

Popham Planning Consultants

Document:

Response to Sunnica Energy Farm DCO application document
8.10 Horse Racing Industry Impact Assessment [REP2-039]

Property/site:

Land north of Newmarket, Suffolk/Cambridgeshire

Proposal:

Sunnica Energy Farm

Client:

Say No to Sunnica Action Group and Newmarket Horsemen's Group

Date:

November 2022

1. This response is on behalf of the Newmarket Horsemen's Group (NHG), who represent the Horse Racing Industry of Newmarket (HRI)¹ and of Say No To Sunnica Action Group Limited (SNTS), the umbrella objector organisation in respect of the Sunnica Energy Farm DCO application which the NHG support. The NHG has direct knowledge of the workings of the HRI, how it operates, its strengths, the threats and difficulties it faces and are likely to be those who are the most well-informed about these and the impact of the proposed Sunnica Energy Farm proposals on Newmarket and the HRI.

The Authors of Sunnica Horse Racing Industry Impact Report [REP2-039]

2. It would appear that none of the authors of the Sunnica Horse Racing Industry Impact Report have any direct expert knowledge of working as part of the Horseracing Industry in Newmarket nor, in the absence of such knowledge, have they called upon any other person with any such direct interest or knowledge to inform them of the potential impact of the Sunnica Energy Farm proposals on the HRI. This is in total contrast to the information and evidence put forward by the above parties on whose behalf this response is made and in contrast to the Rapleys "Assessment of impact of proposed energy farm on the horseracing industry in Newmarket and the immediate surrounding area"² (Rapeleys Impact Assessment) which is based upon detailed investigation. The only stated knowledge that has been gained as an expert witness by Lichfields, it seems, was by one author³ concerning the impact of a housing development (Hatchfield Farm) at Newmarket, principally as to whether the traffic generated by the housing proposal would adversely impact upon the HRI. The weight to give to this expert evidence therefore depends upon the similarities or dissimilarities of the two proposals – Hatchfield Farm and Sunnica Energy Farm, and whether such knowledge causes the authors to have special or relevant expertise.
3. The Hatchfield Farm case was materially different to the Sunnica proposals in terms of both subject matter and impacts, which, as stated in the Lichfields Report, concerned a proposed housing extension of Newmarket. The objections by the Newmarket HRI were "primarily due to its potential highways impact and alleged consequential impacts on the HRI"⁴. This is in contrast to the objections of the HRI to the Sunnica proposals which are to the substantial changes and industrialisation of the landscape with its material visual and landscape impacts and indirect economic impacts. They are different to the objections made to the Hatchfield Farm proposals which were principally on traffic grounds. The conclusion to be reached is that this may give the

¹ Including The Jockey Club (which includes Jockey Club Estates, Newmarket Racecourses and the National Stud), Tattersalls Limited, Godolphin and many trainers and others, including stud farmers, in the Newmarket area.

² Appendix to Rapleys Summary assessment of impact on the horseracing industry in Newmarket & connected planning policy assessment [REP2-240f]

³ Mr Matthew Spry: Lichfields Report [REP2-039] §§1.4 – 1.6

⁴ Lichfields Report §2.25 [REP2-039]

authors of the Lichfields Report some general knowledge of the HRI but it is limited in its relevance and although the ability of the HRI to withstand development related impacts was considered at the Hatchfield Farm public inquiries, the subject matter and nature of such impact was materially different from the matters at issue with the Sunnica proposals.

4. In any event, greater weight should be placed upon the views of those with direct knowledge of the HRI and, if the report is made by persons external to the HRI, an assessment of impacts obtained from those within the HRI of the proposals in question is essential. This was carried out in the Rapleys Impact Assessment which relies, among other things, upon interviews with established industry figures and knowledge gained through extensive desktop research, site inspections, and discussions about the history and workings of the HRI over many months. No equivalent exercise has been carried out by Lichfields who drew upon comparators in the form of external factors which are not true comparators of the impact that the Sunnica Energy Farm development would have, as is explained below.
5. The Sunnica Energy Farm development would threaten the long term viability of the horseracing industry as a whole. It is not alleged that there will be an immediate sudden collapse of the industry as a result of the proposals but that a threat would exist to the long-term viability of the HRI as a result of the proposals, a threat to its pre-eminent position in not only the UK but the world, and to its subsequent viability if its pre-eminent position is threatened.

The importance of the Newmarket HRI and its pre-eminence

6. It is common ground that the HRI is clearly “relevant and important” to the decision of the Secretary of State in the context of local planning policies that under section 105(2) of the Planning Act 2008 are matters that the Secretary of State must have regard to⁵.
7. It is also common ground that Newmarket is pre-eminent in the UK and in the world⁶:
 - i. direct HRI jobs account for circa 30% of jobs in Newmarket⁷;
 - ii. that Godolphin continues to operate at Newmarket because of the world-class facilities within the economic cluster it has become ⁸;
 - iii. there is a critical mass of infrastructure as well as concentration of expertise within the town that cover all aspects of the industry and makes it unique⁹;

⁵ Lichfields Report §2.18, 2.19

⁶ See generally Lichfields Report [REP2-039] section 3 and Rapleys Summary assessment of impact on the horseracing industry in Newmarket & connected planning policy assessment [REP2-240f] §20

⁷ Lichfields Report §3.2

⁸ Lichfields Report §3.3

⁹ Lichfields Report §3.4

- iv. the core HRI activities are wide ranging and there is a wide range of businesses providing linked goods and services including professional services and auctioneers¹⁰;
 - v. the town also benefits from a number of leading equine veterinary practices¹¹ and 10 registered racehorse transporters, and equine transportation services by air essential for a global centre of horseracing¹²;
 - vi. Newmarket is firmly established as an international racehorse breeding hub; of 51 stallions nationally, 36 of these are based in Newmarket¹³;
 - vii. Newmarket is the largest racehorse training centre in the UK with the largest concentration of trainers in Great Britain and 31% of the top 100 ranked trainers based in Newmarket, with most training grounds open 7 days a week all year round, catering for all types of racehorse, at every stage of their career, from yearlings to point-to-pointers (with the training grounds used in the mornings)¹⁴;
 - viii. Newmarket horseracing dates back to 1750 and is still very much the headquarters of horseracing in the UK and, arguably, the world, in terms of the breeding, sale and training of (flat) racehorses¹⁵;
 - ix. British racing is highly regarded on the international stage and continues to maintain a strong position in the world rankings and that owing to this, Britain attracts overseas investment from the people who choose to breed, train and race their horses in Britain¹⁶; it has a reputation as a centre of international excellence;
 - x. It attracts the best horses who go on to become champion sires and broodmares. You cannot put a monetary value on such quality¹⁷.
8. It is therefore agreed that Newmarket HRI has pre-eminence in the world as the best location for racehorse training, breeding, and the best support services and professions including veterinary services and racehorse auctioneers.
9. The Lichfields Report fails to acknowledge that the scheme would have any adverse impact of the on the use and function of Godolphin's Chippenham/Snailwell Gallops and the Limekilns gallops,

¹⁰ Lichfields Report §3.5

¹¹ Lichfields Report §3.20

¹² Lichfields Report §3.21

¹³ Lichfields Report §3.8

¹⁴ Lichfields Report §3.10, 3.12, 3.15

¹⁵ Lichfields Report §3.19

¹⁶ Lichfields Report §3.28

¹⁷ Lichfields Report §3.29

on PROWs or on any stud farm including those identified in the Rapleys Impact Assessment¹⁸ and Brookside Stud at Badlingham.

