



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Lime Down Solar Project
Hearing:	Issue Specific Hearing 8 (ISH8) - Part 2
Date:	22 September 2026

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FULL TRANSCRIPT (with timecode)

00:00:07:28 - 00:00:43:00

Right, I'll make the time eleven twenty five and we'll recommence the hearing. Before we took a break, Miss Project, Roger, we discussed about putting up a map should to discuss the mitigation measures applicable to West Park Farm and Ladies would start. I'm going to take these as sort of example measures from across the board. Please, I'd ask people observing and participating. Please don't be alarmed if we're not specifically mentioning your business or facility. It's simply to gain an understanding of the mitigation measures being proposed by the applicant.

00:00:43:02 - 00:00:45:14

So if I pass over to you, please, Ms Broderick.

00:00:46:20 - 00:00:52:17

The applicant, thank you. We'll just bring up one of the plans for West Park Farm first. Thank you.

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Would it be helpful Mr Flynn, to explain geographically where we are and Mr what we're talking

00:01:31:09 - 00:02:12:11

Flynn, on behalf of the applicant. So what we're looking at on screen here is the outline landscape, the landscape and ecology management plan drawings at the Eastern end of limesdown D, The settlement area that you can see on the top right hand side of the image is the village of Corston and central at the top of the image is the farmstead of West Park Farm. Between the farm buildings and where the site is outlined in red, those are what we understand to be the paddocks areas or the areas where horses are kept when outside at West Park Farm.

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And so that stretches down up to the order limits where it meets the Gorsebrook, which is the dark blue line sort of squiggling through the middle of the image as you can see. And what these plans show is where on-site specific work areas are in terms of you can see the solar array areas and the fenced outline area in black around them. Between them and West Park Farm are the habitat areas that fall under works number nine.

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That includes riparian corridors alongside the waterways and any additional planting. I suppose this helps set the scene in where. In the egg wine business report. We've talked about the differences in distances between different works areas. Obviously because the order limits about some of the paddocks areas to West Park Farm where there is the habitat management areas, that's where we've said it is zero metres away, whereas the up to fifty metres away is the point where the fence line for the solar array areas right at the corner of unfortunately, I can't see the field number, but where that point comes up to the north, just where the cursor is being shown there.

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So from there to the Gorsebrook, which is where we believe the closest point that the horses up West Park farm could be to the solar array area. That's where we said that that approximate fifty ms comes in.

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Okay That's helpful. In terms of

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location of horses etc, Mrs Farrington is

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that accurate? For want of a better term Mr Flynn just checking with Mrs Farrington that we're all on the same page.

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Yes, so all of our paddocks are below the wood there and yes exactly along there. I would like to just point out that the very square looking field on the left that is our only sort of flat field and I think the topography needs to be taken into account here because we have a substation that we're not we're just talking about the panels at the moment we have a substation that is obviously elevated and at the same level as our farm building so effectively across the valley. And that square field sorry going back to that is the only proper flat field that we have and it's specifically used for hand walking our yearlings which is obviously a really important part preparing of them

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for public auction. That is a really integral paddock to our business really.

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Thank you.

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Let's talk about mitigation measures then. I have a couple

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of questions which we bumped on from last week, but have I asked the applicant to set out the specific mitigation measures for West Park Farm, please?

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Claire Pottsik, the applicant. I'll let Mr Flink come in but we've set out in table three in order to try and bring all of the different mitigation measures together in one place because obviously our split over a number of different management plans we sought in table three of the equine business report which was rep five dash -one hundred five to bring together each of the mitigation measures, both those that were in the DCO application from the outset and then some additional mitigation measures that have been committed to as a result of the specific representations that have been made during examination and ongoing discussions with Wiltshire Council.

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We've tried to

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explain the process that's been gone through both in terms of measures that are designed to deal with impacts during construction and then going on to obviously during operation and and decommissioning. I think in terms of what's been discussed during this morning's hearings we're probably going to focus more on the construction impacts rather than necessarily during operational impacts. I think if we just go back to the previous plan,

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it might be helpful just to have the plan up just as we're discussing the mitigation measures. So as Mr Flynn said, in terms of proximity to the the square field that Miss Barrington just referred to, as Mr Flynn said, the work is taking place closest to that field are for habitat mitigation measures. Planting of of trees. Typical activities that are consistent with what would be undertaken in that field at the moment being in agricultural field.

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We don't consider the nature of the activities that would be undertaken at that closest point to be very different from what is already taking place the fields, noting that obviously at the moment there aren't any restrictions on what that particular farmer can and can't do as part of his general agricultural usage of those fields. Some of those activities obviously will have an element of noise during generation to them but they are distinct from perhaps the works to construct the actual scheme scheme itself.

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If I let mister Flynn just explain the the role of the community liaison group, we obviously spoke about it briefly.

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At the issue specific hearing last Thursday and we did touch on the role of the independent equestrian expert that we had put forward as an additional mitigation measure, but I'm quite conscious that a number of the people who are participating in today's hearing weren't in the room or online for that hearing last Thursday. So if it would be helpful, we can just briefly go over that again.

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I think it would be. You appreciate what you're saying about the closest works being the habitat works. How far from that square field is it to that fence line? Mr Flynn, I think you mentioned before, apologies, maybe you didn't catch it, but I'm just to the fence line to the solar panels to the field.

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So we've measured, we can just find the measurement from the square field. What we took was the very closest point. So, the fifty meters that we referred to in the equine business report is from that very top corner which is obviously closer to the triangular field to the

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right of the square field. That's the very closest point of the fence line. But we can get somebody just to measure from the square field to the fence line.

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That's fifty metres from the fence line to the field?

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Yes, my understanding.

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Clare Project, ninety metres from the fence line to the square field that was being discussed before.

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Is there a plan within the examination miss Projects? I don't recall seeing one which provides dimensions

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to the boundary of the West Park Farm field as all of their ownership fields? Because obviously they do use when we went on our ASI there were horses in multiple fields and whilst Ms. Frankton's identified the flat field being a particularly important one, I think it would be helpful into the examination if we understood the distances from

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the paneled areas which is where probably the noisier works would take place to the boundary of of their of their working fields. Claire Patrick, I don't believe there is a plan showing the distances in examination at the moment. We we provided just the the the closest point that we'd measures but we can provide that for deadline seven. Yeah thanks. That'd be good.

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At Club Project the upkeep. Should I let Mr Flynn just explain the community Mr liaison

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Flynn for the applicant. Yes, so the Ministry liaison group is meant to act as the main point of contact between the applicant or any of the site on takers and the community themselves. As has been mentioned, an equine specialist is to be appointed to that group to be able to bridge that technical gap between the operators of any of the equine businesses in the area to ensure that their concerns are being understood by somebody with relevant expertise and that they can then be passed on to,

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the applicant or site operators during and ahead of construction period.

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Principal to that is also the,

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Within the community liaison group is the community liaison manager who will be responsible for ensuring that those concerns are properly actioned. Alongside that, the outline construction environmental management plan, the most recent version of which was Rep six zero two nine also

commits to a stakeholder communication plan, which is a sort of more wide reaching information production for any information about the construction activities to be presented to any stakeholders living in the area, whether that be members of the public or in the case of the conversation today, sort of business owners surrounding schemes.

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The principal idea around that is to ensure that Sort of business owners of these equine facilities are as informed as possible of what construction activities are to give them the confidence to understand how the detailed mitigation measures are going to be put in place, how that affects them on a location specific basis, whilst then the community liaison group is that backwards channel for if there are any specific concerns that to be brought back through to the Aplin or site operator group.

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It's intended that by providing as much information as possible through that detailed stage, it's that which gives the confidence to the business owners for them to be able to have clarity on the continuation of their operations. And through that, hopefully be able to give confidence to their clients as well as to them being able to say, these are the impacts that we know are going to be happening in this location.

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This is how they're being mitigated. And it's about creating a chain of confidence right through from the applicant team to those clientele.

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It's our way of trying to be able to address that indirect impact on the economic side of the impacts to those businesses, and it is just through the chain of information. And that's what that community liaison group and the stakeholder communication plan are specifically for.

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If I can just jump in there. That liaison group, do you envisage that being an information giving facility or do you envisage that being a two way discussion role? Either telling people what's going on or saying to them, this is what we would like to do, how does that impact your business? What can we do to limit impacts during this construction phase because we need to do X, Y and Z?

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Claire Projects, Atkins, yes, obviously touched on that last week in that particular point and I think it's effectively the same answer, which is where there is an element of choice in terms of if there's an element of flexibility in terms of the timings of when particular works can take place then that's something that the applicant would be able to discuss with the community liaison group and see if there's a preference for the timings of work. But it will also be information provisioned so that obviously we've talked about a lot this morning about predictability and

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how horses may or may not react. What the applicant is trying to do is that obviously by giving as much information about the nature of the works that are going to be taking place, where they're going to be taking place, and when they're going to be taking place. Then the operators of these businesses

will have be able to take that into account when deciding where and when they might place horses in adjacent fields similarly with use of bridalways.

