

Newmarket Neighbourhood Plan - Summary of the representations submitted to the independent Examiner (Reg. 16 stage)

West Suffolk Strategic Housing

The paragraph 9.8 refers to “sufficient affordable housing available to allow people who work in the town or who have local connections to live here”. This paragraph could be misleading. Affordable housing is allocated to households in line with the Council’s Lettings Policy which does not prioritise those with a local connection to Newmarket unless a site is brought forward under exception. I would therefore suggest the following wording;

‘In particular, there should be sufficient affordable housing available to allow people who work in the town or who have local connections **to West Suffolk** to live here.’

West Suffolk Economic Development

Bringing the train station building back into use would be a rail franchise issue, is the document merely stating what should be included should the station ever be brought into use? Greater Anglia or the DfT should be consulted on any rail station improvements.

Theatres Trust

The Trust considers that the Newmarket Neighbourhood Plan fulfils the “basic conditions” as set out within Paragraph 8, Schedule 4B of the Town and Country Planning Act (as amended).

We welcome that the Plan has made reference to King’s Theatre, which is an important community and cultural asset for the town, and that it has been recognised as one of Newmarket’s ‘Infrastructure Assets’. We also welcome that the Plan is supportive of the creative arts and culture as articulated through Policy NKT6 and Community Actions A7, B5 and B6. However, the Plan stops short of explicitly protecting its valued community, cultural and social facilities from unnecessary loss.

We consider there to be an opportunity to utilise the Plan to build on the strong criteria set out by Policy DM41 of the Forest Heath & St Edmundsbury Local Plan Joint Development Management Policy Document (2015) plus paragraph 92 of the NPPF (2019). This would safeguard criteria by which proposals within Newmarket are assessed should policy for the new West Suffolk authority change in future. Such a policy might be included alongside Community Actions B5 and B6.

Suffolk Preservation Society

We congratulate the Neighbourhood Plan team on the draft document and the emphasis upon the special qualities of the historic and architectural interest of the market town, together with its landscape setting. In particular policies which: value Newmarket's past; identify important views; identify important open green spaces; seek to control the design of new shopfronts; provide for greater levels of tree planting; promote the enhancement of the public realm and create attractive entrances to the town are welcomed. We are also pleased to see that a firm commitment is made to updating the conservation area appraisal.

The wording of policy NKT1 (Traditional Features and Materials for Developments within the Conservation Area) could be strengthened to reflect the statutory duty on local planning authorities to pay special regard to the protection of heritage assets (listed buildings and conservation areas) and their setting. We recommend that the wording in NKT1 more closely reflects this.

We note that whilst policy NKT1 refers to Listed Buildings it does not make reference to Locally Listed Buildings, otherwise known as Non-Designated Heritage Assets (NDHAs). These are unlisted buildings, features and monuments, both within and outside conservation areas, which have a degree of significance meriting consideration in planning decisions.

Neighbourhood Planning allows for the identification of NDHAs. West Suffolk does not currently maintain a district-wide Local List and a Neighbourhood Plan provides an ideal opportunity to provide one for your parish.

We would therefore strongly encourage your team to consider including a community action point to compile such a list, in conjunction with West Suffolk District Council. This will strengthen protection from demolition, or harmful development within the assets' setting, which is otherwise limited particularly outside the conservation area. SPS has recently been involved in two instances elsewhere in the county where the assessment of a building as NDHA (outside of a conservation area) has successfully prevented its demolition. We therefore also recommend that NKT1 is expanded to require development that affects NDHAs to take into account the scale of any harm or loss and the significance of the heritage asset.

Lastly, we note that the Neighbourhood Plan does not identify sites for the allocation of housing and presume that it relies upon the five sites that have been identified in the emerging West Suffolk Local Plan. Nevertheless, we are surprised that the Neighbourhood Plan, for the sake of completeness, does not make reference to these in a specific policy. The plan provides an ideal opportunity to reaffirm the position of the Local Plan and remove any possible opportunities for speculative development of unallocated sites to be brought forward at an early stage. Therefore, we would strongly suggest that your plan includes the housing allocation sites.

Suffolk County Council

SCC notes and welcomes the changes made to the plan based on comments made at previous stages of consultation. The County Council has no issues to raise regarding the Basic Conditions, however would like to provide updates to projects and initiatives relevant to the plan area.

SCC are supportive of the flood and water management policies within the plan and would like to highlight that the Surface Water Management Plan for Newmarket has been completed. This outlines the flood risk within the area and propose mitigation for the area which would be technically feasible, as well information on their cost effectiveness. The study can be accessed at the link below. The study does not necessitate any change to the policies in the plan but is a technical evidence document that may be relevant to development proposals in the area. <http://www.greensuffolk.org/flooding/surface-water-management-plans/>

SCC has not yet received notice regarding its' bid to the Departments for Transport Road Investment Strategy 2 (RIS2) in order to upgrade A14 Junction 37. Further updates will be delivered through the Transport Working Group.