10. The fact that Newmarket HRI has pre-eminence in the world is itself of substantial importance to protect from development which could threaten its long-term viability as a whole. It is that pre-eminence which is to be protected by policy in the relevant development plans and also in national policy, which is to support economic growth and productivity, particularly important where Britain can be a global leader¹⁹, whenever possible to support it maintaining its global leader status through planning decision making, and prevent it falling from that position. It is that status of pre-eminence which must be protected; the approach in planning decision making is not to consider whether it is strong enough to be able to resist threats. Planning policy is for threats to the viability of the HRI as a whole to be prevented before they arise, not to be permitted and then regretted later.
11. The evidence before the ExA demonstrates that the conclusion can be drawn that the loss of Newmarket HRI's pre-eminent position as a result of the Sunnica Energy Farm development would threaten its long term viability as a whole. A significant proportion of the substantial economic and other benefits which the HRI brings to Newmarket and the United Kingdom are due to its pre-eminence. They would be substantially less if it were to be other than the pre-eminent location in the world. The decline from that position as a consequence of impact from the Sunnica development would be unlikely to be immediate, it would be likely to be gradual and, like the drip of a tap losing water from a tank, the decline of an industry over the long term can often be unnoticeable at first, but can arrive at a position which is difficult to reverse, hence the policy position in the local plan of preventing all threats to the HRI's viability as a whole *over the long term*.
12. It is the NHG's case that it is the pre-eminence in the world of a UK sector or industry, here that of Newmarket's HRI, which should be protected by planning policy and that it should not be permitted by planning decision making to be allowed to decline from that position. As will be shown below, the pre-eminence of the Newmarket HRI is under substantial threat already from abroad, in particular Ireland, France and Australia and other countries with high quality HRIs that have high quality supporting services and facilities.

National Policy

13. It is to be noted that there is no National Policy Statement specifically dealing with solar energy generation. Draft NPS-EN-3 is to be given minimal weight as it is a consultation document.

¹⁸ See Appendix to Rapleys Summary assessment of impact on the horseracing industry in Newmarket & connected planning policy assessment [REP2-240f] §7.8

¹⁹ NPPF §81

Overarching policy in NPS EN-1 is being revised and its draft revision document NPS EN-1 is also to be given minimal weight at this stage. It is therefore relevant to have regard to NPS EN-1 where relevant and national policy contained in the NPPF.

14. NPS EN-1²⁰ requires the decision-maker to take into account the *potential* adverse impacts of any proposed development, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for *any* adverse impacts. It also requires the decision-maker to take into account environmental, social and economic benefits and adverse impacts at national, regional and local levels. NPS EN-1²¹ requires the decision-maker to satisfy itself that the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including the quality of the area in which the development would be located) as far as possible recognising that high quality and inclusive design goes far beyond aesthetic considerations. It further requires the applicant to be able to demonstrate in their application documents how the design process was conducted and how the proposed design evolved.
15. Having regard to national policy, there is an imperative to consider siting and good design at the site selection stage. There is no evidence that Sunnica when considering site selection and 'good design' of the scheme had paid sufficient regard to the impact of the proposed scheme on the HRI and on the Limekilns in particular. The absence of such consideration is considered in the report of Michelle Bolger Expert Landscape Consultancy²² and is not repeated here. The fact that the impact upon landscape character and also visual impact of the proposals in Sunnica West A (in particular but not exclusively) upon the upper slopes of the Limekilns is major adverse and unable to be mitigated over time is testament to this point. It is concluded that the only way in which such mitigation is able to be effected is by omission of at least Sunnica West A from the proposals, as stated by the Councils in their LIR.
16. As above, the NPPF is relevant to the consideration of the proposed scheme. It is considered below. In addition to the paragraphs on energy, attention is drawn to para 81 which states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. NPPF also supports a prosperous rural economy. In addition, NPPF seeks to protect valued landscapes and to recognise the intrinsic beauty of the countryside, including its economic benefits²³, such as the Limekilns. These parts of the NPPF apply in this case and support the Newmarket HRI.

²⁰ NPS-1 (2011) §§4.1.3, 4.1.4

²¹ NPS-1 (2011) §§ 4.5.1, 4.5.3

²² Michelle Bolger Expert Landscape Consultancy Landscape and Visual Issues Report [REP2-240b] section 8 and LIR of relevant local authorities

²³ NPPF §174

The Two Key Questions

17. Lichfields in their Report²⁴ ask two 'key' questions, taken from relevant policies in the Local Plans of the area concerning the HRI and applying section 105(2) of the Planning Act 2008²⁵ (words in brackets added):
1. Is the [Sunnica Energy Farm] scheme likely to have an adverse impact on the operational use of an existing site within the [Newmarket] horse racing industry?
- And/or
2. Would the [Sunnica Energy Farm] scheme threaten the long-term viability of the [Newmarket] horse racing industry as a whole?
18. Taking these two 'key' questions, if the answer to either of them is in the affirmative, this would count heavily in terms of weight against the proposals. These key questions will now be considered in turn below.

Key Question 1

19. A number of observations can be made concerning the test to apply:
- i. It is important to note that this key question, derived from the policy test in the adopted East Cambridgeshire Local Plan, is not to permit development which causes an 'adverse impact' on the operational use of an existing site.
 - ii. It can be seen that the bar in this test is set deliberately relatively low in evidential and policy terms – for the policy presumption against to apply, the adverse impact is not required to be 'substantial' or 'serious' or 'undermining', but merely 'adverse'. It is reasonable to surmise that this is because of the substantial importance of the HRI and its significance to Newmarket. It is also likely to reflect the relative vulnerability of the Newmarket HRI's pre-eminent position, economically, culturally and socio-economically.
 - iii. Further, the 'operational use' of a site would include the use made of that site by any one or more HRI entities, or the Newmarket HRI as whole, including a function to which it is put. It does not have to be a physical or a direct affect; this is not the wording of the policy, although such affects are of course included. Glint and glare is accepted as being within the ambit of the policy and this is indirect.

