

# **Examination of the Single Issue Review of Core Strategy Policy CS7 ('the SIR')**

## **Response to Planning Inspector's letter dated 4th October 2017**

### **Effect of traffic arising from the proposed housing growth on the existing horse crossings and horse walks in Newmarket.**

#### **1. Overview**

1.1 It is accepted and acknowledged that:

- There will be additional vehicular traffic using the highway network in Newmarket, between now and 2031.
- Some of the growth in vehicular movements for example along Fordham Road, Newmarket will arise as a result of growth proposed in the FHDC Plan (15%). Some will be as a result of background traffic growth, originating from both within and outside Forest Heath and new development outside the District (13%) totalling a 28% increase in traffic.
- The interaction between race horses and vehicular traffic represents a risk to horses, riders and other users of the highway network.

1.2 The Council does not consider that there is an evidential shortcoming regarding the implications for the Horse Racing Industry (HRI) of the forecast increase in traffic movements through Newmarket. This note explains the on-going joint working between the Council, the Local Highway Authority, and the HRI. This arrangement has given the Council a good understanding of the movement needs of the HRI and how they can be safely and effectively accommodated on the Newmarket highway network in conjunction with the requirements of other highway users. The Council notes that the NPPF expects the use of a proportionate evidence base in plan-making and is satisfied that sufficient is known about the implications of traffic growth for the HRI to allow an assessment to be made that suitable improvements and mitigation measures can be put in place so as to allow for that growth without material detriment to the HRI.

1.3 The Council does not consider that it is either necessary or appropriate for the details of such improvements and mitigation measures to be set out at this stage. Since the most appropriate solutions will be determined in response to specific development proposals, having regard to both their locations relative to the main HRI movements and to their traffic generating characteristics, the Council considers that these matters are best dealt with as a development management matter when specific development proposals are being assessed.

1.4 The Council considers that this general approach, of providing a broad policy framework in the development plan, but dealing with detailed mitigation

matters as a development management exercise, rather than as an aspect of plan-making, is consistent with the approach that has been adopted for dealing with the implications of development on European Protected Species (Greater Horseshoe Bats) under the Habitats Regulations 2010. In this regard the Council would make reference to the High Court decision in Abbotskerwell Parish Council v Teignbridge DC [2014] EWHC 4166 (Admin), which upheld the local planning authority's approach of setting general criteria in its policies but leaving the detail of the mitigation requirements to be assessed with each individual development. A copy of that decision is annexed (Appendix A), and the Council would refer to paras 72 and 83 of the judgment of Lang J.

- 1.5 The existing policies of the development plan already provide considerable protection for the HRI from any adverse traffic consequences (as outlined below) but if further protection is thought to be necessary the Council is content to promote a main modification to the SALP to achieve this. That matter is also addressed below.

## **2. Working Groups**

- 2.1 Following the High Court Challenge of the Forest Heath Core Strategy there has been a significant change in the working relationship between the horse racing industry and the local authorities.
- 2.2 The Highways Authority, given the exceptional nature of the highway network in Newmarket, has sought to work in partnership with the horse racing industry to improve the operation of the highway network and the use of horse walks and crossings in the town, responding to the effect of growth arising from growth in and around Newmarket and the changes and expansion of the horse industry itself.
- 2.3 This approach is slightly different to how a Local Authority and Highways Authority would normally treat a business/industry which is expanding and changing. However, the Council recognises the importance and unique nature of the Horse Racing Industry and its benefits and therefore takes a different approach to ensure the effects of traffic/development on the safety of the network of horse crossings is managed.
- 2.4 A working group was established in 2012 to oversee the local implementation of the Suffolk Local Transport Plan in Newmarket.
- 2.5 Following the establishment of the Newmarket Vision in 2013<sup>1</sup>, the Newmarket Transport Working Group (a sub-group of the Newmarket Vision) was

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<sup>1</sup> A partnership between Forest Heath District Council, Suffolk County Council and Newmarket Town Council, to implement the recommendations of an 'Enquiry by Design' report on Newmarket by the Princes' Foundation for Building Community.

incorporated into the Newmarket Vision Structures which included an objective for Newmarket to:

“...have an excellent internal network of safe connections for walking, cycling and horses, making non-car movement much more attractive for residents and visitors.”

“...economic growth will be stimulated to encourage businesses to develop and grow in a manner which complements Newmarket’s existing infrastructure and horse racing industry”

“...have thrived and grown in a sustainable and well-balanced manner, delivering a better quality of life for all, with horse racing remaining vital to the town’s economy and character”

“...be an attractive town that is well connected to neighbouring settlements, towns and cities by road, bus and rail.”

- 2.6 This Transport Working Group; involves representatives of the District, County and Town Councils, racing industry, Newmarket Business Improvement District, the Newmarket Chamber of Commerce and Suffolk Police; who meet to review transport needs and projects in Newmarket.