Network Rail

In relation to the chapter about Rail Services and the policy NKT25: The station is currently operated by Greater Anglia and so any concerns about out of date maps and non-functioning ticket machines should be address to them. It should be noted that Network Rail freehold land ownership in the area is extremely limited, much of the land having been sold in an age before the importance of railway services was fully appreciated. It should also be noted that new trains are currently being introduced by Greater Anglia which should improve service reliability and will continue to provide toilets.

In relation to the promotion of the Weatherby Rail Crossing: This Level Crossing is not a public right of way. Network Rail has applied for a Transport and Works Act Order to extinguish all rights (if any) that do or may exist at the level crossing and a decision on this is anticipated by the end of 2019. As no rights of way have been shown to exist, Network Rail is within its rights to close this level crossing at any time. For reasons of safety and efficiency, we object to any policy that will intensify usage of an existing level crossing and are not able to grant additional rights over the railway on the level. We therefore objects to the current usage by the public, and additionally objects to any new/greater public right of way being created. Cycling on a public footpath is not allowed. If it is felt that there is a need for a crossing of the railway in this location (and it is our view that all users of the Weatherby level crossing can safety, accessibly and conveniently use nearby New Cheveley Road to cross the railway), this should be provided by way of a bridge or tunnel, to be funded by parties other than Network Rail. We would be happy to cooperate with such a structure subject to appropriate terms being agreed. It should be noted that land availability in the

area of the level crossing is limited and so space to develop an accessible bridge or tunnel could require stopping up of roads.

Natural England

Natural England can confirm that the production of the Neighbourhood Plan is not likely to have significant effect on any of the European sites listed in the SEA document, including Devil's Dyke Special Area of Conservation (SAC), either alone or in combinations with other plans or projects. We welcome the emphasis on providing green infrastructure to support both biodiversity and the wellbeing of local residents within the plan.

National Grid

An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high-pressure gas pipelines. National Grid has identified that it has no record of such apparatus within the Neighbourhood Plan area.

The electricity distribution operator in West Suffolk Council is UK Power Networks. Information regarding the transmission and distribution network can be found at: www.energynetworks.org.uk.

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our infrastructure.

Historic England

We welcome the production of this neighbourhood plan, but do not wish to provide detailed comments at this time. We would refer you to any previous comments submitted at Regulation 14 stage, and for any further information to our detailed advice on successfully incorporating historic environment considerations into your neighbourhood plan, which can be found here: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

Please notify me if and when the Neighbourhood Plan is made by the district council. To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed NP, where we consider these would have an adverse effect on the historic environment.

Environment Agency

We are a statutory consultee in the planning process providing advice to Local Authorities and developers on pre-application enquiries, planning applications, appeals and strategic plans. We aim to reduce flood risk, while protecting and enhancing the water environment. We have had to focus our detailed

engagement on those areas where the environmental risks are greatest. Based on the fact that your Plan does not seek to allocate housing/development sites and the environmental constraints within the area, we have no concerns and no detailed comments to make in relation to your Plan.

Resident

Who actually wrote this document and for whose benefit? Firstly, narrowing of the High Street and making it look pedestrianised! Not great, what happens when the A14 is closed and race days? How are you going to meet the needs regarding housing? Keep the current policy of building to prop up the racing industry? Forcing development outside of Newmarket with Infrastructure Levy or section 106 coming into our community to improve all our lives.

Horse crossings - The industry want them, let them pay for them. Why is public money being used to improve them? We have seen a marked increase in horse numbers in the last 30 years with little or no improvement by JCE or the racing industry to horse crossing. It's always public money or section 106 etc money used.

Sellwood Planning

Continued progress on the Neighbourhood Plan (NP) is welcomed and it is noted that the Reg 16 plan picks up some of our previous comments made at Reg 14 stage.

Our main concern is whether the NP meets the 'basic conditions' in terms of conformity with national guidance and the development plan for the area. The current development plan comprises the Core Strategy, the Joint Development Management Policies Document and the 'saved' parts of the 1995 Forest Heath Local Plan. However, as the NP notes at paragraph 4.1 (and elsewhere), the Single Issue Review of the Core Strategy (SIR) and the Site Allocations Local Plan (SALP) are due to be adopted very shortly. These will replace the 1995 Local Plan, identify site allocations in Newmarket and define a new settlement boundary.

The NP takes the rather strange approach of noting the advanced stage of the SIR and SALP, noting that these documents confirm the need for allocation of 771 homes in the town and refer to seven SALP allocation sites. However, the Plan does not reflect these allocations and the new settlement boundary on the basis that 'the SALP is still being examined' (para 9.1).

Whilst this is technically true as at July 2019, the latest SIR / SALP modification consultation has now finished and related only to HRA / SA matters which have no impact on Newmarket. There is, therefore, some confidence that the current proposals for Newmarket will not change.