²⁴ Lichfields Report §2.22

²⁵ Lichfields Report §2.18, 2.19

- iv. The policy applies to protect all HRI sites potentially affected; it applies to any site which is likely to be adversely affected in the short, medium and long term.
 - v. Key Question 1 criterion in contrast to Question 2 criterion does not require consideration to be made of the HRI as a whole, nor of viability per se, even though an impact on the operational use of an existing site may affect its viability in many cases. The impact merely has to be 'adverse'.
20. To answer Key Question 1, it is therefore relevant to determine (i) what use is made of one or more relevant sites, or their function to one or more members of the Newmarket HRI; (ii) what impact upon them would be caused by the Sunnica Energy Farm scheme; and (iii) whether the impact would be adverse. This includes the impact caused by the Sunnica scheme on: (a) the Limekilns gallops; (b) Godolphin's Chippenham/Snailwell Gallops; (c) stud farms; and (d) on roads and PROWs used by the HRI.
- a) Impact on the operational use of the Limekilns by the HRI
- (i) Operational use
- a. The evidence set out in the Relevant Representations and Written Representations of SNTS and NHG is that the Limekilns gallops function not merely as gallops of significant importance to the Newmarket HRI in that they are used by horses (often exceptional horses) and riders for training on high quality gallops, with permissive access for residents of the Newmarket area and HRI employees for recreation after 1pm throughout the year, but they also function as a principal showcase or front window for the HRI. The Limekilns gallops' value as a showcase to the HRI and therefore its operational use and function is a combination of its exceptionally high quality use for racehorse training and its quintessential consummate historical setting for horserace training.
 - b. The spectacle of horses in training on the gallops is witnessed by visitors taken to the Limekilns by trainers, not merely observed with their eyes but felt by the intensity of their emotions including of the place, if they are passionate about horseracing. The setting of the gallops is an essential part of their high value, not to be set aside as something which is not noticed or considered of little importance by visitors, as alleged by Lichfields²⁶.
 - c. Also to be taken into account is the value placed on the Limekilns by trainers and stable staff, who are there regularly if not every day and the Newmarket Limekilns gallops are held in high esteem by them; the quality of the landscape and their

²⁶ Lichfields Report §6.23

historical significance within the history of Newmarket is a material part of their enjoyment of their work and working environment.

- d. They combine to make the Limekilns gallops one of the most prized, if not the most prized asset, of Newmarket's HRI, exemplifying to owners and investors and future owners and investors the reason why Newmarket is pre-eminent in the world for racehorse breeding and training.

(ii) Impact

- a. As has been demonstrated in evidence of SNTS, the impact of glint and glare on horses in training has been inadequately assessed and any associated hazards denied²⁷. The Rapleys Impact Assessment sets out further evidence of adverse impact upon the operational use of sites and areas by the HRI. Sunnica's assessment of glint and glare²⁸ was on what they refer to as "horse facilities". Some of the most famous and valuable horses in the world train on the Limekilns gallops and Godolphin's Chippenham/Snailwell Gallops and glint and glare from solar panels and reflective surfaces would be a potential safety problem when the sun is above the horizon when horses train.
- b. The PROWs should also be protected from glint and glare and it is noted that solar reflections are geometrically possible towards most of them²⁹. It wrongly states there to be no associated safety hazard on PROWs including bridleways. A sudden glint or glare to a horse could cause it to react unpredictably and place itself and its rider in danger of injury. The HRI is concerned with this remark which it regards as dismissive of a potential serious consequence. It seeks a reconsideration of this evidence and also adequate assurances of no increased glint and glare without adequate mitigation, including a review once the panels are installed.
- c. It is said by Lichfields³⁰ that Sunnica's Glint and Glare Assessment concludes that there is no reflection geometrically possible and that no impact is therefore possible at the Limekilns but there exists the possibility of reflections in the morning at Godolphin's Chippenham/Snailwell Gallops, but with mitigation it is anticipated by Sunnica that there would be no residual effects. Mitigation to prevent glint and glare is proposed. Horses are normally galloped from south-west to north-east on the Railway Land then return from north-east to south-west on the Limekilns. However, the Derby trials are in the opposite direction on the Limekilns and involve the best and highly valuable Derby trialist horses. The HRI would expect mitigation to make this a certainty and not a mere likelihood of no residual effects, given the danger to

²⁷ Sunnica Glint and Glare Assessment [APP-121] pages 7, 8, 29, 34, 52 – 53, 61 (PDF pages)

²⁸ APP 121

²⁹ APP 21 §9.5 p69

³⁰ Lichfields report §6.5 item 4

horses and riders travelling at up to 35mph or more and the high value of the horses involved.

- d. As stated by Michelle Bolger Expert Landscape Consultancy in its Landscape and Visual Issues Report³¹, Sunnica West A opposite the Limekilns 'is part of the agricultural landscape which is seen in the views looking north from the gallops and provides an essential rural setting for the Limekilns. The setting has been included in many of the paintings and prints that depict both individual horses on the Limekilns and horseracing activities taking place on the Limekilns'. Some of the paintings which depict the rural setting of the Limekilns, in which the site of Sunnica West A is visible, are found within her report³².
- e. It is misleading to state that a visitor, owner or investor may only view the proposed scheme for a very limited time from certain locations on the gallops³³. As Michelle Bolger Expert Landscape Consultancy³⁴ found: 'Within the Limekilns there would be a constant awareness that the wider rural setting to the Gallops had been replaced by an extensive solar PV development. At the most elevated parts of the Limekilns, the development would be visible across a wide field of view, such that one would have to turn one's head in order to take it all in'. The owners and investors as well as the majority of visitors who view the horses in training approach the gallops from the Bury Road and watch them from an elevated position. It is this vista from elevated positions on the gallops to the north of the Bury Road which take in all the landscape, and which is chosen by the trainers and those visiting the gallops to view the horses; it is not the locations lower down even if the gallop in use that day is further down. They are only able to see the whole of the gallops from start to finish (normally east to west) from an elevated position where they will have a grandstand view of not merely the horses on the gallops but of the fields and hills beyond. It is an iconic view, with Ely Cathedral visible in the distance on clear days, as depicted in various paintings of famous horses and horseracing scenes³⁵ (and as witnessed by the ExA Panel on h first accompanied site inspection).
- f. The impact of the A14 and railway is limited to views of the upper parts of higher vehicles going past and the much less frequent trains. In terms of visibility from viewpoints near the top of the slope on the Limekilns, both lie below the fields in which the PV panels and BESS/substations are to be located, and which are clearly visible from much of the Limekilns and adjoining areas on the Railway Field and Water Hall Gallops, as demonstrated by recently submitted Sunnica drawings which

³¹ Michelle Bolger Expert Landscape Consultancy Landscape and Visual Issues Report [REP 2-240b] §7.22

³² Michelle Bolger Expert Landscape Consultancy Landscape and Visual Issues Report [REP 2-240b] Figure 12

³³ Lichfield report §§6.22 - 6.24

³⁴ Michelle Bolger Expert Landscape Consultancy Landscape and Visual Issues Report [REP 2-240b] §9.23

³⁵ Appendix to Rapleys Summary assessment of impact on the horseracing industry in Newmarket & connected planning policy assessment [REP2-240f] p30, §9.14, §9 p71

show how widely and over such a large area the PV and BESS/substation sites would be visible. The sheer size and cumulative impact of the Sunnica scheme would be substantial and given the importance of the Limekilns, significant³⁶.

