

SITE ALLOCATIONS LOCAL PLAN FOREST HEATH DISTRICT COUNCIL

MATTER 2: BASIS FOR THE PLAN

ON BEHALF OF: NEWMARKET HORSEMEN'S GROUP

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CONTENTS:

Page No:

FOREWORD	1
1. ISSUE 2.1 – SITE SELECTION METHODOLOGY	2
1.1 What methodology was used for site selection and are the criteria clear, justified and robust?	2
2. ISSUE 2.2 – REASONABLE ALTERNATIVES	2
2.1 Are the locations identified for development the most appropriate locations when considered against all reasonable alternatives?	2
3. ISSUE 2.4 - INFRASTRUCTURE	2
3.1 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?	2
4. ISSUE 2.5 – VIABILITY	5
4.1 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	5
5. CONCLUSIONS ON MATTER 2	6
APPENDIX 1: STATEMENT PREPARED BY COTTEE TRANSPORT PLANNING	7

FOREWORD

1. This matter statement was prepared prior to the recent of the letter from the Inspectors (dated 4 October 2017) dealing with the SIR, which highlighted soundness issues with that document.
2. The soundness issues relate to two matters: the balance of housing between Market Towns and Key Service Centres and the consistency of this with the Core Strategy, and; the absence of evidence on regarding traffic movements through Newmarket and the consequential impact on horse movements (a key issue for the NHG).
3. It is now for the Council to decide what it is to do in light of these concerns and in the meantime, the SALP hearings are to continue. This statement has therefore been prepared on the basis of the information currently available.

1. ISSUE 2.1 – Site selection methodology

1.1 What methodology was used for site selection and are the criteria clear, justified and robust?

1.1.1 The NHG has consistently requested that the site at RAF Mildenhall be considered as part of this plan-making process. The Council has refused to even consider the merits of this location for future development despite knowing that the site will come forward and despite consulting the public on the future development potential of the site in a separate exercise (see [http://www.westsuffolk.gov.uk/Business/RAF Lakenheath and Mildenhall/index.cfm](http://www.westsuffolk.gov.uk/Business/RAF_Lakenheath_and_Mildenhall/index.cfm) for details). That separate exercise considered the potential for the site to deliver 2,000 new homes.

1.1.2 The NHG has also suggested that the development potential at Brandon be the subject of further consideration. This has been consistently ruled out by the Council throughout the process because of the ecological constraints present at Brandon. However, it was clear from the SIR hearings that the Council had not done enough to identify whether such constraints could be overcome.

1.1.3 The NHG does not believe that the criteria for site selection were either justified or robust in these cases.

2. ISSUE 2.2 – Reasonable alternatives

2.1 Are the locations identified for development the most appropriate locations when considered against all reasonable alternatives?

2.1.1 No – The NHG believes that RAF Mildenhall and Brandon both warranted further consideration as reasonable alternatives. The timescales for the delivery of development at either location could have been explored such that at least some development could be achieved in the plan period.

3. ISSUE 2.4 - Infrastructure

3.1 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?

- 3.1.1 This has been the most significant issue for the NHG throughout the preparation of this plan. The NHG has consistently raised concerns about the timing of the preparation of supporting material on transportation and infrastructure, the adequacy of the work and the fact that the findings could not have been used to inform the preparation of a justified plan that is consistent with national policy.
- 3.1.2 To assist the Inspector in understanding the transport concerns of the NHG, a statement prepared by COTTEE Transport Planning is attached at Appendix 1 to this statement.
- 3.1.3 It is noted that the County Council confirmed at the SIR hearings that there is an existing safety and capacity issue with the A14/A142 (Fordham Road) junction and that this issue increases when the planned developments are taken into account. The necessary improvements to this junction are currently the subject of a funding bid through Highways England RIS2 programme. This is a significant concern to the NHG as the delivery of the works are subject to the outcome of the RIS2 process, which is yet to be completed.
- 3.1.4 The NHG's main concern throughout this process has been the absence of any consideration about impact on the horse-racing industry, particularly as a result of the interaction of increased development on the movement of horses around the town. This movement is part of everyday life in Newmarket and essential requirement of the horse-racing industry. This means that through-bred racehorses and their riders regularly come into contact with pedestrians and motorists that travel through the town. It is vitally important to all people in the town that these movements are able to co-exist without adverse impact on safety.
- 3.1.5 We heard at the SIR hearings from an objector that the distribution of development across the district will lead to a 28% increase in traffic in Newmarket. This was not disputed by the Council and presents a significant concern to the NHG in terms of the inherent implication for the perception of adverse impact on the safety of horse movements.
- 3.1.6 The Council confirmed at the SIR hearings that the transport work undertaken on its behalf has never taken into account the impact of horse movements on traffic or indeed the impact of traffic on horse movements. A standardised traffic modelling system has been used that has never taken into account the

