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CHARTERED TOWN PLANNERS

6 October 2017

Forest Heath District Council

Examination of the Site Allocations Local Plan: Response to the Schedule of Matters and Issues for the Examination.

Matter 4 – The spatial distribution of housing in the Market Towns: Brandon, Mildenhall and Newmarket.

In response to Matter 4, we make the following representations on behalf of our client Merlion Capital, focusing our response on the most relevant issues to our case. On behalf of our client, we are promoting land at Station Road, Mildenhall, for a residential-led development.

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 the allocated sites deliverable?**

Response

A number of the criteria set out requirements for the sites regarding issues that must be addressed in order for the sites to be implemented. These raise important issues regarding deliverability that need to be resolved in order for some of the sites to come forward.

In terms of tangible examples, we include further information regarding our concerns about the Mildenhall allocations in the answer to questions 4.5 to 4.16 below and the likely impacts on deliverability. To give some further examples:

- Site SA6 (b) land at Black Bear Lane and Rowley Drive junction is known as having a complex planning history. No capacity is indicated for this site as it is subject to a design brief which casts doubt on what numbers, if any, the site can deliver and be viable. More work is needed before this site can be confirmed as an allocation.
- Site SA6 (c) requires a development brief to be prepared in consultation with the landowners and the public. These processes can take some considerable time to progress. There is no certainty about the outcomes of the necessary archaeological work. Whilst the Council has set out that a desk based assessment is required, the outcomes of this may lead to further field evaluation. The site is a challenging shape and part of it is a redevelopment of existing residential uses. Despite these issues, and no planning application being in place, the council considers the site as starting to deliver during 2018/19 and being completed the following year.

We therefore conclude that there are significant doubts over the deliverability of a number of the allocated sites, and that the Council must therefore include additional sites within the Plan in order to ensure that the housing needs of the District are met.

- 4.3 **Para 3.11 – link between A11 and A14 at Junction 38- which allocated site is this referring to in terms of securing significant infrastructure before growth can be accommodated? It is suggested that the text needs to be more specific in this regard. How has this matter been addressed in relation to the site allocations proposed?**

Response

We agree that this is very unclear. If this does affect a specific site it raises issues regarding the realistic deliverability of this site. The Plan needs to provide clarity regarding this issue.

Mildenhall

- 4.5 In terms of Mildenhall and specifically the closure of RAF Mildenhall – has this issue been adequately addressed by the text at para 4.8. If not, why not?**

Response

RAF Mildenhall is evidently not a deliverable site at this stage. There is no certainty that it will ever be a viable site for development due to the contamination issues. It should not, therefore, form any part of the Plan at this stage and it is not necessary for the Inspectors to give it any regard. The correct forum to consider this site is the proposed review of the Local Plan.

- 4.6 Mildenhall Hub project -what is the current status of this project? A detailed timetable is required as the availability of SA5 (b) is dependent upon this site coming forward.**

Response

The status of the Mildenhall Hub project is unclear. It appears to be a complex project, particularly as it involves relocating public buildings. The proposals as set out in paragraph 5.5.13 of the Plan are vague and there is currently no certainty about what is, and isn't included within the project. We share the Inspectors concerns about this as it means that SA5 (b) cannot be included within the Plan as deliverable. This is particularly important given that SA5 (b) has been included by the Council as deliverable in full within their 5-year housing land supply, with 45 units expected to be completed in the year 2020/21. This is completely unrealistic and the site needs to be removed from the 5-year housing land supply. It would also be a justified way forward for the Council to remove the site from the Plan at this stage, and carry out further work as part of a local plan review to gauge whether or not the site is genuinely deliverable.

- 4.8 Paras 5.5.10 and 5.7.6 – states that the future use of airbase is to be considered as part of the local plan review – in what context is this proposed and what is the timeframe? The LPA are invited to be more specific on this issue.**

Response

As set out in our response to question 4.5, the future of the airbase is unclear at the moment, and the Council is right not to allocate it at this stage. It cannot make any contribution to the current numbers in the plan and it is unclear as yet as to whether the site can make any contribution to meeting the longer term needs of the housing market area. It remains pertinent to refer to it in this plan, as an area where there may be longer term potential, and to give an indication as to the longer-term direction of growth for the area.

- 4.9 **Proposed allocation SA4 – to include 1300 dwellings, should this be expressed as a minimum or maximum? If a masterplan for the site as a whole is to be prepared, how will the parameters of the development brief (June 2016) for the Mildenhall Hub be addressed as part of this allocation. Has the masterplan preparation commenced, if not, what is the intended programme? What evidence is there to support the view that 1300 dwellings are achievable on this site?**

Response

We are not aware of any evidence to support the Council's assertion that 1300 dwellings are achievable on this site. We have not seen any masterplanning or other technical work that justifies this number. Nor is there any evidence that the site is actually deliverable as part of this plan.

It may be more appropriate at this stage to express this figure as a range to be dependent on the outcome of the masterplanning process. There is no information about the masterplan for the site – this masterplanning will take a considerable period of time and be subject to complex negotiations, given the landownerships and the number of issues to be resolved on the site. There are also the necessary processes of public consultation and democracy to be taken into account.

In conclusion, this proposed allocation is unsound. It is not justified by the current evidence. The allocation of the site also fails the 'effective' test of soundness as the Council has not shown that it can be delivered. Given the Council's intention to commence a review of the Local Plan in the next few months, they should undertake further work on the deliverability of the site to see if it can be justified as a future deliverable allocation, and included within the Local Plan review.