- g. When waiting for horses to gallop past, and between 'strings' of horses, it is normal for trainers to talk to their visiting owners and investors and prospective owners and investors about the history of the Limekilns gallops, pointing out the view of landscape opposite, towards Ely Cathedral, and the fact that the world famous Limekilns have, uniquely to Newmarket, been in use for centuries for racehorse training, including of many Derby winners, from the early days of horseracing in Britain. Even when Ely cathedral is not visible due to the weather, mention is made of it and of the paintings found in the Jockey Club Rooms which are then able to be seen in a tour of Newmarket with a new or prospective owner or investor. This is invariably done by trainers and horseracing managers of stables on exclusive tours seeking, by the exceptional experience they are able to offer, to entice a prospective owner or investor to place a horse with them, but also by tour guides when members of the public visit the principal sites of Newmarket and view the gallops, especially during the spring and summer months when training is at its height before the major races.
- h. The vista from the Limekilns and the visitor experience would be adversely affected by the Sunnica scheme. This would adversely affect the operational use of the Limekilns as a showcase for the HRI. It is to be noted that it is accepted by Sunnica that the scheme would cause 'moderate adverse' impacts to some views from the gallops, including views from elevated positions³⁷. Michelle Bolger Expert Landscape Consultancy has found the impact to be major adverse overall and that mitigation would not screen the development and that the long-term effect on the landscape would remain major adverse.

(iii) Conclusion

- a. In conclusion, the impact on the operational use of the Limekilns as a showcase of the HRI would be adverse and if a measure were to be placed upon it, high adverse. Question 1 above is therefore answered in the affirmative.

³⁶ See Sunnica drawings [REP1-017 to -022 inclusive] – note that the barriers make no material difference. View to equine riders from eyepoints at 2.7m agl. Having regard to the slope of the Limekilns, which drops from 60m to 45m AOD over 300m or less in places, (a circa 1:20 slope). For a 1.5-1.7m agl eye level of a person on foot, the area shaded brown on the plan (indicating both Sunnica East and West sites being visible) would be about the same as for a person on horseback at 2.7m eye level standing 20-25m in front of them down the slope, i.e. above the 50 contour, i.e. within more than half of the area shaded brown both East and West sites would be visible.

³⁷ Lichfields Report §6.22

b) Impact on the operational use of Godolphin's Chippenham/Snailwell Gallops

(i) Operational Use

- a. The gallops are used throughout the year for the training of racehorses. Its operational use or function is of an existing site within the HRI.

(ii) Impact

- a. Public Right of Way (PROW) 204/5 is a bridleway running SE-NW between Godolphin's Chippenham/Snailwell Gallops and Sunnica West Site A. The gallops lie immediately to the west of the PROW, and horses and riders would pass within a matter of a few metres of the site when using the gallops. In addition, horses and riders form up and turn around immediately adjacent to the bridleway at bottom of the gallops. Further, horses and riders on the gallops are able to use a secondary access onto the bridleway at its south-east corner.
- b. There is assumed to be the potential for electrical equipment, in particular, to startle and/or scare horses especially racehorses, as a result of any noise it generates, particularly if there are noticeable changes in tone or volume. Racehorses can be highly nervous animals, particularly prone to being startled and/or scared; their hearing is particularly acute. Unpredictable noises are unlike noise from traffic or from crowds at racecourses or within stables/yards or elsewhere which they are used to.
- c. If unpredictable noises were to occur the resultant effect of racehorses would be unpredictable. At best it could be relatively ignored by them, at worst, depending entirely upon the horse and its reaction which is totally unpredictable with most such horses, it could cause the horse to buck, kick out at other horses, try to go backwards, rear or charge forwards, or otherwise to be unmanageable by its rider, even by professional staff who ride out each day, and potentially to throw the rider to the ground causing injury. The horse or other horses in a string could also be injured. This is by no means unknown to be the consequence of startling noises on racehorses.
- d. Some of the horses which use the gallops including Godolphin's Chippenham/Snailwell Gallops would be valued in the millions of pounds. If there were the potential for horses being startled and/or scare and therefore harmed, the Chippenham/Snailwell gallops have the potential to become unusable as the risk to horses and riders would simply not be worth taking.
- e. In addition to the potential for noise to startle and/or scare horses, the visibility of photovoltaic cells and equipment from the Chippenham/Snailwell gallops creates the potential for glint and glare impacts (which is accepted in the Sunnica Report). Reflection of sunlight into the eyes of horses could startle and/or scare them and, if going at speed on the gallops, cause them to veer to one side or rear up. It is

understood that Sunnica's assumptions over glint and glare include an assumption that existing vegetation would be a sufficient visual barrier to prevent impacts. Despite this, additional visual barriers are proposed to be erected as part of the scheme's mitigation measures. If the photovoltaic panels and equipment were to remain visible to horses and riders on the gallops and bridleway, which is a well-used bridleway with views from openings within the tree belt on its north-eastern side to countryside beyond (the closest parts of which comprise Sunnica West Site A), the potential for an adverse impact would remain.

- f. It is recognised that mitigation measures have been proposed. However, these would have their own impacts, including the visual separation of the bridleway from its rural setting, an adverse impact identified by Michelle Bolger Expert Landscape Consultancy³⁸. Notwithstanding this fact, the only mitigation which could make the Sunnica Energy Farm scheme acceptable in terms of its impact on the operation of the Chippenham/Snailwell Gallops (and bridleway PROW 204/5 as far as equine interests are concerned) would be a separation of any photovoltaic panels and equipment from both such that they could not startle and/or scare horses visually or by noise.

(iii) Conclusion

The impact on the operational use of Godolphin's Chippenham/Snailwell Gallops would be adverse and if a measure were to be placed upon it, medium/high adverse. Question 1 above is therefore answered in the affirmative.

c) Impact on the operational use of stud farms

(i) Operational Use

- a. The stud farms below are used throughout the year for the breeding of racehorses. Their operational use or function is of existing sites within the HRI.