unique characteristics of Newmarket and how these may influence the conditions in the town.

- 3.1.7 We also heard that the County Council agrees that there are safety issues with the horse crossing points that require attention and that a mitigation strategy is currently being development. No such work has commenced on future safety of these crossing points following the implementation of development planned in the SALP.
- 3.1.8 These are all significant matters that reinforce the claims that the NHG has made throughout this process.
- 3.1.9 In the absence of this work and the acknowledgement of the existing issues of safety at the SIR hearings it is not possible to answer issue 2.4 positively. There is no way of knowing what mitigation measures will be required, whether they are achievable or how much they will cost as the work has not been done. It is therefore not possible to confirm when the works will come forward or indeed when they are required to come forward.
- 3.1.10 It is acknowledged by the Council that the horse-racing industry in Newmarket is a valuable asset that is worthy of protection. That is evidenced in the Joint Development Management DPD. The Council's approach to the site allocation does not accord with the acknowledgement.
- 3.1.11 The NHG has submitted detailed evidence to the Hatchfield Farm inquiry (as referred to in B19 of the Examination Library) about the interaction of thoroughbred horses with traffic and the implications of this for the industry as a whole. The Secretary of State agreed that the threat to the horse-racing industry was a relevant matter for consideration and the Courts did not disagree with this despite quashing the decision on other matters. The NHG considers that this justifies a precautionary approach towards the horse-racing industry when deciding site allocations. Indeed, the High Court specifically rejected the Claimants' challenge to the Secretary of State's interpretation of the Joint Development Management Policies Document Policy DM48 as being a precautionary policy.
- 3.1.12 The inability to answer the questions in this issue in a positive manner gives rise to a perception of significant adverse impact that poses a real and substantial threat to the industry.

3.1.13 The NPPF requires at paragraph 158 that,

"Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals."

3.1.14 The NHG consider that, in the acknowledged absence of the work identified above, the Council has not complied with this requirement.

4. ISSUE 2.5 – Viability

4.1 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

4.1.1 We heard evidence at the SIR hearings about the way in which viability had been tested by the Council's consultant (Three Dragons and Troy Planning & Design). This involved appraising the viability of individual sites based on the planned development, information provided by the Council and market investigations carried out by the consultant. The consultant confirmed that this exercise was carried out before Preferred Options stage and therefore before further work on infrastructure and transportation was carried out by or on behalf of the Council.

4.1.2 This work factored in the likely infrastructure requirements for specific sites plus an average financial contribution applied to each site. It is worthy of note at this stage that this was undertaken prior to subsequent work on infrastructure being carried out.

4.1.3 We heard at the SIR hearing and indeed it is clarified at paragraphs 1.12 and 2.17 of CD B15 that the following assumptions have been applied in terms of infrastructure to address HRI impacts:

- There is a requirement to provide costs associated with improvements to horse walks and these have been included in the viability calculations.
- A requirement of £500 per unit for schemes of 150 units or more has been allowed for to cover these costs – as advised by the Council.

- The larger case studies allowed for traffic mitigation works for any impact on horse walks.
- Individual sites have not been tested.

4.1.4 The Council confirmed that the £500 cost and the 150 unit threshold was based on work associated with the Hatchfield Farm inquiries and no other exercise. The NHG made the point at the SIR hearing that these inquiries related to just one site and one part of the horse movement network. It did not cover and assessment of the wider network or the associated costs of mitigation. This is a relevant point for the consideration of the SALP.