### **3.0 Improvements to date: Specific work with the racing industry**

- 3.1 Most recently, and specifically in relation to horse crossings, the County Council has been working with the racing industry on ways to improve horse crossings. This is separate to the main Newmarket Transport Working Group, but both groups involve the County Council as highway authority and representatives of the racing industry. Proposals and progress is reported to the main Transport Working Group.
- 3.2 Various improvements have been carried out, including Bollards, which have been installed at various horsewalks across the town in 2014, to prevent vehicles using horsewalks. These replaced “baffles” (large frames), which had been used at vehicle and road crossing points. The new timber bollards give better access for maintenance and offer better permeability for racehorses using the walks.
- 3.3 Improvements to the safety and accessibility of the Snailwell Road horsewalk were made in 2015, with further amendments being considered by the Newmarket Transport Working Group. In addition, a new signalised junction with pedestrian facilities was put in place at the junction with Fordham Road. This junction was previously uncontrolled with limited visibility of horse movements for vehicles using Fordham Road.
- 3.4 More recently, the Jockey Club funded a new horsewalk improvement, also on Snailwell Road, between Malcolm Way and the Godolphin Stables.

3.5 These improvements were intended to improve the operation of the network, reducing the risk of incidents arising from conflict with vehicles as well as improving perceptions of the safety.

#### **4.0 Assessment of the HRI movement network and Future Improvements**

4.1 Current work with the Horse Racing Industry is focussed on delivering a consistent approach to the treatment of crossings. An initial assessment of 17 existing crossings was carried and these are being discussed with the various groups.

4.2 This work is planning for future growth (which includes the outcomes of the AECOM study) and future proofing the horse crossing and horse walk routes. It should be noted that an increase of traffic along the highway is one factor affecting the horse crossing and horse routes but a second is changes in the industry itself – with the numbers of horses using the horse walks having increased and is evidence by the SQW study (CD:D12).

4.3 Local partners are currently working together to deliver improvements to 17 horse crossings in Newmarket. 17 crossings have been identified for consideration and a priority order for improvements determined. Timing of delivery is dependent on a number of factors.

4.4 Suffolk County Council has confirmed that it will make up to £150,000 of Local Transport Plan funding available to deliver these works and the Jockey Club is due to confirm its contribution. Funding will also be sought from development as appropriate/consistent with the CIL Tests.

4.5 Concept designs have been prepared and are being reviewed, with costings expected before the end of 2017. They will provide consistency across the town and improve awareness by drivers. Concepts include the installation of variable message signs, capable of being triggered by a mounted rider, and raised table crossings to ensure reduced vehicular speeds. Specialist surfaces are also being investigated, however more testing is required before these can be deployed.

4.6 Secondary to this work will be new entry signage to Newmarket to help draw attention to the need for drivers to understand the unique circumstances of the Newmarket highway network:

4.8 The Highways Authority and the Council note that even without Local Plan Growth there will still be an increase in traffic on Fordham Road. This will therefore happen regardless of the Site Allocations Local Plan. It should also be recognised that this assessment is independent of the Hatchfield Farm Traffic Assessment growth, and is therefore not comparable. The AECOM

work assessed growth to 2031, whereas Hatchfield Farm was site specific growth to a different time frame.

- 4.9 The Highways Authority and the Council are satisfied that there are measures and options (outlined above) that are capable of being implemented along the 17 horse crossings to mitigate the effect of traffic and changes to the horse racing industry. These measures would ensure a safe and suitable crossing balancing population growth (using vehicles, cycles, walking to school, work, shops and well as additional vehicle movements from the industry itself) and the likely increase of horses and riders using the horse crossings and horse walks.

## **5. Policy Framework**

- 5.1 The importance of the Horse Racing Industry permeates the Forest Heath Local Plan and includes robust policy requirements which require consideration of the impacts of development on the highway network and on the horse racing industry.
- 5.2 Policy CS1 of the Forest Heath Core Strategy notes the ‘importance of the Horse Racing Industry and Newmarket’s associated local heritage and character [which] will be protected and conserved throughout the plan period. The economic and cultural role of Newmarket as the living heart of British horse racing will be developed and promoted.’
- 5.3 The joint Development Management Policies include the following requirements:
- DM45 – Requires transport assessment and the mitigation of highway impacts.
- DM47 – governs access proposals relevant to the horse racing industry itself and ensures that impacts on the highway network are given appropriate consideration.
- DM48 – Prevents development which is likely to have a material adverse impact on the operational use of a horse racing facility or would threaten the long term viability of the horse racing industry as a whole.
- DM50 – Supports the expansion/improvement of horse walks as made necessary by development.
- 5.4 The Third Suffolk Local Transport Plan (2011-2031), which sets out the Highway Authority’s transport strategy, recognises that Newmarket has a unique transport network. Part two of the Local Transport Plan, which covers the specific strategic towns, states that:

‘Horse racing remains very important for the Newmarket economy and [the County Council recognises] the need to protect it and assist its growth in our transport policies.’