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We talked earlier about riders knowing what was happening in fields that they couldn't necessarily immediately see. The purpose of the community liaison group would be to provide that information so that users of the bridal network would be able to look and see what they would have had can go to the meetings, but also the information would be made available so that before deciding whether or not to use a particular route they could check what type of work was going on in those adjacent fields. As we described in the course of these various different hearings there's a variety of different activities and not all of them are taking place all of the time during that two year period.

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There may be certain activities that are particularly

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generate high levels of noise. We've mentioned a few in that table in terms of piling or the delivery of abnormal loads and nearby businesses and users may decide that if they know those activities are going on, they may wish to go somewhere else or place their horses somewhere else. But there may be other activities which don't necessitate a change to management. I think what we're trying to do is give people the information so that they can make those decisions and then to the extent there is flexibility, noting that obviously the applicant is trying to, and this is the purpose of the community liaison group as well, is trying to balance up a whole range of different priorities.

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What is a preferential time for one particular type of businesses and receptors may not be the preferable time to do things from an ecological perspective, for example. There may not always be a choice that the applicant is able to offer because it might be constrained for another reason. But to the extent there is some flexibility, then the intention is for the community liaison groups to discuss that. I think we're obviously having ongoing discussions about the terms of reference for the community liaison group and applicant the is conscious that obviously it's a a site over a large area and so people will probably be most interested in what's happening closest to their particular location and so some thoughts being given as to whether the community liaison group has sort of site specific meetings or topic specific meetings so that people aren't coming and listening to something that's not relevant to them, for example.

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We are trying to make the community liaison group be as practical and as helpful as possible. But obviously with the construction programme for nationally significant infrastructure projects is complex and there will only be another choice on certain things.

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As you mentioned just before,

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we've discussed around this on a few occasions over the preceding months,

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wouldn't mean maybe I'm wrong But in terms of fields

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I need to get my eyes tested. Is it D13 and D14 and then D12 on the left? You wouldn't be working in terms of installing solar panels for a full two year period. I wonder if it would be helpful

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as part of the community liaison group, as part of the role of information giving. Once you have a construction timetable detailed, because I know you can't provide it now, but once you have that detailed, just to provide people to say, well, field D14 we envisage I don't know if it's possible. D14 we would envisage taking x to work out, something like that. On that note I have no idea but how long, say for argument's sake, would a field like D14 if you were using tracker panels? How long would something like that take to build out?

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Will throw for the applicant. You're right. The field by field basis is not going to take two years. Whilst

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there's an awful lot

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of variables, I'll try and give you some sort of indicative program of how this may work. I mean,

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if we could just zoom

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out slightly in map to show the it is a substation field, it's also a compound field. That would obviously be a starting point for construction. So to go back

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to the

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behavior points earlier, the idea of progressing towards West Park Farm in this location is likely what would happen anyway because you would progressively be building.

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It's likely based on another IGP scheme that's currently going through detailed design is that the fence line around the site would be the first thing to go in. So if we were to take that, then you would have fence knocking that will come in. So again, if we progress towards West Park Farm in the case of D13 and D14, that will be the first thing.

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I say, it's progressive after that. So you would do the fences, you would then prepare the ground, you would then lay access tracks at the moment where the access tracks are in the south of these fields furthest away so that the ground disturbance nearest to paddocked areas would

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be at

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a minimum. The the the biggest concern and this is where the the CLG really really plays a part is obviously the the noisiest or the or the or the or the noise inducing activities that that could cause cause issues with nearby paddocks for example are the groundworks and is the piling.

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Without geotechnical ground surveys complete across the site, it's very hard to determine exactly what that piling would be. As a developer, it's a or sorry, as a contractor installing, it's preferable to use the rotary mechanical which is just more of an audible but but louder noise with a with a couple of cracks if you do hit the odd rock. However, if you do have which we we anticipate could happen here in in places if you do have quite shallow bedrock, for example, the percussive piling would be used. And that would need that does need to be clearly communicated as to when that is happening, particularly in these closest points.

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With the progression, if we were start to in D16 or D15 in that case and move towards it, there would be over a couple of weeks potentially over this area to pile. Each activity takes slightly longer than the other, but the idea of progression means that you would have from a fence post going in to panels being affixed to the mounting structure, you would probably be talking it's very, very hard to say because it can be done very quickly. We've talked about more panels. Does it mean more workers? Well, you could have more workers and do area quicker.

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There's a lot of variables there. You are talking a matter of weeks. I mean, could be a couple of months between a fence post going in and final testing going in or electrical engineers coming in more laterally, but they're not going to create the noisy works. You're talking about a couple of weeks and based on the representations that have been made thus far, I mean, if the CLG was active now, we would be able to say this is our indicative construction program. Is there anything else you would like us to do? So it's not an information giving.

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It's a here's what we set out. Actually, if it could be done in the month of March because X is happening in this location, this is specific to all businesses. I've got lots, there's been lots of different times of years mentioned across various businesses as to what would be preferable. Gathering that sorts of information, using that to feed into the program rather than just saying, here's the program.

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That's the intention of it, to be able to make that a more circular process. As Ms. Broderick said, there's a degree of flexibility. There's a number of factors which may come into it where we can't necessarily avoid exactly what might be preferable. But you're talking about a few weeks for the noisiest works in each location.

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That's helpful. Thank you. Caveat it with appropriate wording, could you submit something like that for deadline seven? It's just to give an indication of the

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timescale where

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some of these businesses will be experiencing harm. That would be a useful submission for us to see. Thank you. Ms Reynolds, thank you.

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Thank you. Silly Reynolds, Stop Linedown. I just want to come in first on the point about the CLG, and I believe I raised this point earlier in the week, and I think Stop Lying Down accepts the point that if the information in respect of the construction timetable is provided, there may be some mitigation effect, right, where if horses can be moved away from where those construction effects are being experienced. But what that fails to take into account, which in SLD submission the applicant could have been aware of, is actually what options are available to the stud farms and the businesses on the ground because it might not be possible to move horses.

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Many of these horses might not be able to be moved indoors. The noise can obviously carry quite a long way given the current baseline tranquility. And again,

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to, I know Ms. Lauber you've already made this point, but there hasn't been any equine assessment of each of these individual sites and how it relates to their business. And so what I struggle to see is what additional mitigating effect an independent equine expert provides the CLG. Because as is evidence, the people who live in this area have equine expertise. And if an equine expert was being relied upon, it would seem to be far better that it was being pulled in into say the Ocamp, into any construction traffic management plan, as opposed to coming in at the CLG stage, which in my submission comes far too late.

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After a lot of these matters are set in stone. So so I'm I'm I'm struggling to take on board that point. And additionally and just to repeat a point made by Mister Frost and Mr Frist, it's also about the sensitivity of the client. And again, it may well be that having clarity in respect to the construction timetable can provide detail to clients in respect of what exactly is going to happen. But if you're facing a choice between a stud farm, which has no construction taking place for two years, and one that does, clearly clients are going to be more likely to go somewhere else.

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So it's unlikely that these proposed mitigations are going to deal with that business effect. Although we do know obviously there are proposed mitigations in respect of noise and visual impact.

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Thank you. Doctor Farrington please.

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I'd just like to make a quick point that on a stud farm, prior information about construction activities might not necessarily be helpful because there are activities on stud farms that can't be scheduled or rescheduled. For instance, like mares can't schedule the time that they're going to foal. So, you know, and second day labour and mares foaling, you know, can happen in as little as ten, twenty minutes. Other emergencies such as colics, you know, they can clinically present very quickly so they can't be predicted.

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And even simple things like having to attend to a horse in a field, even a handler having to change a head collar or replace a head collar that's been lost. You know, these are things that prior information about construction activities will have no bearing on. So I just wanted to make that point.

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No. Thank you. I think there still exists that unpredictable nature of horses, and I think we've discussed that, but certainly that's going to apply, I think, regardless of what whatever mitigation measures the applicant does. Before I come back to you, Ms Project, I just want to ask Mrs Farrington a question. In terms of your business and your facilities how easy is it or otherwise to move horses around different fields to account for the most intensive works?

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It's not a particularly big farm so I think we need to bear in mind that we've got all sorts of different horses as well so you can't have colts for example anywhere near Phillies and so that's where there's a sort of spread around the effect. You know obviously there's mitigation but it just feels like this is just being absolutely put on to us. Mean it's up to us to sort out the extra staff to sort out the extra and is it better for them to be inside or not? Mean it fundamentally changes the business we can't change that the Mayors fold between January and June and you know we're not going to know you know which ones are folding when and so you know it's not that simple.

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Oh okay, no I appreciate that. Mr Frost can I come to you and ask you the same question please?