At this stage, it would be appropriate to allocate alternative, deliverable sites for Mildenhall, rather than be dependent on a large allocation where there is no certainty about future delivery. This is a particularly worrying position for the Council to find itself in. At this advanced stage of the Local Plan process, the Council should be able to demonstrate that their plan is deliverable. Instead they are intent on progressing a strategy which is not backed up robust evidence. Their strategy is very dependent on land west of Mildenhall coming forward as a focus for growth, with a fifth of the Council's baseline requirement of housing due to be built on this single site.

We have demonstrated that our client's site at Mildenhall is a sustainable, justified and effective choice to be included in this Plan.

- 4.10 **With reference to the specific requirements identified at paragraphs A) and D) should the size of SANG be addressed as part of the masterplan? What is meant by a 'substantial' buffer – is this wording too vague?**

Response

The policy is certainly too vague in its current form and does not represent the necessary reasoned justification.

The necessary extent of SANG and its layout of needs to be agreed with Natural England. It is unclear as to whether this necessary consultation process has taken place to inform the allocation of the site.

Issues such as the size of the buffer should have been resolved before this stage of the plan process. 'substantial' is not a tangible term. If a certain extent of buffering is required, this extent should be clarified and included within the policy. This is especially pertinent as it has implications for the number of dwellings that can be delivered on the site.

'Substantial' also does not give the necessary certainty about what is required on the site for future developers. The extent of this buffer should be informed by technical work to confirm what is required.

- 4.11 **What is the anticipated programme for the delivery of this site including phasing? Can the site be regarded as deliverable during the plan period?**

Response

This is a key issue affecting the allocation of this site.

The site is included within the Council's 5-year housing land supply as deliverable within the 5-year period, with 100 completions due in 2020/21 and 120 per annum after this. This is completely unrealistic and shows a lack of understanding of commercial realities.

It is a complex site, within different and fragmented landownerships. There is no evidence that the landowners are working together or have signed any sort of agreement.

The policy for the site sets out that a detailed masterplan is necessary for the site and that planning applications for the site will only be determined once the masterplan for the whole site has been approved by the Local Planning Authority. No timescales are set out for the masterplanning work, but this process is likely to be time consuming, given the land ownerships involved and the need to carry out the necessary technical work, public consultations and going through the Council democratic processes. Even if this work were to be completed during 2018, the planning application process for a site of this scale is likely to be lengthy, given the issues that require to be resolved. In addition to this, the site will require significant investment in infrastructure before work on developing any houses can even start on site.

We have not seen the evidence to support the site's allocation and consider that there are too many unknowns for the site to be included as an allocation in the plan at this stage.

- 4.13 **Site SA5 (b) – delivery dependent upon the Mildenhall Hub – when is it expected that this site would be available? Is the site all under one ownership? Is the site likely to be available and deliverable within this plan period?**

Response

Please see our response to question 4.6 above, which also refers to the Mildenhall Hub. In summary, the delivery of the site for residential is dependent on the relocation of the current uses (council offices, surgery and library). There is no indication about when the uses can be relocated as this type of development is likely to take a considerable period of time. It is exceedingly unlikely that the Council can realistically include them within the 5-year housing land supply.

4.16 **Site SA4 – what consideration has been given to the likely delivery of this site? What infrastructure is necessary to secure the delivery of the site?**

Response

In our response to matter 2, we have raised concerns regarding the Council's approach to infrastructure planning, which is too strategic. At the moment, the Infrastructure Delivery Plan reads as a wish-list of possible infrastructure and the information is not sufficiently detailed regarding priority, responsibility for provision and importantly, funding. The Plan needs to be more specific about what is required for the delivery of each site. Without this information, it has not been demonstrated that the site is viable or can be delivered.

Conclusion to Matter 4

The Plan in its current form has not been demonstrated to have been prepared in accordance with either the tests of soundness or the legal requirements. The Planning and Compulsory Purchase Act 2004 is clear in Section 19 that the local planning authority must have regard to the resources likely to be available for implementing the proposals in the document – this work does not appear to have been done by the Council.

We have focused particularly on the issues affecting the deliverability of the Mildenhall sites, clearly showing that there are significant doubts that the sites can come forward at all. The Council has not carried out sufficient work to demonstrate that a number of the allocations are either justified or effective in terms of the tests of soundness. They should therefore be removed from the Plan process and considered afresh in the Local Plan Review which is due to commence in early 2018. The sites should be replaced by alternative and deliverable sites which can make an immediate contribution to meeting the District's housing numbers.

We note the letter from the Inspectors dated 4 October 2017 which raises concerns about the soundness of the Single-Issue Review. They have questions the distribution of the housing between the Market Towns and the key service centres, and raised particular points about the impact of traffic on the horse racing industry in Newmarket. At this stage, the Inspectors have only been dealing with these strategic issues, and not the detail of the proposed allocations which are likely to raise further fundamental concerns.

During the course of the Local Plan process, we have demonstrated that our client's site at Station Road in Mildenhall (referenced within the Council documentation as site M/30 – the Old Railway Station Site) is deliverable and being promoted by a willing landowner. We have provided technical supporting documentation to support the site promotion. We note that

the Council has considered this site as being in the 'next best' tranche and it is therefore a logical choice for allocation, either alongside the proposed allocations which are likely to be slow to deliver, or to replace some of these allocations.