- 5.5 This represents a policy framework which enables growth to be managed properly – of the racing industry, housing and jobs growth. The approach is responsive to change by additional traffic and changing needs of the Horse Racing Industry. To be prescriptive with a mitigation package would not be appropriate and would not meet the needs of the town and/or the Industry which is changing.
- 5.6 Changes to the Industry can be demonstrated. For example, planning permission has recently been granted for a Sky Gallop on the west of Newmarket, which could reduce horse movements by a ‘significant proportion’<sup>2</sup> changing the number of horses moving from stables on the western side of the town to the gallops on Warren Hill in the east. The Sky Gallop is a long term programme (with no date for implementation) as is the Local Plan covering the period to 2031. Equally, the industry could also change the way it operates by using land within its ownership providing alternative route/s to access the gallops.
- 5.7 The ongoing work with the racing industry and other local partners, together with the suite of proactive and responsive policies in place, represents an appropriate and flexible approach which demonstrates no evidential shortcomings.
- 5.8 Mitigation measures are available through a series of different options outlined above. The horse walks and crossings are regularly monitored and with the policies in place together with partnership working, Suffolk County Council are satisfied that there will be no safety or perception of safety issue.
- 5.9 Delivery is also not of concern. Planning contributions (s106) is only one funding mechanism. The Local Transport Plan has committed funding and will continue to do so. The Jockey Club Estates have also agreed to make a contribution.
- 5.10 As noted above, there is also a precedent for leaving certain mitigation to the development management stage of planning (Abbotskerwell Parish Council v Teignbridge DC [2014] EWHC 4166 (Admin)), this is the appropriate approach for ensuring the effects of development on the safety of the network of horse crossing is managed.

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<sup>2</sup> The Transport Assessment accompanying the planning application for the new ‘Sky Gallop’ on the western side of the town (Ref: DC/16/2063/FUL) notes that, of the horses recorded as crossing Exning Road on 13<sup>th</sup> and 14<sup>th</sup> May 2015, ‘It is probable that a significant proportion of these horse, if not all of them, were making their way to and from the Warren Hill Gallop. 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 numbers making the entire journey will reduce significantly. This is a very positive impact.’

## 6.0 Future Policy

6.1 During the Site Allocation hearings (which followed the SIR), the Horse Racing Industry acknowledged that mitigation could be dealt with at the planning application stage. They proposed a main modification which would address the adverse impact of traffic growth on horse crossings and horse walks at the planning application stage. This main modification, together with the Development Management Policies (DM45, DM47, DM48, DM50) are responsive and flexible to changes in traffic growth and changes in the industry while ensuring appropriate mitigation can be delivered if necessary via the planning application stage. The Council is content with the principle of some further policy provision but would suggest that the policy needs to be more focused and specific to development proposed at Newmarket than the wording put forward by the HRI. The Council therefore suggests the wording below be added to Policy SA6.

6.2 *Main Modification to Policy SA6 insert new requirement (MM8)*

***Permission will only be granted for development proposals where applicants can demonstrate that the transport impact of each proposal (including cumulative impacts where appropriate) on horse movements in the town, together with impacts on other users of the highway, has been assessed to:***

- (i) determine whether the proposal results in material adverse impacts; and***
- (ii) where necessary, to identify any measures necessary to mitigate the individual (and, where appropriate, cumulative) transport impacts of development (which may include contributions to upgrading horse crossings and measures to raise awareness of the special circumstances and highway safety issues in Newmarket where appropriate).***

6.3 The HRI is an exceptional industry/business which the Local Authority is proud to host. However, it is a balance of how the industry grows together with the population growth of the town and how they fit together. As well as the importance of horse walk movements there is also the importance of individual movements across the town. Both the District Council and Highways Authority are committed to work with the Horse Racing Industry.

6.4 A single piece of work is not appropriate given the changing nature of the horse racing industry. Rather, the ongoing collaborate working using the existing policy framework is more practical and proportionate. This work is planning for existing growth and is future proofing as a result changes to the

industry and growth caused by increased traffic for the Plan period and beyond.

## **7.0 Conclusion**

7.1 The increases in vehicular traffic at horse crossing locations are not considered an obstacle to the delivery of the Plan as options exist to increase the safety of horse crossings and a policy framework is in place to ensure that these requirements are considered and implemented.

- Both the District and County Councils are committed to the safe operation of horse crossings, including through the development management process.
- Options exist for improving the safety of horse crossings, with different options which could be delivered dependent on the specific requirements of each crossing.
- The Forest Heath Local Plan sets a policy framework for ensuring the development makes a contribution towards mitigating impacts on horse crossings where necessary.
- The Suffolk Local Transport Plan includes a commitment to work with the racing industry to ensure the safety of horse crossings, and this collaborative approach is already in operation

7.2 It is considered that this new proposed policy together with the existing policies are an entirely proportionate response in evidential terms and will ensure the conflict between horse and vehicles is effectively managed and inappropriate development not permitted. Furthermore at this plan making stage it is considered that it is disproportionate to have a more detailed solution given the period of the plan and possible changes during this period.