in the emerging plan could be drafted to mitigate the concerns expressed by the Secretary of State. In this regard, it should be recalled that the Secretary of State did not question the suitability of the Hatchfield Farm site, his primary concerns related to the Rayes Lane horse crossing and the impact on the horse racing industry (HRI). As explained in the WSP Technical Note to the Matter 1 SALP response, schemes exist to mitigate the concerns at the Rayes Lane crossing expressed by the Secretary of State.

2.4 The flaw in the SALP is not its methodology but the failure of the Council and the 2017 SA to consider how appropriate mitigation could be put in place through policies in the SALP. The clear SA advice in the PPG has not been followed since

**“..... the SA should identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as far as possible, offset them. The sustainability appraisal 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).

2.5 The final stage in the Council’s site assessment methodology between Preferred Option and Submission stages is therefore unsound as the SA did not consider options whereby

the Hatchfield Farm allocation could be maintained in the SALP with appropriate mitigation.

**3.0 (Q 2.2) “Are the locations identified for development the most appropriate locations when considered against all reasonable alternatives?”**

3.1 As stated in relation to Q2.1 above, the SA failed to follow the advice in the PPG to consider the ‘reasonable alternative’ of retaining the Hatchfield Farm allocation with additional mitigation.

3.2 In considering this question from a District wide perspective, the most appropriate locations have not been selected. As explained in the submissions on Matter 1 of the SALP, the distribution of housing does not reflect the Market Towns focus set out in the Core Strategy and particularly CS1. The locations in the Key Service Centres and smaller villages are inherently less sustainable locations with less direct access to services, facilities and jobs. As a consequence, they involve travel to access these facilities and most trips will involve the private car due to the limited level of public transport.

**4.0 (Q 2.3) “Are the suggested rates of planned housing development realistic and achievable when considered in the context of previous rates of development and economic position?”**

4.1 Whilst no comments are made on the overall rate of housing delivery, the submissions to the SIR (Matter 3) on behalf of Lord Derby queried the delivery of site SA10(a) North of Acorn Way, Red Lodge and the date of first completions on the strategic site west of Mildenhall (SA4(A)). Taken together, they could reduce the housing supply in the plan period by 470 units.

**5.0 (Q 2.4) “How have the transportation and infrastructure requirements of the site allocations been taken into account? Has it been demonstrated that there is a reasonable prospect that planned infrastructure will be delivered within the timeframe envisaged? Will this delivery of infrastructure be sufficient to support the anticipated rate of development?”**

5.1 The response to Question 2.1 above explains how the 2017 SA failed to consider the reasonable alternative of retaining the Hatchfield Farm allocation in the SALP with additional mitigation. As a by-product of this flawed approach, the SA did not balance the removal of Hatchfield Farm from the SALP against the loss of the valuable infrastructure which would have been provided by the development.

5.2 The SIR and SALP identified a number of infrastructure concerns in the Newmarket area. The three most prominent are

- a need for an improvement to the A14 / A142 junction
- improvements to horse crossings
- the need for additional primary school places.

5.3 The deletion of the proposed Hatchfield Farm allocation has two consequences

- the Hatchfield Farm funded improvement to the A14 / A142 junction disappears. This scheme includes non Highway land owned by Lord Derby which was not part of the AECOM scheme referred to at the SIR Hearing
- as shown in the WSP Technical Note appended to the response to SALP Matter 1, the natural attraction of Newmarket is such that there is a negligible difference in traffic levels at the A14 / A142 junction in 2031 with or without Hatchfield Farm.

5.4 The 2016 IDP supporting the submission SIR and SALP lists the key strategic infrastructure issues for the district. The first transport issue (p15) refers to the A14 / A142 junction but simply states that the Council will continue to work with partners **“to identify solutions and support early implementation / delivery”**. Page 34 of the

same document looks at Newmarket and again identifies the A14 / A142 junction as a key issue, but puts forward no solution and no funding mechanism.

- 5.5 Turning to the need for improvements to horse crossings and horse walks in Newmarket, page 34 of the 2016 IDP simply notes “**further assessment required**”. Nothing is said about this issue in the ‘provision planned and / or funding sources’. In contrast, the current Hatchfield Farm application S106 includes a contribution to the improvement of the Rayes Lane horse crossing.
- 5.6 The Preferred Options SALP policy for Hatchfield Farm (Policy N1(c)) proposed that the site should provide 400 homes, a 1.5 ha primary school site and a minimum of 5 hectares of employment. The current planning application for Hatchfield Farm, which the Council resolved to approve in July 2014, includes 400 homes and a primary school reservation. With the deletion of Hatchfield Farm, the IDP proposes to address the shortage of primary school places by the expansion of existing schools. However, the SALP notes that the expansion of Laureate School is dependent on land acquisition and overcoming congestion issues (p36). The Suffolk County Council (Education) updated response to the SIR Matter 5 (para 4.6) states that a new primary school will be required in Newmarket by the mid 2020s. Whilst Suffolk County Council (SCC) say that it has land in its ownership to deliver a school, it remains the case that a new Primary School at Hatchfield Farm would be the optimal solution in terms of catchments since there is no longer a school for this age group in north east Newmarket.
- 5.7 By deleting Hatchfield Farm from the SIR / SALP, not only are new homes lost to Newmarket, but none of the other pre-submission allocations in the town will provide a new primary school site or fund the A14 / A142 junction improvement. There is also no policy requiring the proposed allocations to contribute to the improvements of horse crossings and horse walks. This is a further indication that the Council’s decision to drop Hatchfield Farm was an ill judged and hasty reaction to the now quashed Secretary of State’s decision which failed to consider whether the Secretary of State’s concerns on the planning application before him could be mitigated thus allowing an allocation at Hatchfield Farm to both proceed and to deliver much needed structural infrastructure in Newmarket.

**6.0 (Q 2.5) “How have issues concerning viability been addressed, in order to ensure that there is a reasonable prospect that the sites identified will come forward for development during the plan period? Please provide a clear explanation as to what methodology has been used to assess viability.”**

6.1 The current Hatchfield Farm application S106 includes the provision of 30% affordable homes which is considered to be viable and deliverable. As noted in Question 4.17, it is acknowledged that Newmarket has a shortage of affordable housing. This could be remedied by the reinstatement of the Hatchfield Farm allocation which would deliver 120 affordable homes.

**7.0 (Q 2.6) “Do the policies make any necessary cross references to the policies map?”**

7.1 No comment.