4.1.5 We also heard at the SIR hearings that the impact on horse movements had not been tested by the Council's transport consultant and that work was ongoing to address existing safety issues on the horse movement network with no work undertaken to assess the implications from planned developments in the SIR or the SALP. All of this undermines the credibility of the £500/unit and 150 unit threshold used in the viability work.

4.1.6 In the case of infrastructure to address HRI impact this work is absent for the plan-making evidence base and has not been factored into the considerations. It has not been identified for individual sites and has not be subject to any viability testing. On this one area alone, the sites in the SALP cannot be confidently said to be deliverable. The evidence is not there to support such a claim.

5. Conclusions on Matter 2

5.1.1 The NHG considers that the issues it has raised in relation to this matter have direct and adverse impact on the extent to which the plan can be judged to be sound. It has not been planned positively for the development and infrastructure required in the area – which the NPPF lists as a crucial requirement at paragraph 157. The strategy cannot be said to be justified as, in the case of HRI impact, that strategy has not been developed or planned for. The deliverability of the individual sites cannot be demonstrated as it does not adequately identify all infrastructure requirements or the costs associated with delivering these.

5.1.2 To rectify the NHG concerns the plan should either be found unsound or suspended so that the work that has been identified as missing can be carried out and assessed.

Appendix 1: Statement prepared by COTTEE Transport Planning

Forest Heath District Council Examination of the Site Allocations Local Plan (SALP)

Representations on behalf of the Newmarket Horsemen's Group (NHG) – October 2017

Introduction

COTTEE Transport Planning (CTP) are instructed by NHG to make representations on Transport related Matters and Issues associated with the SALP.

A material consideration is the recent letter dated 4 October 2017 following the Examination of the Single Issue Review (SIR) of Core Strategy Policy CS7. The Inspectors have raised two concerns which could affect the soundness of the SIR as drafted. One of the concerns relates to the effect of traffic arising from the proposed housing growth on existing horse crossings and horse walks in Newmarket. The Inspectors have cited safety and the perception of safety in relation to horses, their riders and other highway users; and that there is an evidential shortcoming in terms of the forecast increase in traffic movements in Newmarket. Forest Heath District Council (FHDC) have been invited to consider how the issues could be addressed through the Plan making process and it has been acknowledged that further work is likely to be needed.

The doubt raised over the soundness of the SIR inevitably raises consequences for the soundness of the SALP. However, this document has been prepared to consider the SALP as drafted and focuses principally on Matter 2.

The issue of traffic impact in Newmarket has been the subject of detailed consideration through the Hatchfield Farm inquiries. It is the work at this site that the Council has used to inform its viability work for the SALP. This document therefore addresses the transport aspects of the Hatchfield Farm site in light of the latest Aecom work to assist in explaining the issues relating to Newmarket in more detail.

Matter 2 – Basis for the Plan

Issue 2.4 raises the following issues – CTP representations are shown in red text.

How have the transportation and infrastructure requirements of the site allocations been taken into account?

1. As regards Newmarket, FHDC say that the Aecom studies provide the cumulative impact evidence, however, the NHG disagree because the studies are inconclusive. This is evidenced from the following extracts from the Aecom report (bold text applied by CTP). Furthermore, and of great concern to the NHG, the Aecom studies have not considered the impact of their projected 28% growth in traffic on thoroughbred racehorses, their riders, other highway users; and other HRI related movement in Newmarket such as trainers and vets needing to access all parts of the town during peak periods to attend to horses generally and in emergency situations.

2. **Aecom's August 2016 report paragraph 9.4.1 states:** *'Whilst some key strategic improvements are required, particularly at Junctions 37, 38 on the A14 and the A11 / A1101 Mildenhall Road / A1065 Brandon Road / A1101 Bury Road (A11 Fiveways) further detailed studies are needed to confirm the schemes for pricing purposes.'*
3. **Paragraph 9.4.2 states:** *'The report provides an indication of the cumulative traffic impacts to be expected, however for the purposes of designing any mitigation, a more refined approach would be needed using the strategic multimodal transport model currently being developed by SCC.'*
4. **Table 9.1 Junction A14 / Fordham Road refers to the following:** *'An enhanced signalised option with two left-turning lanes from the A14 off-slip, two southbound lanes on Fordham Road, and the right-turn from Fordham Road to the A14 EB on-slip incorporated into the signals with an early cut off and indicative arrow phase. These additional enhancements would require four lanes (two northbound and two southbound to be provided on the Fordham Road Bridge over the A14), and the realignment of the A14 WB on-slip. A detailed feasibility assessment would be required to consider options to fully accommodate the future scenario flows, likely to include the widening of the A14 bridge.'* Any further study should also include the whole section of Fordham Road between Windmill Hill to the north and Studland Park Ave/ Fordham Road roundabout to the south in order to take account of the interaction between junctions. This could take the form of a microsimulation assessment.
5. It is clear that further studies are required before it may be concluded that transport requirements have been taken into account.