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Danica, stop lying down. We've been informed that Mr Frost is currently in a meeting and we're back at eleven so apologies about that. Twelve, sorry, eleven is a while ago.

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Okay, thank you very much. I've come back to the applicant on that point. Heard from Mrs Farrington, if there are additional costs incurred by business owners, and I'm focusing at the moment on equine

business owners, I don't want to blur the lines, what recourse do they have, if any, for compensatory measures?

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Clare Bodge, applicant. I'm conscious obviously we've business compensation later on the agenda because I think the points apply to all businesses that may be affected by the scheme. I'm happy to deal with it now or we can save it further.

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No, as you say, let's save it to later because yes,

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let's That's fine. Applies to any business that suffers Okay, if it

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applies across the board, let's do that.

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Just on the separate points, obviously what we're seeking to try and do is put in place proportionate and realistic mitigation measures that we can do as part of this scheme, as we said earlier, in terms of balancing all of the different measures. There were a couple of points mentioned by Doctor Farrington that we do feel that we have included a particular measure for, say for example, the schedule three does make reference to construction workers doing works in the vicinity of equestrian facilities that are noise generating to be briefed on stopping work protocols.

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In the event that somebody needed to give veterinary attention to a horse in a particular field or they needed to

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work and needed to approach a horse that was stressed for whatever reason, then we have suggested that there would be procedures in place whereby that noise generating work be could temporarily paused whilst that action was carried out. So we are trying to put forward practical measures which we can try and minimise some of the concerns that have been raised here.

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I appreciate

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obviously the this goes across all of the things. Obviously what we're hoping as an applicant team is should this scheme get consented then then the mindset there would be a mindset shift in terms of moving to the community liaison groups. At the moment, obviously, very much appreciate that there are lot of people who don't want the scheme to go ahead. If it does get consent, then we would hope that engagement that's had with the applicant in terms of these practical measures and the processes that could be put in place and a degree of trust that could be established would change at that point in time.

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I do appreciate that's quite difficult in the middle of examination when obviously a lot of people just don't want the scheme to happen at all. It's quite difficult to think about practicalities of the timings of works and those sorts of things at this point in time. If there are additional specific mitigation measures

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that any of the people that have spoken to would like propose, to then obviously we're happy to consider those and we can add them in, but it doesn't need to be sort of a specific question rather than obviously a more general. Do take on board that the the uncertainty in of itself at this point in time. It it has a large factor in terms of the impacts that people think may occur to to their businesses but we hope that if it got consent and there is more clarity then that uncertainty would be definitely reduced at that point in time.

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That's helpful, thank you. I noticed a hand up from the council, hand up from Mr Kzelko as well. Before I bring in other parties and from Mrs Labour,

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in terms of the mitigation measures,

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what if they're not found to be effective? Is there a case here for an ongoing review of the mitigation measures and a more adaptive approach like we've discussed in other sectors.

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Claire Project for the applicant. On page forty four, it touches on it, but the idea is that if there are so it would be by we refer to it as a complaint mechanism effectively. If we put in measures to minimize noise, for example, through the use of acoustic fencing and those sorts of things, if it's found that it's not working or the issues are raised, then we have committed that the that complaints those would be investigated and further construction mitigation measures would be put in place if they can achieve a reduced effect at that point in time.

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Okay. Does that need to be clearer that that's the process? Also stop Blind Down's comment about embedding the community liaison group into the management plans, the comment that Ms Reynolds made to bring that into the process earlier?

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A clear project for the applicant. I think as we discussed last week, the intention that the community liaison group is a sort of a separate, it's designed to be across all of the different management plans, both obviously what's happening during construction and in operation. I think our view was that the place to put this was the terms of reference for the community liaison group and that would capture the involvement. We don't think it's necessarily appropriate to have a specific reference in each of the management plans as to how the community liaison group will work.

00:34:11:22 - 00:34:13:03

That's captured in those terms.

00:34:13:05 - 00:34:30:28

Thank you, Ms Project. We obviously covered a lot last week and as people will recall I wasn't very well on Thursday as well. Has jogged my memory. Obviously we're waiting for some feedback from Deadline seven with respect from the council to that terms of reference. I'm going to come to the council first and Mr Kiselka then Ms

00:34:31:00 - 00:35:07:24

Could you come to me please? Oh yeah, absolutely. Sorry to call shotgun here. I think Reynolds raises a good point, and I know we did cover the issue last week about not cross referencing in all of the management plans, all of the things. But I think she makes a valid point about an equestrian expert in the construction environmental management plan, an equine expert rather than equestrian apologies, I think there's some merit in that because the detail of construction mitigation goes there and it's almost sometimes it could sometimes be a bit too late to

00:35:09:17 - 00:35:43:16

just fall into the community liaison group. And I think it comes back to and I will we'll come to it at the DCO hearing where mister Kozelko there would be revised wording they would be putting forward for requirement four about the terms and when the community liaison group is formed, because if that forms after the discharge of those management plans then the equine expert hasn't had any input at that point.

00:35:43:18 - 00:35:51:03

So I'm just going to park that for one point. The second point was coming back your to page forty four

00:35:53:10 - 00:36:24:20

of the equine report and it is to do with the additional committed measures. The very bottom of page forty four the bullet point says when works are taking place within thirty metres of equestrian receptors and then it goes on to provide a paragraph about what would happen. But I just want to come back to where that thirty metres came from and whether that thirty metres is informed by this flight response which we've obviously gone over today whether thirty meters is appropriate. So there's two points in there.

00:36:35:03 - 00:36:39:27

Claire project for the applicant. At the so in terms of the reference to the

00:36:41:18 - 00:37:29:07

independent equestrian expert at the moment table twenty in the outline construction environmental management plan does list out obviously the activities that have been referenced there. It their role and the provision of information is is kind of referred to in the outline Kempen so would then need to be carried forward to the final environmental management plan. I think you were as I'd understood it I think what you were seeking for is perhaps confirmation that that independent equestrian expert

would be appointed prior to the final camp being submitted for approval such that their comments could have been obtained when that document was being prepared.

00:37:29:09 - 00:38:16:24

So that's something we can have a look at. Yes, that's and I and that's the point mister Reynolds makes and say we will come on to requirement for when we get to it tomorrow afternoon. It said if the CLG comes much later then they haven't had the opportunity to inform that management plan. So I think something in there would be needed to be a little bit more robust. Collaborative applicant, yes, we'll have a look at that wording and it may well be that, obviously we mentioned that we are putting together some outlined terms of reference which are going to capture all of the points made last week and in today's hearing and our intention is to share those outlined terms of reference with the council hopefully tomorrow once we've updated them with the outcome of today's hearing.

00:38:16:26 - 00:38:49:06

At the moment, I think we said yesterday they've been given some examples that have been used on some other projects for feedback, but actually see in light of the time left remaining in this examination, we thought actually for this project it would be helpful for all parties to see some outline terms of Yeah and and you did give that assurance last week but I think you also said you would share that with stop line down in advance of deadline seven. Claire project. Yes, that's correct. We were just waiting for today's hearing to see whether there was anything that came out today that needed to specifically go in those terms of reference.

00:38:49:08 - 00:38:54:09

Yes. So I'll come back to the point about thirty meters then. Page forty four.

00:38:58:03 - 00:39:32:04

Claire Brush of the applicant. Yes, so that's part of it. I think obviously that sentence applies to both the works to the solar panel sites that we've obviously been discussing in respect of West Park Farm, but then also works to the cable route corridor, which pass approximate to other equestrian facilities. It's when we're talking about thirty meters, then screening of noise sources that applies both to the panel works, but then also the cable construction corridor works as well. So my understanding is that's what the thirty meters has been used,

00:39:33:20 - 00:39:57:02

taking into account the other information in the equine business report as that being a appropriate distance to make those measures known. The reason I raise it because obviously that measurement is disputed and we were talking about flight zone and so therefore it leaves a question mark over whether thirty meters is the right distance.

00:39:58:22 - 00:40:05:19

And I it will play out obviously in the in the evidence that will come from Doctor Green and Doctor Farrington at the next deadline.

00:40:09:10 - 00:40:12:11

Okay, thank you. I'll come to the council please.

00:40:13:05 - 00:40:32:08

Thank you. Russell Frith, Welchley Council. One area that wasn't covered in the Equine Business Report but is relevant to extra costs Equine Business may have to incur is the issue of insurance. We have seen evidence from a broker that states that during the construction period,

00:40:34:07 - 00:41:12:19

a broker or an insurance company would view this period as a significant material change to the business circumstances and would have to adjust the policy accordingly. This could include a change to the cover, increased costs and possibly a refusal to offer insurance. In the normal course of events, if there were to be an incident, then the business's insurance company would pay at the agreed sum and then make a claim against the applicants insurers if it was if it was proved that the incident was due to something which the contractor or whoever from the applicant caused the incident.