The effect of this is that if the NP is 'made' prior to the adoption of the SIR / SALP, it will comply with the old, but current, development plan. However, if the SIR / SALP are then adopted a month or so later, their allocations and consequential settlement boundary will immediately render large parts of the NP out of date.

Since one of the main purposes of the NP process is to give local communities clarity and confidence on what will, or will not, be permitted in their area, it seems contrary to the ethos of Neighbourhood Planning to rush to have a plan made under a development plan context which will be imminently replaced. In these circumstances, the NP would have little weight in development management decisions which will be a disappointment for the local community.

The sensible and prudent option would be to incorporate the SIR / SALP proposals in the NP and undertake a further consultation once the SIR / SALP Inspectors Reports are received. Not only would this ensure that the NP reflects the up to date SIR / SALP, but the Neighbourhood Plan would be a highly material consideration in the determination of planning applications for the SALP allocations.

Reference to the SALP allocations would also help to demonstrate how some of the issues identified in the NP can be overcome or mitigated by the allocations. For example, the proposed Hatchfield Farm allocation will: Deliver the part signalisation of the A14 / A142 junction, a signalised horse crossing at Rayes Lane plus associated widening to the Fordham Road horsewalk, the site and a financial contribution to a new Primary School and nursery, 30% (120) affordable homes, funds to upgrade the 'Yellow Brick Road' , funds to enhance GP services in Newmarket and funds for improvements to public rights of way.

If these changes are not included in the pre-Examination draft, we would urge the Examiner to conclude that the Neighbourhood Plan should be based on the SIR / SALP and fully reflect its provisions. As such, a number of modifications will be required to the Plan.

Anglia Water

Policy NKT18: Sustainable Design Features to Counter Newmarket-Specific Flood Risk: We note that changes have been made to the Neighbourhood Plan in response to comments made by Suffolk County Council as Lead Local Flood Authority relating to surface water management features. Anglian Water is generally supportive of Policy NKT18 although we would ask for the first paragraph be amended to be positively phrased to say 'wherever possible' rather than 'where appropriate' as currently drafted. Also the final paragraph of this policy should include reference to rainwater and stormwater harvesting as measures of relevance to surface water management together with those currently referenced in the policy.

Resident

As you know, Neighbourhood Plans are unusual in that the groups who draw them up need not be democratically elected, and such is the case with this Newmarket Plan. The local Public Consultation procedures, in addition, have not always demonstrated best practice. The text which I read most recently contained factual error-despite the steering group having had the support of Local Government personnel. Nevertheless, that same version of the Plan has been formally adopted by Newmarket Town Council.

It is a matter of opinion as to whether steering groups should formally advance "Policies" concerning matters and responsibilities which Parliament has clearly (and for very good reasons) placed EXCLUSIVELY in the hands of other statutory bodies. But if they do, they and their successors have, of course, no formal powers to act in such matters; and the statutory bodies concerned usually head-off unnecessary confusion quickly, by firmly clarifying the respective powers in their printed advice to groups who aspire to Neighbourhood Plans. For instance, if Conservative Buckinghamshire feels it is sensible to take such a cautionary step (as it has) then other Counties could, sensibly, do the same. Regrettably, I have not, so far, found evidence that Suffolk County Councillors have followed this clear and helpful path.

You will, therefore, understand that I wish to get in touch with the Independent Inspector to raise my concerns directly, because of my interest in the safety, amenity and welfare of ordinary residents of Newmarket. This contact needs to be well before any referendum, so that the said safety, amenity and welfare may be properly defended.

Obviously, this kind of referendum in Newmarket could be far more significant than referendums in most other civil parishes, because of Newmarket's characteristics. But the relevant expenses formula is one which applies to all such events. I hope that this latter fact will be emphasised to all concerned, and in timely fashion, I.e. Well before the referendum.

I should add that I have previously indicated my concerns in my response at the consultation stage.

Sport England

Government planning policy, within the National Planning Policy Framework (NPPF), identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process.

It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference

to Paras 96 and 97. It is also important to be aware of Sport England's statutory consultee role in protecting playing fields and the presumption against the loss of playing field land. Sport England's playing fields policy is set out in our Playing Fields Policy and Guidance. <http://www.sportengland.org/playingfieldspolicy>

Sport England provides guidance on developing planning policy for sport and further information can be found via the link below.

<http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/>

Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 97 of the NPPF, this takes the form of assessments of need and strategies for indoor and outdoor sports facilities. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning body time and resources gathering their own evidence. It is important that a neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities are utilised to support their delivery.

Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be able to support the development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work. <http://www.sportengland.org/planningtoolsandguidance>

If **new or improved sports facilities** are proposed Sport England recommend you ensure they are fit for purpose and designed in accordance with our design guidance notes. <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-costguidance/>

Any **new housing** developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that new sports facilities, or improvements to existing sports facilities, are secured and delivered. Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.

Sport England's Active Design Guidance, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved. See:

<https://www.sportengland.org/activedesign>