Has it been demonstrated that there is a reasonable prospect that planned infrastructure will be delivered within the timeframe envisaged?

6. NHG consider that no evidence has been provided to demonstrate the necessary infrastructure delivery. In particular there has been no study of horse movements, or the interaction with the 28% growth in traffic identified by Aecom in their cumulative impact studies.
7. It is apparent that further studies are required before it may be concluded that the necessary transport infrastructure will be delivered.

Will this delivery of infrastructure be sufficient to support the anticipated rate of development?

8. Evidence has yet to be produced. As indicated earlier, Aecom have confirmed that further studies are needed at various location in Newmarket, and particularly at the A14 junction with Fordham Road where bridge widening across the A14 is likely to be required.
9. At paragraph 9.3.2 Aecom state 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. The potential to provide additional highway capacity is limited and will be very costly.'*

10. Aecom's Paragraph 9.4.1 concludes: '.....*further detailed studies are needed to confirm the schemes for pricing purposes.*'
11. It is concluded there is currently no evidence that the necessary transport infrastructure will be delivered.

Issue 2.5 Viability Assessment – CTP representations are shown in red text.

1. At the SIR it was confirmed that FHDC's viability assessment applied £500 per dwelling as a potential S106 contribution towards horse walk infrastructure. FHDC stated that this has been based on the cost of one horse crossing at Rayes Lane from the Hatchfield Farm Inquiry i.e. £200k divided by 400 units = £500 per unit. FHDC have applied this cost in the viability assessment to developments of 150+ only and to developments in Newmarket only.
2. The NHG are concerned that the payment only applies at 150+ units; at sites only within Newmarket; and that the calculation is based on one development. There is no logic to the way FHDC have considered the horse crossing issues in the viability assessment.
3. The NHG's position is that: there is already a problem with the number of traffic movements at horse crossings; these problems will increase with more traffic (predicted by Aecom to be circa 30% but could be more bearing in mind the low trip rates they have adopted); there has been no methodical assessment of these issues and there is no logic to the way in which the viability assessment has been undertaken especially when there are 17 horse crossings in Newmarket and a network of horse walks linking them.
4. The ongoing study being undertaken by NHG and Suffolk County Council is to address the existing safety issues with current levels of traffic. The concern of the NHG, confirmed at the SIR hearing by Aecom, is that there is no study underway to consider safety implications arising from the SALP sites, either within Newmarket or outside.

Hatchfield Farm

An independent study by Aecom for Forest Heath District Council (FHDC) dated August 2016 entitled: FHDC SAP Cumulative Impact Study including 400 units at Hatchfield Farm raised a number of points and queries that relate directly to the Hatchfield Farm site:

1. The Aecom work has highlighted an increase in traffic of around 30% on Fordham Road up to 2031 as part of the Local Plan housing allocation. However, FHDC have undertaken no methodical assessment of the risks associated with such an increase on horses, their riders and other highway users (for example, school children moving to and from the two schools immediately adjacent to Rayes Lane).