00:41:13:01 - 00:41:25:01

However, my understanding is that due to the nature of the DCO, this would not be the case on this project. And so if I were an insurance broker, would seriously consider whether I'd able to offer cover or not, bearing in mind that I probably wouldn't

00:41:25:03 - 00:41:28:16

be able to recover my Thank you.

00:41:30:02 - 00:41:32:14

I'll come to stop line down next, please.

00:41:32:16 - 00:41:43:13

Thank you, Daniel Kaczal for stop line down. My point might take a couple of minutes, it's about noise mitigation, so I wonder actually whether it might make sense for me to come in after applicant has the had the opportunity to respond to that.

00:41:43:15 - 00:41:54:07

What I'll do then Mr Kiselko, I'll come to Doctor Farrington and Mr Fraud, go to the applicant for response on that and then come back to you. Excellent. Come to Doctor Farrington please.

00:41:55:10 - 00:42:28:00

I just wanted to make the point that there's an assumption or there seems to be an assumption that the thirty ms separation provides an adequate safety margin, but that doesn't take into account horses normal exploratory behavior. It's because horses will approach fences, they'll investigate fencing and other novel features within their environment. And as a result of that, they may be immediately adjacent to a boundary at the time of construction. Ehm so I just wanted to make that point that the horses are natural naturally curious creatures.

00:42:28:02 - 00:42:32:07

Ehm so the thirty meter separation might actually come into it.

00:42:33:27 - 00:42:38:05

No. Thank you. I'm going to come on to that point with the applicant. Mister Frost please.

00:42:39:28 - 00:43:12:03

Just in respects to the mitigation officer, I'm just interested as to what precisely they expect us to be doing in response to the warning that we will receive. We don't have extra land. The stud is operating currently at close to breakeven. It's actually operating at a loss to the costs we just referred to there in the previous questions. These are increased costs on the stud. It becomes increasingly less viable but I'm just fascinated by what they're actually going to say.

00:43:12:05 - 00:43:26:08

You know, for example, if we have an emergency with a mayor where we need to rush into the vets, are they going to ask all lorries not to come down the road that day? Do you know, it it It's interesting. I'm just interested as to precisely what mitigation means in this context.

00:43:28:10 - 00:43:46:15

MR Actually, Mr Frost, as you're on, I'm guessing from what you've just said with respect to not having the extra land, etc, I mean in terms of the construction activities the app can be undertaking, easy is it or otherwise for you to move horses around to potentially lessen the impact?

00:43:47:19 - 00:44:02:08

It's very easy to move horses. It's just a question of where to. We don't actually have the incremental land. We have one hundred and fifty acres. Studs are advised to have ten acres per brood mare, so we are operating at capacity already.

00:44:05:29 - 00:44:47:11

Thank you. I'll come to the applicant first, please. Doctor Farrington's point, a good one, and again Mrs Labour's touched it, we've discussed it a lot, this thirty metres and whether or not it's adequate or not. I think as an action point I'd like to see a bit more if we're going to use this thirty meters radius as a flight or flight response area around a horse, If the applicant is going to rely on that anyway, think we will further detail evidencing it, or it just comes off the table and we provide an alternative buffer if appropriate.

00:44:47:13 - 00:44:54:09

I think I just need to see a bit more evidence around that thirty metres if that's going to be relied upon, please.

00:44:56:11 - 00:44:59:08

Sorry, that might be an action point for the deadline. Sarah?

00:44:59:20 - 00:45:10:09

Collaborative applicant, yes. Think we said earlier we would just provide the evidence base for that in writing. I think obviously what was mentioned there is

00:45:12:05 - 00:45:56:05

what we tried to describe here is there is a variety of different activities and some of those will be going taking place very close to the boundaries. For example, the erection of some fencing, for example, or the planting of habitat management features. The applicant's position is that the

mitigation measures we're proposing are for the other types of works, for example, that are perhaps not what you would expect in a rural environment, whereas our view is that obviously habitat planting fencing and things like that are normal kind of activities that you would expect to take place in a rural environment and could at any point take place on any of the fields that are outside of the ownership of these stud farms.

00:45:56:07 - 00:46:22:05

We are looking at, you know there isn't it was mentioned earlier about being able to stop noisy works etcetera within within the farm itself but my understanding is obviously you wouldn't be able to control what your neighbour neighbour was doing and that's just the current status. So what we're looking at doing is making sure that there are appropriate mitigation measures in place for the specific activities we're doing and that the measures are triggered by

00:46:24:05 - 00:47:14:10

an appropriate distance. Obviously the Secretary of State is minded to put in fifty metres rather than thirty metres, then so be it in terms of how the mitigation is measured. A lot of the distances that we're talking about for the facilities that have been mentioned today exceed that already. They're fifty metres away or much greater in some circumstances. Our view is that what we've suggested is proportionate and appropriate. I think the comment that was made in relation to insurance costs, the as I understand it, we haven't been provided with that information in writing sort the the response and what information that particular insurance broker was given about the nature of the works and how close they were to that particular facility.

00:47:14:12 - 00:47:20:25

Obviously if Wiltshire Council is able to provide the specifics then we can obviously look into it but we would want

00:47:20:27 - 00:47:21:12

to make sure

00:47:21:14 - 00:47:22:27

that any broker is actually given

00:47:23:04 - 00:47:45:27

I'm happy to of part that as part of a wider discussion on the business compensation scheme. In terms of what you were saying previously about the different types of works, etc, I think that's sort of what I was that's why I asked around the question to Mr Threlfall earlier about how long some of these works takes. I think there's a commentary there around,

00:47:48:02 - 00:47:54:20

as you said yourself, Mr Produret, fence works are going to this nature of work and that

00:47:56:15 - 00:48:13:20

stretch there could take a week or a few days. The habitat creation enhancement works, I have to admit I don't particularly see that as being any different from perhaps normal, almost regular rural activities, quite frankly.

00:48:15:06 - 00:48:43:18

I think it's probably fair to the applicant to focus on those most noise, perhaps most invasive works, which is going to be things like the substations, there's going to be things like the installation of solar panels, as Mr Threlfel was saying earlier. I think we certainly understand that, the distances from the fence line, from the solar panels etc. I'm quite content on that point.

00:48:45:04 - 00:48:55:07

The matters that Mr Frost was raising, I'm happy to move to keep that in mind for the compensation scheme point

00:48:56:27 - 00:48:58:13

which we're going come on to.

00:49:00:05 - 00:49:04:13

But I mean I'm happy to go to Mr Excelcono unless there's anything I've missed Ms Broderick.

00:49:07:24 - 00:49:08:23

That's great. We'll move on

00:49:08:25 - 00:49:40:13

to Mr Kisselka, please. Thank you, sir. Daniel Kisselka, stop lying down. Just as I introduce this, it may assist for what I'm about to say to have a different map of this location up, if that would be okay. Could I request if the applicant has APP-one hundred fifty nine, which is the noise monitoring and sensitive location map, and if we look at this area. I'm just going to preface what I say with obviously this is referring to the ES chapter on noise.

00:49:41:19 - 00:50:13:08

The examining of forest will be aware that we dispute various parts of the noise chapter, and you'll have seen that in our submissions, this isn't a dispute with the applicant's figures. So what I'm about to cite is everything that is set out in the applicant's own ES chapter on noise. And so I don't see in my submission this is a question technical of noise expertise as much as just looking at the numbers and looking at the locations. And the point was prompted by the discussion about noise mitigation and Mrs Laver's question about the thirty metre figure.

00:50:14:19 - 00:50:18:08

I'll just see if that map might be available.

00:50:18:10 - 00:50:20:29

Yeah, Butcher Kate, not one we had preloaded but up Apologies,

00:50:21:01 - 00:50:56:10

Apologies, yes. I was wondering if I could get the note to you beforehand. So if we zoom in at West Park Farm, I'm using West Park Farm as an example just because we've been looking at it at length. So you'll see West Park Farm there, which is R14, and that is the sensitive receptor that actually describes the farmhouse. And then the associated measuring point is LT13, which you can see is just

within the red line area. And R fourteen is three fifty metres from the red line, so well beyond the ninety metres we've been discussing for these fields.

00:50:56:12 - 00:51:24:13

And the reason that is the case is because the applicant's assessment has been about human health effects of noise and compliance with the MPSE. Now, the reason I wanted to draw this to your attention is just because there's been a discussion about the noise effects on horses, and I just wanted to give the example that applicant provides numbers for in this location for construction noise effects. So I'm going to refer to the Lowell and Mesowell, which are two things which are set in the NPSE.

00:51:26:07 - 00:51:58:05

The Lowell is the lowest observable adverse effect level and the Soell is the significant observable adverse effect level. They have a definition in policy, but I'm just going to use them to explain Ms. Points. The applicant for this location in the construction period sets the Lowell at the existing baseline. And so the existing baseline measured location comes out at a low level of forty five decibels at R14. So that's at West Park Farm.