(ii) Impact

- a. Stud farms require relative quiet and tranquillity for brood mares and young foals without startling noises. For example, the stud farm of John James³⁹ at Badlingham known as Brookside Stud, which has been in business for 20 years, would be substantially adversely affected in particular with the proposals for a BESS to be located almost adjacent within Sunnica East Site B with the unpredictable noises that it has the potential to produce, including from the substation proposed with other plant and equipment. A PROW is to be redirected immediately adjacent to the stud's

³⁸ Michelle Bolger Expert Landscape Consultancy Landscape and Visual Issues Report [REP2-240b] §§7.19, 9.29

³⁹ John James WR [REP2-165]

eastern boundary, with dogs and young persons who can cause a significant unpredictable disturbance and may cause mares to bolt. That can result in injury to the mare and at worst loss of a foal. These are all risks and perceived risks for owners. That in itself is enough to cause adverse affects.

- b. Owners and prospective owners look for a relatively quiet environment for their mares. When owners choose stud farms and training yards for their horses, they do so to obtain pleasure by visiting them, to see them in the countryside and rural fields, not an environment which is dominated for many future years at least by an adjacent PV farm, substation, shunt reactor and BESS and the industrialising effects they would have. The industrialisation of the countryside around John James' stud farm would cause him to be at a severe comparative disadvantage compared to other stud farms in the area for many years.
- c. This would be unlikely to be survivable, given the choice to owners of brood mares of stud farms elsewhere. The uncompensated impact on John James' business as a result of noise and disturbance during construction would be severe, would be likely to prohibit the use of practically half of his paddocks for grazing. This would reduce substantially the number of horses able to be kept at the stud. He would be likely to have to relocate elsewhere as a consequence, if able to do so.
- d. In addition, emergency evacuation from the stud would be a significant problem and potentially impossible in the time required. The stud accommodates up to some 40 horses at a time an emergency could occur any time day or night.
- a. The stud farms known as Plantation Stud and Snailwell Stud, which are located at Snailwell, lie adjacent to what is currently a minor road between the A14/A142 junction and Snailwell that would be used as a vehicular access to the Sunnica West Sites A + B from the A14, including by HGVs. It would be severely impacted upon by the noise of heavy goods vehicles in particular for all the time that construction takes place of such sites and of the cable link⁴⁰.
- e. Given the characteristics of the road, its width and the width of verges, the scheme would make the road effectively out of bounds for racehorses in the event that the studs were to include racehorses in training, and for other horses and riders in any event. They would no longer be able to travel along it without excessive risk, at least during the period of construction which would be for a number of years, sufficient to cause major economic harm to a business or even cause it to close. It is to be noted that a main vehicular access to the Sunnica West Sites A and B from the junction on the A14 would be immediately to the north of Snailwell and heavy goods vehicles

⁴⁰ While not of relevance to the adjacent studs as they are operated at present, the heavy goods vehicle traffic would be likely to be in conflict with any horses and riders on the road and if so this would be a potentially dangerous situation given the road's profile.

would pass along this road throughout the period of construction over a number of years.

(iii) Conclusion

- a. In conclusion, the impact on the operational use of Stud Farms and in particular Brookside Stud would be adverse and if a measure were to be placed upon it, medium/high adverse. Question 1 above is therefore answered in the affirmative.

d) Impact on the operational use of roads and PROWs used by the HRI

(i) Operational Use

- a. The roads in and around Newmarket are used on a daily basis by horses in establishments of the HRI. This includes roads and PROWs affected by the proposed scheme including those mentioned above and in the representations of the members of the HRI.

(ii) Impact

- a. The impact of HGV traffic on the road between the A14/A142 junction and Snailwell has been considered above in relation to Snailwell and Plantation Stud.
- b. The impact on PROWs in the area as a result of the Sunnica scheme (noise, glint and glare, traffic and landscape and visual) is of particular concern to the HRI as they are used throughout the year (by horses in training at Newmarket including many of high value - some worth millions of pounds) gaining access to the gallops and other HRI assets.
- c. As above, in relation to comments on Godolphin's Chippenham/Snailwell Gallops, it is recognised that mitigation measures have been proposed but the only mitigation which would be acceptable would be a separation of any photovoltaic panels and equipment from the PROWs such that the risk of it startling and/or scaring horses was removed.

(iii) Conclusion

- a. In conclusion, the impact on the operational use of roads and PROWs by the HRI would be adverse and if a measure were to be placed upon it, medium/high adverse with respect to PROW 204/5. Question 1 above is therefore answered in the affirmative.

Conclusions on Key Question 1

21. The evidence demonstrates that the Sunnica Energy Farm scheme is likely to have an adverse impact on the operational use of a number of existing sites within the Newmarket horseracing industry.
22. In the case of the Limekilns, this would be high adverse. The impact on Godolphin Gallops, Stud Farms and the PROWs would be medium/high adverse. Question 1 above is therefore answered in the affirmative and a strong policy presumption applies. This should be given substantial weight.
23. In any event and separately (not to be confused with an in-principle objection to the scheme by the NHG and its members as well as by SNTS), the recurring theme of avoiding and minimising impact through siting and design in NPS EN-1⁴¹ has been disregarded, at least with respect to the HRI, because the impacts on the HRI weren't assessed by Sunnica prior November 2022⁴² and still haven't been adequately assessed. The scheme does not reflect 'good design' as per NPS EN-1. Further, mitigation is either unable to be proposed (e.g. in the case of the Limekilns) or is inadequate (such as that at the stud farms and Godolphin's Chippenham/Snailwell Gallops).

Key Question 2

24. A number of observations can be made concerning the policy criterion and test to be applied:
 - i. The Local Plan policy behind Question 2 is to protect the HRI at Newmarket and not to permit development which 'threatens' the 'long-term' viability of the HRI as a whole. Substantial weight would lie against a scheme or proposal if the policy presumption against such development were to apply.
 - ii. It is to be noted that adverse impact is not required to be 'substantial' or 'serious' or 'undermining', but merely to 'threaten' the 'long term viability of the HRI as a whole'.
 - iii. A 'threat' need not itself cause actual harm to viability, or even a likelihood of doing so, merely a threat of doing so is sufficient to invoke the presumption; it might or might not do so and if it *might* do so, the presumption is activated.
 - iv. In addition, to satisfy the criterion, the threat to viability need not be short or medium term but 'in the long term', lessening further the degree of proof or evidential demonstration required.
 - v. As in the case of Question 1, no doubt also due to the importance of the HRI to the area and the relative vulnerability of its pre-eminent position, economically, culturally and socio-economically, this criterion is also set at a relatively low bar in terms of evidential proof required.
 - vi. The threat is to the HRI's viability ('as a whole' will be considered next). Viability is the ability to work successfully, and success is measured by a number of factors, all of which must be present to make a community, town or industry 'viable', and in the case

⁴¹ NPS EN-1 Section 4

⁴² Lichfields Report [REP2-039]

of an industry would include its attractiveness to inward investment, attractiveness to those in the industry who work and live there and here to owners and prospective owners and investors who would start or continue to invest in Newmarket HRI as it is the pre-eminent place in the UK or world for racehorse training and breeding. Viability of a horseracing industry is not merely an economic thing, it includes its attractiveness to people, professionals, staff and those who could be tempted to leave, or not to move to it, if things are not the best. Decisions by key individuals and others can be fickle but that does not make them the less real. The loss of Newmarket's pre-eminent position would threaten its viability as it would threaten persons investing in it, precisely because it is pre-eminent, and attracts the best of the best to it.