2. FHDC have said they are aware of the problems but have identified no solutions. It was agreed at the Hatchfield Farm inquiry that the 400 units scheme at Hatchfield Farm would add 5% traffic to the Rayes Lane crossing. As a result they have put forward various options commencing with a simple crossing enhancement at the Inquiry. WSP then put forward a 'COTTEE no signals' option at the SIR hearing (paragraph 4.4 – 4.8 Sellwood Matter 4); but during the hearing Hatchfield Farm seemingly set aside that option and said they would fund a signalised horse crossing. However, as regards the SIR and SALP it is the wider context that requires to be examined not just Rayes Lane. There are 17 main horse crossings in Newmarket and a network of associated horse walks; the SIR and SALP needs to consider the impact of a 30% increase in traffic on the whole network.
3. Another major concern of the NHG is the reference in the Aecom report to Fordham Road being highly likely to experience accidents (paragraph 4.8.11); and accidents occurring along Fordham Road are more likely to result in a death or serious injury (paragraph 4.8.12).
4. Since Fordham Road over its entire length is the focus for all of the Hatchfield Farm traffic a route that is considered by FHDC's consultant as 'highly likely to experience accidents' and 'accidents are more likely to result in death or serious injury' casts serious doubt over the appropriateness of adding more traffic to this route – be it at Hatchfield Farm or anywhere else on this road.
5. Aecom confirm the signalised scheme proposed for the A14 junction by Hatchfield Farm exceeds capacity in the future scenarios (paragraph 8.2.9). This despite Aecom using lower trip rates in the PM peak hour than WSP for Hatchfield Farm in their analysis.
6. The use of appropriate PM peak trip rates in the Aecom analysis would further cast doubt on the ability of Hatchfield Farm to be accommodated on the highway network at the A14 junction.
7. There are a number of trip rate scenarios included in the original Hatchfield Farm work two of which are referred to below. In both cases the PM peak analysis undertaken by Aecom uses trip rates significantly less than the WSP trip rates except for the AM peak 'travel plan rate', which is similar. In the AM peak the trip rate used by WSP is 29% higher for the 85th percentile rate; for the PM peak WSP trip rates are between 36% and 75% higher. This strongly suggests that the Aecom trip rates are significantly underestimating the traffic impact, relative to the figures WSP agreed at the Inquiry. Accordingly, Aecom should be required to undertake revised traffic analysis for all junctions in Newmarket with the higher rates, at least as a sensitivity test. Using higher rates would lead to a greater impact than the 30% they have considered to date.

Aecom August 2016:

0.52 / dwelling AM peak

0.44 / dwelling PM peak

WSP inquiry evidence pp4.5.2 – Travel Plan rates

0.50 / dwelling AM peak

0.60 / dwelling PM peak

WSP inquiry evidence pp4.5.2 – 85th percentile rates

0.67 / dwelling AM peak

0.77 / dwelling PM peak

8. It is worthy note and indeed a note of caution that the Hatchfield Farm baseline traffic surveys undertaken in 2012 are now out of date and their conclusions / agreements with Highways England are considered superseded by the Aecom study. The accepted 'shelf life' for survey data is 3 years so it is expected that Hatchfield Farm would be required to repeat their analysis; and consider the conclusions of the Aecom findings as regards the inadequacies of their design. Aecom conclude that further analysis is required for the A14 junction and this should involve consideration of enhanced signal schemes and widening of the bridge over the A14 (paragraphs 8.2.16 and 8.2.20).
9. Since the A14 junction already has safety and capacity issues these comprehensive improvements will need to complete before any further major development can take place. The implementation of a scheme wholly capable of accommodating the FHDC allocations is essential at this location.
10. It follows that a development of Hatchfield Farm would necessitate both the A14 junction improvements and provision of the horse crossing / horse walk infrastructure on Fordham Road prior to first occupation. This requirement is justified because FHDC's consultants have stated Fordham Road is a route which is highly likely to experience accidents. Accordingly, there are risks to horses and their riders now and these risks would increase with increased traffic as demonstrated with evidence submitted at the 2015 Inquiry. These safety issues and the perception of safety in relation horses, riders and other road users should be fully examined and schemes implemented.
11. Sustainability – at the Inquiry WSP asserted that Hatchfield Farm related well to Newmarket town centre in terms of walking. However, "Providing for Journeys on Foot" Table 3.2 cites 800m as the preferred maximum walk distance to a town centre. The centre of the Hatchfield Farm site is around 2.5km to 3km (or a 30 to 40 minute walk) from the town centre; therefore it is likely the majority of trips will be car based. In terms of walking to the town centre Hatchfield Farm cannot reasonably be considered to represent a sustainable location.