00:51:59:02 - 00:52:40:29

The applicant has been assessed the noise effects of construction construction on on R14. And what the applicant assesses the noise effect of construction on R14 at is fifty six decibels, which is eleven decibels in excess of the low. So eleven decibels in excess of the, what it is actually is the LAEQT, essentially the average background noise. That's lower than the SOUL, which is sixty five. The reason I wanted to draw this to your attention is that, so at three fifty meters away, the noise will be eleven decibels in excess of the existing background level.

00:52:41:11 - 00:53:27:26

We are talking about horses ninety metres plus away, so we would expect about fifty six decibels to be considerably higher. And this is a circumstance in which the mitigation that is provided for in the plan either does not work or is not provided for, because that is about thirty metres away from horses. This effect has never been assessed on horses. This effect, as it happens, has been assessed for humans and because of the approach that's taken to construction noise, which stopped Limedown, have not really taken a point on for humans, there is essentially no mitigation provided for here in an embedded way, because this doesn't surpass Sewell and doesn't call for the mitigation in the construction period because of what construction entails.

00:53:29:07 - 00:53:51:15

But the point there would be, as an absolute minimum, can assume that the horses in these fields will for the period of construction experience eleven decibel increase from construction noise and it's likely to be well in excess of that. And it seems to us that the mitigation provided for noise is not assessed for horses and patently is not sufficient.

00:53:55:22 - 00:54:01:15

Thank you, Mr Ksoko. Could you are you able to run us through ladies wood as well, please?

00:54:01:17 - 00:54:02:02

I

00:54:03:18 - 00:54:13:15

would have prepare to it so if you give me some time I could do that but I've only prepared West Bart Farm so far. I can do the same if you give me ten minutes but

00:54:15:01 - 00:54:16:28

Yes we'll come back to it please.

00:54:18:19 - 00:54:19:10

Okay I mean

00:54:21:20 - 00:54:22:26

Just trying to think.

00:54:24:24 - 00:54:32:07

Do we come back to that after ladies would start and then the applicant can respond in one setting? Yes, we'll that. Okay.

00:54:34:14 - 00:54:45:13

That's helpful. Thank you, Mr Kuzelko. What we'll do once we've come back to you, Tim, is indicate when you're ready and then we'll ask the applicant to respond in one sitting.

00:54:52:11 - 00:54:55:12

In terms of further questions from me,

00:54:57:29 - 00:55:03:02

On Thursday, Ms Broderick, we discussed air quality and equine impacts.

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We've established that the

00:55:09:17 - 00:55:18:19

in terms of air quality we established on Thursday with the pollutant concentration levels being well below acute exposure guideline level one thresholds for humans.

00:55:21:08 - 00:55:37:05

Knowing this question was coming, does the applicant have an answer for how air quality in terms of the this is around the best of course, any potential best fire. Do we have an answer for horses? And if not, can we get one?

00:55:38:20 - 00:56:10:12

Claire Brochick the applicant. I'll just check Miss Dennett is available. Obviously, she spoke previously. As she'd explained last week, there isn't a there isn't a specific standard for horses at the moment. But I think it may be helpful if Ms. Dennett can just explain how the dispersal modelling has

taken place and then Doctor Green can then explain why at that distance she doesn't consider there to be an impact on the process, if that would be useful.

00:56:10:14 - 00:56:12:17

I'll just check. She is there. Thank you.

00:56:13:16 - 00:56:46:22

Hannah Dennis speaking on behalf of the applicant. As discussed at previous the hearing, the assessment identified and modelled representative sensitive receptors in accordance with the adopter methodology and relevant guidance. So equine facilities were not identified as a separate receptor category within the assessment. However, Townley's farm which includes a livery facility was represented within the modelling as receptor R11 and is located approximately seven hundred meters from the proposed Bass area. This has been identified as the closest equine facility to the proposed Bass.

00:56:47:07 - 00:57:17:23

Predictive pollutant concentrations have therefore been calculated for the location at which horses are understood to be present. Hydrogen fluoride was identified as the pollutant with the highest predicted concentration relative to the acute exposure guideline levels used within the assessment. The maximum predicted one hour mean hydrogen fluoride concentration at receptor R11 is seventy point four microgram per meter cubed compared with the one hour AGL level threshold of eight eighteen microgram per meter cubed.

00:57:18:00 - 00:57:51:25

The predicted concentration is therefore substantially below the relevant assessment criterion and represents approximately nine percent of the AGL level one threshold. Whilst equine receptors were not assessed separately, the closest identified equine facility is represented by R11 and the predicted concentrations are substantially below the relevant assessment criteria. So I'd like to also point out that the assessment also adopts a highly precautionary approach, including modelling of worst case best fire locations closest to surrounding receptors.

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We modeled conservative release height, temperature and plume characteristics in the modelling. The modelling also used five years of hourly meteorological data with reports reported as the maximum predicted concentrations across the entire data set, and an assumption that peak derived emission rates persisted for extended durations. It's also important to recognise that a best fire is a rare event and that the proposed scheme incorporates multiple layers of prevention and mitigation measures, including compliance with current industry standards, large scale fire testing requirements, separation distances, fire and explosion protection systems and emergency response planning.

00:58:31:01 - 00:59:04:00

The purpose of these measures is to both minimise the likelihood of an incident occurring and the consequences should one occur. Now in terms of the levels and air quality standards for horses, AEGL level one represents the most conservative of the AEGL thresholds and is the concentration above which notable discomfort, irritation or certain asymptomatic non sensory effects may occur in

humans. Such effects are not disabling on a transient and reversible upon cessation of exposure. AEGL level two and three correspond to a more severe effect levels.

00:59:05:01 - 00:59:37:16

So AUGLs were selected because they're specifically intended for the assessment of short term accidental releases and emergency incidents. They are health based criteria designed to protect the general population, including individuals and are therefore considered relevant to a rare and short duration best fire scenario. So there are no currently recognised air quality standards or acute exposure criteria that are specifically applicable to horses. in So the absence of equine specific criteria, the most relevant and precautionary benchmark available for assessing short term accidental exposure has been considered.

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This approach is consistent with that adapted for other NSIPs where concerns have been raised regarding horses and livestock in the vicinity of the proposed BES. In those instances applicants have concluded that in the absence of species specific thresholds comparison against precautionary human health criteria provides the most appropriate basis for assessment.

01:00:02:11 - 01:00:18:19

Thank you. Can I just confirm please, Ms Dennett, about the prevailing wind? If a prevailing south westerly wind is taken into account, is West Park Farm more affected by a best fire than Townley's, which is not downwind despite being closer?

01:00:19:03 - 01:00:59:24

So how the modelling works, it accounts for all wind directions. For each individual receptor we don't say okay so one one hour within the five years is is the worst hour for all of the receptors we actually model every individual receptor and we look at the worst case for each receptor so it might be one is you know, one part of the AM1 is another part so we actually consider the worst case. So whether it's upwind, downwind or the prevailing wind is not overly relevant because we look at the worst case concentration across the whole of the met years.

01:01:00:26 - 01:01:25:24

No that's helpful, thank you. If I come to Doctor Green then please, I suppose what I'm considering what what Ms. Dennett has said, I suppose the thing is what's in my head is that horses take in huge volumes of oxygen compared to humans. They have a huge lung capacity. In your opinion, in your view, would

01:01:27:24 - 01:01:29:29

horses be adversely affected by

01:01:32:20 - 01:01:39:09

a best fire, and if so, what would those effects be? Doctor Green,

01:01:42:09 - 01:01:47:18

would they be affected by Best Fire would depend on the proximity to the Best Fire.

01:01:47:22 - 01:01:53:01

Okay, so sorry, Ms Dennett has already outlined that assessment was undertaken at Townley's farm.

01:01:53:06 - 01:02:25:23

Yeah, and so obviously, like you've just said, the biggest difference between humans and horses is the size of the lungs. There's other things. It's predominantly because the horses are built for sprint endurance and so they've got massive airflow capacities. In hard work, they'll be pushing twelve hundred to eighteen hundred litres a minute of air through their lungs versus a human, like a good elite athlete, they'll be pushing one hundred and fifty to two hundred. So even their resting capacity is ten times larger than ours.

01:02:26:10 - 01:02:40:19

And their lungs aren't as lobulated as ours, so we've got five separate lobes, whereas theirs aren't as lobulated, which is designed to give these big pushes of air through, which is what makes them such good endurance animals.

01:02:42:14 - 01:03:15:07

They are obligate nasal breathers, so they can only breathe through their noses. They're not like us where they can respire through the mouths as well. If you had a pollutant in an area that got to them, if they got inflammation of their nasal passages, that would obviously cause them respiratory distress a lot quicker because they've known all the mechanism of breathing. Having said that, you've still got to, although they're inhaling more air, which means if you've got pollutants there, they would inhale more pollutants.