- vii. The threat is to be to the viability of the HRI 'as a whole'. That approach is often found in planning when one must consider the impact and the significance of the impact in question on the viability of the HRI as a whole. If the threat to viability in the long term is to the viability of a single set of stables, for example, it is unlikely to pass the test unless those stables are of such significance to the viability of the HRI as a whole. If, however, the threat were to a single but significant set of stables or to a factor which was of material significance to the viability of the HRI when considered as a whole, such as to its pre-eminence, the answer would be yes; each case is to be determined on its merits.
- viii. The evidence above in relation to Question 1 is also relevant to Question 2 and should be taken into account in relation to Question 2. Immediate economic impacts which are adverse can be significant but not necessarily immediately substantial. Over time the cumulative effect of them can threaten the long-term viability of the Horse Racing Industry of Newmarket as a whole, which is built on its pre-eminence, especially if the adverse impact is to one of the principal attractions shown to investors which is a material part of that pre-eminence. The impact of the Sunnica scheme is likely to be both immediate and long term – immediate in its adverse impact to degrade one of Newmarket's principal showcase attractions shown to investors, the Limekilns gallops, and potentially long term in its threat to the pre-eminence and long term viability of the HRI as a whole.

Reply to Sunnica Horse Racing Industry Impact Report's comments on Question 2

- 25. The Sunnica Horse Racing Industry Impact Report relies upon what it sees to be comparable examples of situations impacted upon in the equine world, and draws the conclusion that as they have found no evidence that shows harm to Newmarket, then the conclusion is that harm would not occur in the case of the Sunnica scheme. Such an approach depends entirely on whether the example chosen is comparable or not.

26. The first example is that of Hatchfield Farm and findings of the inspectors that the housing development would not have a detrimental impact on traffic in Newmarket such that it would be perceived by horse owners to threaten the long term viability of the HRI. The situation in relation to the Limekilns could not be further from such an example. Traffic figures in the case of the Hatchfield Farm decisions accepted by the Secretary of State were found by the inspector not to cause an unacceptable impact and that there would in fact be an improvement in the AM peak. At DL19 of the Secretary of State's decision letter dated 12 March 2020⁴³ the following is stated:

19. The Secretary of State agrees with the Inspector at IR470 that over and above the background growth that is likely to occur anyway, the traffic impacts would be de minimis at best, within the AM peak, the most important time for the HRI, seeing an improvement with the development in place (IR421)."

27. Weight was placed by the inspector and Secretary of State that not one trainer said that they would relocate or leave. This was potentially a misguided conclusion by the inspector and Secretary of State. Not only is the policy test to consider threats to viability in the long term (as opposed to immediately), but perhaps more to the point, the fact that no trainer said they were going to leave Newmarket due to whatever circumstances may be reflective of vulnerability not strength – if a trainer were to say that they would leave or remove their horses from the town, even in the long term, it is highly likely that key staff in such a situation would be nervous of their future and could leave. To say such a thing would create substantial uncertainty amongst their staff and the wider industry. In such a situation key staff would be difficult to replace. There are therefore numerous reasons why it would be folly for a trainer at a public inquiry to talk of leaving Newmarket or reducing their operations in the town.

28. By contrast, it is common ground that the Sunnica scheme would cause an adverse impact on the character of the landscape when viewed from the Limekilns⁴⁴. The degree of impact is not agreed, as stated above in relation to Question 1. Sunnica go so far as to say that the impact would not cause any adverse impact on any person, investor or otherwise as, in effect, they would not be bothered by it. That is to take a giant leap of faith in the future of the scheme – once the harm would have occurred and would not be able to be mitigated.

29. What is evident is that the HRI and numerous members of the HRI are of one mind as they all consider that the industry's viability is vulnerable, despite also acknowledging its pre-eminence⁴⁵. We have not been able to find one who does not. There is no evidence to the contrary. The fact

⁴³ PINS ref: APP/H3510/V/14/2222871

⁴⁴ Lichfields Report §6.22

⁴⁵ A significant part of Newmarket HRI's vulnerability is its pre-eminence. It depends on its pre-eminence for its success. If its pre-eminence is lost, it will not have the attraction that it currently does and its prospects will be seriously harmed.

that the HRI was concerned in 2020 with the impacts on its industry which were not upheld does not in any way mean that those concerns were not genuine and based on evidence.

30. The second example put forward by Lichfields is to consider growth in international equine locations such as Ireland and New Zealand and whether the growth in Ireland in particular has posed a genuine “threat” to Great Britain generally or to Newmarket specifically and, if not, then to conclude that the Sunnica scheme would not do so either⁴⁶.
31. There is no evidence that the growth of locations such as Ireland as an HRI cluster has caused other than a decrease in the comparative standing of Great Britain and Newmarket⁴⁷ and an increase in Great Britain’s and Newmarket’s vulnerability: in six years from 2014 to 2022, Ireland (the UK’s closest neighbour with direct links and special arrangements for the transport of racehorses between them) has increased by more than 300% its standing from 24 to 79 of the top 250 racehorses in the world (nearly a third of the total as Lichfields say), with New Zealand increasing by 300% too, from 3 - 5 to 14 with no change in Great Britain from 2014 to 2022 and a drop of 20% between 2018 and 2022⁴⁸. The evidence in Figure 3.8⁴⁹ is clear – some of the main HRI nations have been creeping up on Great Britain (and consequentially Newmarket as its principal HRI centre) in terms of the number and quality of horses based in each country. Ireland has leapt ahead of Great Britain in the last 4 years, with Great Britain now lying third behind Ireland and Australia, having previously been first until at least 2018.
32. Lichfields point out that there is shrinkage of other locations in the world for training the best horses. Yet the owners of a significant number of the best horses have chosen Ireland in preference to Great Britain to invest in. Growth elsewhere in the world in, particularly in Ireland due to its proximity, ease of access to trainers and racing establishments, and also bilateral arrangements for the transport of horses between the two countries, increases the threat of transference of growth from Newmarket. The evidence put forward by Lichfields of preference for investment in other countries demonstrates the opposite to that which they claim. The evidence shows increased competition and preference for Ireland and elsewhere, and consequentially increased vulnerability of Great Britain (and therefore Newmarket). Owners and/or investors who would or could have come to Newmarket have, despite its current pre-eminence, decided to go elsewhere, in particular to Ireland.
33. The third example Lichfields give is that they say the HRI cluster, based on its weathering of the COVID 19 pandemic and when considering indicators such as numbers of sales, numbers of