01:03:15:09 - 01:03:39:18

You've still got to have the pollutants there for them to inhale. So when you're working, which is why I brought up the distance from the best fire. So the further this distance where she's done this study at those levels, there isn't pollutants for them to breathe in to negatively impact them, which is why I said at these distances the best fire wouldn't impact them.

01:03:42:07 - 01:03:47:23

Okay, that's helpful. Thank you. Think we have a hand up online with Doctor Farrington, please.

01:03:49:23 - 01:04:22:25

The problem I would have with this is that the AEGL can't be assumed to have an equine no effect level. The method estimates human values from animal data, and it doesn't go the other way from humans to horses. Like the reality is that no horse data exists for inhaled inhaled gases or deliberately and deliberately exposing these horses to justify, you know, to get that level, you you know, isn't really viable.

01:04:22:27 - 01:04:52:09

So look, there is a huge gap there. And I just think that that that basing the AGL doesn't provide an evidence of safety. You know, it's just it's just nobody knows or or has shown that it protects horses. And you know, even the AEGL one is it's not a no effect level even for people. So in that respect, I would dispute, you know, how how is it shown to protect horses?

01:04:54:17 - 01:05:26:05

Just the other point of always like to make is that you know the horses will respond differently to inhaled her inheritance than humans. And as Doctor Green said, horses breed only through their nose. So the nose is the first point of contact, so they have no mouth to fall back on. Another point is their breathing rate rises approximately tenfold from rest to gallop, you know, so if they're galloping around the field, the volume of air moved per minute increases about fifteen fold.

01:05:26:19 - 01:05:33:04

And you know, so that will have, you know, a greater impact on the amount of the inhale.

01:05:34:20 - 01:06:09:21

As Doctor Green said, they have big lungs and lungs, and they've got a very large gas exchange surface. But that is also combined with very high blood pressures in their long vessels during exercise. They have thin alveolar membranes that at that stage are operating at their mechanical limit. So any other insult on top of that, you know, might have a deleterious effect on them. And just another point going back to the nature of the of the farms and newborn folds, have an immature lung lining in the peri partum period.

01:06:10:00 - 01:06:29:18

They breathe faster. They use more oxygen per kilo. They have smaller airways, they also spend longer times lying down which lowers their blood oxygen. So these are particularly vulnerable groups which the assessment isn't taking into account.

01:06:32:18 - 01:06:44:27

Thank you, Doctor Farrington. I suppose the difficulty the applicant faces is that there just isn't an established methodology to run this type of assessment. Completely understand that.

01:06:49:14 - 01:06:58:13

What is a technical subject is we're trying to draw through different experts and that's what the applicant has tried to do here.

01:07:02:20 - 01:07:08:01

Is there anything further you think the applicant could provide to try and bottom this out?

01:07:31:17 - 01:07:43:09

So I suppose Doctor Farrington what I'm looking for is you aware of any studies that have been done with respect to best fires? Because there have been Best fires. As

01:07:45:21 - 01:08:24:00

far as I know, no horse data exists for what we're talking about, which would be, you know, in H Hilda, H F and HCN. And the problem is that there are strict animal protection laws, which would be hard to justify a study exposing horses to such NOxious chemicals. And that's where you would The point is that getting approval to conduct such a study, one, there's huge ethical problems there, but it would be very difficult.

01:08:24:12 - 01:08:30:05

So I think that gap is always going to remain because I really can't see

01:08:32:17 - 01:08:34:09

such a study being proved.

01:08:35:23 - 01:09:02:29

I wonder then if I come to the applicant, perhaps I just started saying, best fires have happened. When a best fire happens, is there anything in the aftermath of that that the operator or a regulatory body provides on the effects of it, and would that potentially cover impact on animals, if such a thing happens?

01:09:04:17 - 01:09:07:08

We don't have Mr Gregory

01:09:08:24 - 01:09:27:19

today to talk to the actual BES fire safety. Just to check, is your question to the extent that a BES fire in the event that a BES fire were to happen, is there any national kind of study as to what the effects were of that? Is that what you were?

01:09:27:21 - 01:09:32:23

No, as Doctor Farrington pointed out, such a study would be utterly inhumane.

01:09:34:08 - 01:09:36:20

I was probably asking when a best fire happens,

01:09:38:18 - 01:09:45:00

is there a requirement for a regulator or an operator to undertake a study of the effects of that best fire?

01:09:45:12 - 01:09:53:21

Yes, that's what I thought you were asking. Unless Ms Dennett knows the answer to that, we'd have to take it away. Don't have If that question

01:09:53:23 - 01:10:01:17

question to there's not a requirement for anyone to do anything such as that, is there an opportunity here to build in

01:10:04:12 - 01:10:21:11

a learning opportunity, this industry learning opportunity that if over the sixty year period a best fire happens, the operator would undertake an assessment of the effects. That's where I'm going with this, to see if there's some added value to be taken

01:10:32:04 - 01:11:04:26

question for Mister Gregory to respond to in writing but we can definitely provide detail in terms of what what's happening in the industry at the moment in terms of knowledge being gained. Obviously Mister Gregory has mentioned that it's you know it's something that is the regulations are continually

evolving as FEDS develops in this country and as it gets larger. It's definitely something we can come back to and also come back on the practicalities of obviously what you could monitor in the event of a Bears fire as well.

01:11:04:28 - 01:11:17:29

We can see whether that's something you could do after the event or whether you'd have to have the equipment there ready and waiting in the unlikely event it were to happen itself. Yes, we can definitely provide a response in writing.

01:11:18:01 - 01:11:19:10

No, that's helpful. Thank you.

01:11:21:26 - 01:11:29:19

Is there anyone who wants to comment on best fire quality and equine impacts? I see Mr Frost has his hand up online, I'll come to him first please.

01:11:29:29 - 01:11:49:03

Just quickly, the only report that we've been looking into is the Moss Landing case study where there's huge reports of animal impacts. It wasn't just horses but it was all animals that were impacted and that's obviously been a very public study which I would hope has been read by the applicant.

01:11:52:11 - 01:11:53:22

Yeah, I'll come to you miss Broderick.

01:11:54:21 - 01:12:03:17

As I say, Mr Gregory, who is our expert, isn't available for today's hearing, but we can provide comment on that particular report in our written Terrific.

01:12:03:19 - 01:12:16:10

If we add to the action point reference to Moss Landing. Mr Frost, following this examination, would you be able to submit the report you make reference to, please, into the examination?

01:12:16:13 - 01:12:18:17

With pleasure. Absolutely. Thank you.

01:12:18:22 - 01:12:38:25

Thank you for that. Mr Kiselko, are you ready then with the matter of noise? Because it sounds like you are, so what I'll do is I'll very quickly just double check no one wants to raise anything else on matter of air quality and BES and equine impacts. Okay, I'm not seeing anyone in the room and I'm not seeing anyone online. Over to you please Mr Gizelko.

01:12:38:27 - 01:13:10:09

Thank you sir Daniel Gizelko, stop lying down. I'll, yeah, my big moment. So as a reminder, the one that we're currently looking at, that is West Park Farm the Lowell, which is based on the background LAEQ is forty five and the assessment says that construction noise at R14 will be fifty six decibels. If we now scroll across to the left, you're looking for LT5.

01:13:11:15 - 01:13:42:11

So LT5 is the applicant's measuring point for, among other things, ladies wood stud. If you scroll up a little bit, so we can see it there in the middle, there's a slight oddity here, which is footnote one to the Noisiest chapter. The applicant uses a different receptor location for Ladies Wood based on daytime and nighttime. So R30 is daytime, R29 is nighttime.

01:13:43:05 - 01:13:50:06

So I'm going to refer to R30 here because we're on a daytime construction effect.

01:13:51:26 - 01:14:26:24

And so here the associated background LAEQ is higher, so the Lowell here at R30 is fifty. And the predicted effects of construction at R30 is fifty seven decibels, so that's a seven decibel increase. R30 is one hundred and sixty metres away from the development red line. If it helps, R29 at this time is fifty five decibels.

01:14:28:02 - 01:14:47:01

And essentially that's to do with the fact that actually the notch is coming from a different direction, because you'll see what the closest point to our thirty is. The actual closest bit of PV development is slightly closer to our thirty. So the that's summary, other points, four other points very quickly on this which might help.

01:14:47:03 - 01:14:53:01

Before you go to those points. Oh yes, of Could you just give me that you said R30, was it one hundred and nine metres?

01:14:53:04 - 01:15:19:29

Sorry, one hundred and sixty metres from the red light. Yes, so that's the Ladies Wood House. The applicant has correctly in its footnote explained that R30 represents a reasonable worst case in daytime, R29 represents the reasonable worst case at night time because of the noises. suspect I it's technically related to the operational noise because of the operational noise of the BES, but in any event for these purposes R30 is what they've used for daytime.

01:15:20:01 - 01:15:21:00

Then

01:15:22:09 - 01:16:02:18

the four quick other points, just to emphasise from that distance that I just gave Mrs Laver, one hundred and sixty metres again is well in excess of the thirty metres proposed in relation to noise mitigations. Two, this is a technical point but it's worth making. The construction noise approach is based on the LAEQ, so that's just the average noise. What the operational noise comparison is based on, just so this is explained, is the LA90, and that is the ninetieth percentile, and that is essentially aiming to pick up the actual background noise.

01:16:02:20 - 01:16:41:25

So it's not the average noise, that is the true background is the applicant's approach, which is what is provided for in the British standard. I flag that simply to say if you are looking and wondering why the numbers are so much lower at Lowell and Soell, it's because that is the difference between construction and operation. There may be a case to be made that for horses, maybe the LAeq isn't the correct one, but the applicant's approach isn't based on a British standard for construction noise again, so I'm not going to go down there at this point. Three, the applicant itself explains that horses hear differently to humans, it's 4.2.8 of the applicant's note on horses.

01:16:42:02 - 01:17:14:29

And the final point, which is again another technical point, was sort of referred to a bit on the issue of insurance. Article seven of the DCO disapplies, essentially disapplies the relevant statutory protections for noise nuisance. And so this is an unusual case where you really are in a situation where if this DCO provides for this noise effect, essentially the applicant has immunity, which is provided for an old DCO, so it's standard to article have seven or an equivalent in a DCO.

01:17:15:04 - 01:17:28:10

But I just flag that because this is a situation where actually Ladies World and West Park Farm don't really have any recourse on if it is deemed to be an acceptable effect. I hope that assists.

01:17:32:05 - 01:17:40:05

That does. Before I come to the applicant, Mrs Labour, you have anything you'd like to comment on for that? Nope, okay. Can I come to the applicant to provide any response please?

01:17:43:08 - 01:17:59:28

Claire project for the applicant. Obviously there's two points being raised here. Think one is how the applicant has undertaken its noise assessment and in terms of the fact that Mr Kaczalka has mentioned it has measured it from residential receptors. We do have our

01:18:01:18 - 01:18:36:29

noise expert has been able to join virtually, Mr Muirhead, should you have any particular questions in relation to all of the figures that Mr Kizalco has just mentioned there? I think obviously it's a separate point in term, which is what the equine business report has sought to do, which is how would horses respond to those levels of noise if they happen to be in the adjacent field and obviously. Doctor Green can speak to the responses and that comes back to the point we were talking earlier in terms of habituating to noise and how they would respond to that noise.

01:18:39:15 - 01:18:41:25

Obviously Mr Melvin made a number of points.

01:18:41:27 - 01:18:45:18

I'm actually quite clear with respect to noise and horses.

01:18:49:01 - 01:18:53:16

Can I just come in, Ms Levy? I think the point that I'm taking from this,

01:18:56:24 - 01:19:28:06

Westpark Farm, albeit modelled at the house but incorporates the surrounding fields of the business, is an eleven decibel increase through construction noise. And if I look at paragraph 4.2.8 it says: horses generally hear higher frequencies and quieter sounds than humans, so if a human can hear a faint a horse almost certainly can. I mean that's quite a statement. So eleven decibels could be quite significant for horses.

01:19:28:08 - 01:19:38:05

So when we've got a thirty meter mitigation sort of buffer to horse noise, I'll come back to whether that's actually adequate.

01:19:40:15 - 01:19:52:20

Similarly then for Ladieswood stud I think if I wrote the numbers down it's a seven decibel increase through the day. So I'm not expecting a response on the run but I think we will need something in post hearing submissions

01:19:54:08 - 01:19:59:00

on this because it's extremely important.

01:20:02:03 - 01:20:35:23

Daniel Kuzarcopher's stop lying down. Thank you madam. The other thing I don't know if the applicant can do this, but just for example for West Park Farm, we have no modelling for close to the development. I wonder if they could model what the noise would be, say at the red line edge where it abuts Mrs Farrington's farm, because I mean, we're talking about eleven decibels, that's an absolute minimum, that is measured from the house. So I would hope that the modelling would allow the applicant to produce a figure which is essentially the reasonable worst case for horses on that field.

01:20:36:26 - 01:20:40:24

And It seems to be likely that that will be substantially higher.

01:20:46:10 - 01:20:57:24

If that's something the applicant can produce for deadlines, I do notice that there's a hand up online, but if that additional modelling work can be undertaken for deadline seven to establish a figure, that would be handy, please.

01:20:57:29 - 01:21:36:13

Claire Project, I think that's Mr Muirhead. Might be able to just add some things. Obviously he can explain, for the purpose of the assessment we've obviously done the very noisiest activity for the purposes of the assessment rather than looked at which particular activities are taking place. Obviously we haven't assessed. When we were looking at the previous plan and we were showing what works would be taking place in the immediately adjacent field. We were talking about habitat management works and some fencing. The assessment obviously hasn't looked at what the noises are of those activities because it has assessed on the basis of the very noisiest activity that may take place during the construction period.

01:21:36:15 - 01:22:08:22

But I can let Mr Meehad just explain. What I think was being asked for there is can you please model the noise, potential noise for the particular activity that's being taken place? I think we could work off the worst case noise, which would be the piling. I think that's the logic. If that's the noise that's being assessed for the residential receptors, which it probably almost certainly is for the case of West Park Farm House, I think it's logical we just carry that forward to the noisiest modelling.

01:22:08:24 - 01:22:28:17

I'll let Mr Mearhead just come in and just in terms of responding to that point, obviously I don't have a week until deadline seven so I can't speak to him as to what's actually achievable in terms of how quickly it is to do the modelling, but he may have some information that is relevant that he can just speak to now.

01:22:28:19 - 01:23:01:03

Sorry, could I just add one very small thing, Mr Muirhead might be done, I've stopped writing down. Was just going to ask, has Mr Muirhead modelled the works plans for noise or has he just modelled the noise emissions at the edge of the red line area for most of it? Because my understanding was that the works plans have been modelled. So that would be the piling in works one, not that we're treating piling as going on in the mitigation areas. I may have misstod but that was my understanding of what had been modeled.

01:23:02:14 - 01:23:08:24

Clever, Scapkin. I'll let Mr Meehir come in explain and how the how the assessment has been carried out. Thank you.

01:23:10:02 - 01:23:45:25

Yes, certainly. Matthew Muirhead from the applicant. Yes, just to clarify a few things. We have assessed the construction noise as a worst case of the noisy activities happening simultaneously throughout most of the day across all of the areas where you panels, so it doesn't necessarily go all the way up to the red line boundary, but it goes all the way up to the closest point of the panel areas. So essentially it's assuming that the piling, excavating, any other works are all happening at the same time at that closest point.

01:23:46:20 - 01:24:11:20

So that's in terms of assumptions, and I agree with the inspectorate's view that we should maintain those in producing new calculations closer to the red line boundary. We have indeed done that already in preparation for the next deadline. We have calculated some specific points different distances back from the red line boundary ten ms thirty ms and so on.

01:24:13:17 - 01:24:41:03

We if what was required was a full sort of color graded contour map, that would be additional work, but I don't see why we couldn't necessarily provide that. We already have the spot points as it were, and those spot points are indeed as stop line down, say, louder than the fifty seven, but not a lot louder. They're in the low 60s typically, depending exactly where you are along the edge of the farm.

01:24:48:26 - 01:25:21:16

Mr Muirhead, it sounds like it wouldn't be a lot more work for you to provide within a week, and I think it would be really valuable. The whole of this morning so far has been about the implication of the effects of noise primarily with some visual to horses, particularly to these thoroughbreds which are bred in some of these locations. So I think it's intrinsic we have some of this information into the examination. So yes, please, for deadline seven.

01:25:23:09 - 01:25:34:13

Yes, absolutely. So, just just to clarify, they ask that we will produce noise contour maps, you know, covering the full West Park Park Farm and Ledgeswood start. Is that correct?

01:25:34:15 - 01:25:35:04

Yes, please.

01:25:35:22 - 01:25:40:06

Construction. Yes, absolutely. No problem. We're we'll take an action to get that complete.

01:25:44:04 - 01:25:47:26

Thank you. Mister Kzelca, did you want to come back on any part of that?

01:25:49:12 - 01:26:29:12

Thank you, sir. Daniel Kzelca stop lying down. No, I think that would be welcome. Obviously, should highlight that the Lowell and Sole is based on the MPSE, which is itself a human factors assessment basis or policy for assessing noise. Mrs Labour noted the points on point four, point two, point eight of the applicant's document. The only other thing to flag, if we are approaching the mid-60s, that would be above the sole for a human, which would be a significant adverse effect and typically the policy for a human would say avoid it.