⁴⁶ Lichfields Report §§3.33, 3.37, 6.27

⁴⁷ The figures relied on are found at Lichfields Report §3.32

⁴⁸ Lichfields Report Figure 3.8 p20

⁴⁹ Lichfields Report page 20

trainers and world rankings, would be able to resist any threat caused by the Sunnica scheme⁵⁰. This is not evidence of comparability but the opposite again. The impact of COVID was across the UK and indeed the world, not limited to single countries or their HRIs. It was also temporary and the impact has been reversed relatively quickly after substantial support through the furlough schemes and support of businesses, which supported the HRI. It is therefore totally different to an impact which affects a single location (i.e. Newmarket), would be permanent not temporary, and one which threatens investment in a specific industry (i.e. the HRI).

34. The evidence of comparable world rankings is considered above in relation to Ireland and elsewhere.
35. Lichfields' conclusion seems to be that these examples demonstrate that as the Newmarket HRI is in a pre-eminent position in the racehorse world currently, impacts such as those of the Sunnica scheme would not cause adverse impacts to the viability of its economy in the short or long term. The evidence points to increased vulnerability not the reverse.
36. The starting point of assessment of the impact on the HRI should be one of common ground – that there will be adverse impacts to views within and therefore from the gallops. The Sunnica assessment concludes that the adverse impact would be 'moderate'; the expert view of Michelle Bolger Expert Landscape Consultancy is that given the high sensitivity, the overall effect on the character of the local landscape would be major adverse, which is significant. Michelle Bolger Expert Landscape Consultancy also concludes that mitigation planting will not screen the development from the Limekilns. This is not disputed by Sunnica. Long-term effects on the landscape would remain major adverse.
37. The Limekilns are one of Newmarket's principal attractions, as has been said above. The points made above in relation to Question 1 concerning the impact on the operational use of the Limekilns and other sites within the HRI are not repeated here. Impacts which are caused to these sites are cumulative and all of them add significantly to the impact over time on the viability of the HRI as a whole.
38. The Newmarket HRI's pre-eminence is vulnerable and must be protected from both actual harm and threats of harm. Its pre-eminence attracts and retains the world's best trainers, horses and supporting services and facilities. If Newmarket HRI is not pre-eminent in the world then the best of these would not be attracted to Newmarket and decline would likely result, once a small number of the top in their profession, trade or position such as vets, bloodstock agents, trainers and support staff are attracted elsewhere. Its pre-eminence is its economic strength and it is that pre-

⁵⁰ Lichfields Report §3.38

eminence which underpins the HRI at Newmarket. However, as set out elsewhere in this response, by virtue of being one of the Newmarket HRI's key strengths its pre-eminence is also a substantial vulnerability. Simply put, if it does not continue to maintain the upper hand in the hard fought battle for pre-eminence significant decline of Newmarket's HRI is likely to result.

39. The pre-eminence of Newmarket HRI would be threatened by the Sunnica scheme. A key example is degradation of one of the most historic attributes Newmarket has in the horseracing world, namely the historical character and landscape setting of the Limekilns going back to the early 18th Century, with views out over hills towards the Fens, Ely and its cathedral. The Sunnica scheme would cause decline in one of Newmarket's principal attractions to the horseracing world. It would cause change which is unarguably for the worse and is unable to be mitigated.
40. The impact is also of the industrialisation of a large area of countryside to the north-east of Newmarket where many trainers and support staff in the HRI live whose character would be radically changed over a short period and which would be inadequately mitigated. That is totally different to the impact of, for example, the pandemic which is an impact on the industry globally, and totally different to the impact of growth elsewhere in the world. These impacts have, however, made Newmarket more vulnerable and other HRI locations stronger.
41. When not at the top of the tree and position of pre-eminence in the horseracing world and falling to second place or lower, is a very different situation than falling from second to third place or below. A fall in position from a position of pre-eminence would cause significant decline to the Newmarket HRI as a whole. It would create increased nervousness and uncertainty in Newmarket's future, the best HRI professionals in the world could be more easily enticed to go to another location abroad – the monetary enticements on offer to support services to relocate to the Middle East and the USA as well as France and Ireland are already substantial.
42. Further, the Lichfields report does not identify any harm which is specific to Newmarket nor any evidence of an impact which is able to be resisted – the examples are not comparators to the Sunnica proposals. That is also true of its comments on tourism. They look for evidence of impact but there is no comparable situation to date of any solar farm or scheme impacting on a valued landscape and an iconic world famous site such as the Limekilns is to horseracing enthusiasts.
43. What is totally missing from the understanding of the authors of the Lichfields Report is that Newmarket's HRI is built on and underpinned by discretionary spend and expenditure, not by the same investment decisions made when investing in industrial companies, property, shares or commodities, but by investors large or small who choose to spend some of their earnings or savings by buying into a lifestyle which is Newmarket horseracing; it is many a racegoer's dream to invest in a racehorse, and the dream of more wealthy owners to invest in a string of horses in training or the very wealthy in a yard or stables here or abroad. The vast majority of investors

choose Newmarket because of its history, culture, environment and countryside, not just in horseracing itself. Harm one of these and one of the principal pillars on which its success is founded is harmed; harm a number of these at once, as the Sunnica scheme would do, and the likelihood is that the harm would likely manifest itself more significantly and sooner.

44. These highly important factors which investment in owning a racehorse at Newmarket brings are particularly vulnerable to changes in the culture, atmosphere and environment of Newmarket. The highly valued historical Limekilns gallops, dating from the earliest days of horseracing in the 18th century, have a uniqueness which goes to the root of Newmarket and its culture as seen by those who are enthusiasts of horseracing, not perhaps others. It is the one place which investors are taken to in order to soak up the cultural atmosphere of Newmarket gallops and their significance.
45. They, the visitors, are able to see the world's best racehorses training in the early morning on gallops of historical and cultural significance. They would see them train on land from which Ely Cathedral can be seen in the distance⁵¹ above the hills and farmland opposite and as it is depicted on old paintings of champion racehorses and historical horseracing scenes found in the Jockey Club Rooms in Newmarket. It is possible for them to stand there, to watch the aspiring Derby champions train, much as this has been able to be done for over 200 years. They can dream the dream of owning a racehorse which may itself win a race and possibly a significant race. This historical location and view of substantial value is unique in the world; that substantial value is undeniably threatened by the Sunnica scheme. It is patently not understood by the authors of the Lichfields report. They say there is no evidence of potential harm from the Sunnica scheme. This is clearly not the case, as the evidence shows.
46. The significant change as a result of industrialisation of the landscape setting of the Limekilns by the Sunnica scheme from one end of them to the other, from the west to the east in the view, threatens them as valued landscape which is an intrinsic part of the landscape and historical significance of the Limekilns. This landscape point is important as the quality of the landscape is intrinsically part of the HRI and its close link as part of the character of the area. The two are closely related and intertwined and are together as one the character of Newmarket and its surrounding countryside, including its gallops, the most famous and historically important of which is the Limekilns.
47. Harm to the historical value of the Limekilns is harm to the culture on which Newmarket's HRI is based, and which is an important part of its ethos. That adverse impact is to cause harm in itself, even if drip fed over time. It may well have an impact on tourism as a result too, as Newmarket's reputation of a town set in a relatively unchanged rural area to its north-east would be harmed.

⁵¹ See comments of trainers detailed in Appendix to Rapleys Summary assessment of impact on the horseracing industry in Newmarket & connected planning policy assessment [REP2-240f] §9.14

48. The view from the Limekilns and the character of the countryside would be harmed in the short, medium and long term – it is admitted by Sunnica that the visual impact of their scheme from the Limekilns and viewpoints within the Limekilns on their upper slopes along the Bury Road cannot be mitigated even in the long term. It is clear from drawings recently submitted by Sunnica⁵² that from the Limekilns not only would the PV cells and BESS compound in Sunnica West A and B be visible, but also those in Sunnica East A and B.
49. The viewing by prospective investors of racehorses training on the Limekilns is an intrinsic part of the economic value of the Limekilns to the HRI. Investors are taken there by trainers so that they can see racehorses training in a quintessentially historic location. The backdrop or setting to that location is particularly important because of the view of Ely Cathedral above the hills on the opposite side of the valley from the Limekilns and the ability to reference the historic paintings in the Jockey Club Rooms mentioned previously and in the Rapleys Impact Assessment. Owners, prospective owners and racing managers who report to owners are taken there to see them⁵³.
50. They are often not previous investors in horseracing, but new to horseracing and training and could otherwise invest in another sport or venture wholly different from horseracing either here or abroad so it cannot be said that they would invest elsewhere in horseracing in the UK⁵⁴. It is something they can be a part of if they invest in not just racehorses but in horseracing at Newmarket, with its culture and spirit. A number of those persons who have made representations to the ExA have direct knowledge of these matters concerning investors and new investors in horseracing and have commented upon these points. We believe that evidence is something which should be given substantial weight in the decision-making by the Secretary of State.
51. Despite the apparent strength of Newmarket horseracing industry, its position is far from secure. As the Rapleys Impact Assessment points out⁵⁵, there seems to be limited awareness and understanding of the industry and its value to the town among those outside the industry. If Newmarket is sufficiently threatened or harmed, including by inappropriate and harmful development such as the proposed Sunnica scheme, there is a significant risk that it would either become less conducive to the operational needs of the horseracing industry, or perceived as such, and much harder for the industry to attract and retain, year after year, the investment on which its

⁵² Equine ZVF Fig 1f for the DCO Site [REP1-022] – demonstrating that from the Limekilns and the Railway Field to its west, both Sunnica West and Sunnica East would be visible. See also Michelle Bolger Expert Landscape Consultancy Landscape and Visual Issues Report [REP2-240b].

⁵³ See Appendix to Rapleys Summary assessment of impact on the horseracing industry in Newmarket & connected planning policy assessment [REP2-240f] §9.15, 10.11, p59 Q11 – Answers in interview with Christian Wall

⁵⁴ See Appendix to Rapleys Summary assessment of impact on the horseracing industry in Newmarket & connected planning policy assessment [REP2-240f] §§5.13, 10.6, 10.9

⁵⁵ See Appendix to Rapleys Summary assessment of impact on the horseracing industry in Newmarket & connected planning policy assessment [REP2-240f] §11.7-11.9

survival and success, as the pre-eminent racehorse training and breeding location in the world, depends. It is that pre-eminence which would be threatened first and that of itself clearly constitutes harm to the long-term viability of the HRI in Newmarket as a whole.

52. There would be an adverse impact on the operational use of the Limekilns, the principal showcase site for the Newmarket HRI, and also other areas used by the horseracing industry including the Godolphin's Chippenham/Snailwell Gallops.
53. It is rarely the sudden adverse impact of a scheme which manifests itself but a gradual decline in the quality of an area as a result of poor decision-making permitting badly designed and sited development. That is likely to be the case with respect to Newmarket and the impact of the proposed Sunnica scheme. The industrialisation of an area so close to Newmarket and directly opposite historic gallops on the south facing slopes of the gently rolling hills will have its own impact directly and indirectly in terms of the impact upon what is understood to be 'valued landscape' in planning terms, as stated by Michelle Bolger Expert Landscape Consultancy⁵⁶ in support of the objection of SNTS.
54. It is not only the Limekilns which would be adversely impacted but the Sunnica scheme would also impact adversely on Godolphin's Chippenham/Snailwell Gallops⁵⁷, a number of studs and PROWs in the area. The cumulative impact considered individually in response to Question 1 above should be given weight in relation to Question 2.
55. The Rapleys Summary Assessment of Impact⁵⁸ has demonstrated that it can be concluded that the long-term viability of the HRI in Newmarket as a whole would be threatened.

Conclusions

56. Taking the two 'key' questions above which are formulated in the Sunnica Horse Racing Industry Impact Report, the following can be concluded:
 - a. The Sunnica scheme is likely to have an adverse impact on the operational use of multiple existing sites within the Newmarket horseracing industry.

And in addition:

 - b. The Sunnica scheme would threaten the long-term viability of the Newmarket horseracing industry as a whole.

⁵⁶ Michelle Bolger Expert Landscape Consultancy Landscape and Visual Issues Report [REP2-240b]

⁵⁷ Appendix to Rapleys Summary assessment of impact on the horseracing industry in Newmarket & connected planning policy assessment [REP2-240f] §9.21

⁵⁸ Rapleys Summary assessment of impact on the horseracing industry in Newmarket & connected planning policy assessment [REP-240f]

57. The evidence clearly demonstrates that the answer to both Question 1 and 2 is in the affirmative and that substantial weight should be given to these conclusions. Additional weight should be given to them given the significance of the Newmarket HRI to the local and regional economy and its significance to racehorse training and breeding in the UK which itself is of significance nationally⁵⁹.
58. In such circumstances, if the Secretary of State agrees that the answer to either Question 1 or 2 is in the affirmative, this would count heavily in terms of weight against the confirmation of the Order.

⁵⁹ See the Economic Reports attached to the SNTS Written Representations [REP2-240 and -240f, k, l]