01:26:29:20 - 01:26:30:05

So

01:26:32:02 - 01:26:37:25

you may want to take into that account in understanding how you because this is all based on human assessment essentially.

01:26:41:10 - 01:26:55:15

That is something I was going to ask for. If the applicant, when submitting this to deadline seven, we could have a commentary on perhaps the potential impacts on horses. I appreciate that's going to be that may be tricky but

01:26:57:00 - 01:26:59:22

would actually have a comment from Doctor Green on that point of a deadline seven.

01:26:59:24 - 01:27:28:00

Sorry Mr Levy, didn't mean to cut you off. I think we need to continue with the Lowell and Sole basis on the basis that that just gives us the relevant measure that we've already got in the noise assessments but it would be very helpful when Mr Muirhead produces those contours and provides the numbers if

Doctor Green was able to pass some comment as an addition to that in light of what is already said in paragraph 4.2.8. Thanks.

01:27:33:00 - 01:27:34:23

Thank you. Broderick?

01:27:34:25 - 01:28:07:04

I just wanted to touch on and we're going to come back to it when we talk about compensation more generally but obviously mister Kiselka will be aware of section one hundred fifty two of the Planning Act two thousand and eight which provides a mechanism for compensation where you have included that defence to statically nuisance claims. It allows the works to continue but there is a mechanism for claiming compensation but we can talk to that. When we come to that element of the agenda item but I just I didn't want to

01:28:10:03 - 01:28:21:09

thought were useful to just note that that the DCO process does include a mechanism for that in particular circumstances. You obviously have to meet the criteria for it but there is a mechanism.

01:28:21:11 - 01:28:42:24

Okay. Thank you. I don't want to get into debate about compensation just now. Is helpful. Thank you. I'm sure perhaps some lunchtime reading for all of us, but we will touch on that in more detail at the relevant section. Right. I'm going through my notes and my script here. I'm going to propose we move on from equine physiology.

01:28:45:20 - 01:28:56:29

I think the applicant's got a good handle in terms of action points coming forward. I think there also needs to be perhaps a consideration for any

01:28:58:22 - 01:29:15:02

mitigation measures could be volunteered off the back of anything that comes up that's new or more sensitive. Noise, for example, is going to be could be more of an effect than we than they previously considered. Perhaps it needs to more noise barriers, etcetera, so I'll leave that with the applicant to consider

01:29:16:18 - 01:29:51:06

mitigation measures in the camp as appropriate, depending on the on what comes out of the additional information. So I was proposing to move on now to a bit more on the baseline of the equine business report. Now, my proposal is to go through this, pause for lunch. I appreciate everyone's probably rumbling tummies, but I'd like to get through this because then it gives us what feels like a natural time to break for the non equine business impacts.

01:29:51:28 - 01:30:29:18

I'd like to come to the applicant please, because when undertaking your relevant ES chapter and the equine business report, did you consider the different nature of livery yards and facilities or did you assess them all as the worst case? My understanding of livery yards is that they'll offer delivery yards

offer different things. Some that offer facilities for event horses, some that offer facilities for someone who just wants to keep a horse in a field at a stable and you go out and hack and things like that.

01:30:30:11 - 01:30:40:01

Different ends of the spectrum. Did you just, as far as your assessment is concerned, did you assume worst case if you like that all the livery yards you were looking at

01:30:44:16 - 01:30:51:01

Would contain sort of thoroughbred horses and rather than differentiating between different types.

01:30:54:28 - 01:31:26:20

Mr Flynn on behalf of the applicant at the point of the assessment in the ES, so that would have been up sixty eight and then up two forty one. The on-site operations and the type of horses that would be at each facility was not differentiated. The differentiation came from whether it was a private facility or whether it was attached to a business, and it was those that were known to be businesses were given a higher sensitivity when that assessment was taken place.

01:31:27:26 - 01:31:40:23

So it was on the basis that it could be. It could have been sort of thoroughbred horse, but it wasn't done specifically with a distinction between the red horses and delivery for sort everyday of or DIY users.

01:31:42:13 - 01:32:05:00

To test my understanding then, livery yards that were operating on a commercial basis, they were assessed that they could be or they could have sort of thoroughbred horses there, sort of a three day event horses, etcetera. They were all assessed at the same sensitivity that was the sort of level of sensitivity.

01:32:07:12 - 01:32:34:03

Mr Flynn, that's generally correct here. The sensitivity came from the fact that there were horses being kept there and that there was a commerciality attached to them. That what led the sensitivity in that part of the assessment. That was at the point of application. It's only since then in the equine business report deadline five that distinction was made much more detailed and the differences between those was reported.

01:32:37:24 - 01:32:39:17

Sorry, bear with me. I scribble some notes.

01:32:56:26 - 01:32:58:29

Thank you. Now,

01:33:00:14 - 01:33:12:27

did you consider at any time during the when you were writing the equine business report, did you consider appendix stop line down's appendix Z submission, which

01:33:15:21 - 01:33:27:02

is the most recent version six thousand Rep eighty two, but previous versions AS-nineteen and Rep one-one hundred eighty eight. Prior

01:33:29:19 - 01:33:50:20

to this hearing, I did ask the applicant to prepare the relevant layers showing delivery yards and different businesses. We may not need to actually because I think we've discussed a lot of these issues in the round anyway. But did you consider The terms of establishing your baseline the stop line down submission.

01:33:52:25 - 01:34:35:27

Mr Flynn of the applicant. Yes, that. That plan as you've made reference to was taken taken into consideration, although at that time it was provided by Mrs Farrington in a written submission rather than by stop line down at. With the level of detail that you've you've mentioned. I think that was only put into the examination at deadline six. But we were aware of the this top line downs collection of information on what equestrian facilities there were in the area and also their plan of the interconnected network of highways and public rights where that they deemed to be of particular importance to those.

01:34:36:07 - 01:34:36:24

So

01:34:37:11 - 01:34:59:09

in short, yes. Okay. But as the most recent version, deadline six, could I ask as an action point, could you cross reference your baseline data with theirs, update accordingly, or provide a commentary just saying they match or they don't match because of, and just give me a bit of commentary around any potential differences between the two please.

01:35:00:18 - 01:35:40:16

Mr Finn, yeah, that's fine. We can take that away. Just off the top of my head though I can recall one of the main differences though was stop lying down. We're able to identify much more private users, particularly where it was sort of one or two horses in paddocks by private owners where that availability of information wasn't there us at for the point of submission. Yes, that's probably the main difference. Local knowledge, isn't it? Exactly. We were reliant on what had been submitted through the statutory and non statutory consultation to identify where businesses were, plus then what was available to online sources at that point.

01:35:41:03 - 01:35:46:23

Thank you. That's helpful and just marked that down as an action for deadline seven.

01:35:50:18 - 01:36:09:24

I think it's my final point on Equestrian. The council made a point earlier, and this has been submitted in writing as well by the parties, the potential that The potential that somebody would

01:36:11:16 - 01:36:21:16

see a significant construction activity ongoing and then determine, I'm going to move my horse from that yard because I'm worried about how my horse might react.

01:36:23:13 - 01:36:58:18

That's not just high value animals, thoroughbreds, it's somebody who's just got a horse that they like to take out occasionally and look after. So has that been considered? Also as my understanding is, you don't just move livery yards. I think they're quite in terms of being fully booked out, etcetera, is there capacity within the local area for someone to move a horse to? Would that then be going I'll come to you shortly, Ms.

01:36:58:20 - 01:37:16:01

Godwin, thank you. Is there capacity in the area? Is that then something which is then is that customer then lost to the business in the immediate area? So I'm just trying to understand and bottom out that comment that has been made in that fear, if you like, from parties, from IPs.

01:37:19:14 - 01:37:30:02

Mr Flynn for the applicant. I suppose there's a number of layers to my response, so I apologize if I have to sort of go through them to get your point.

01:37:31:25 - 01:37:34:26

In terms of the assessment piece,

01:37:36:21 - 01:38:10:23

That would have considered the potential impacts of the scheme on those delivery yards or other equestrian facilities and from that the likelihood of whether there would be an impact to their operations. Whilst we said very early on that that was done at quite a high level, it was based on the proximity of the facility itself to the scheme and the impacts there from, but also on the basis of the hacking routes nearby, whether that be by road and thus HTV impacts or public rights of way and the proximity of the public rights of way themselves to outside works.

01:38:11:15 - 01:38:52:29

So that was considered in terms of what were the pathways for there to be an impact on those live rears, and that was taken into consideration. Primarily as a recreational. As a recreation because of the impact on public rights of way and the highway. That was where the potential impact on then sort of the economic impact that that was taken from. Looking now to what mitigation was being put in place, I suppose it's again going back to that idea of the layering, it's not just the physical mitigation that's been secured on-site.

01:38:53:01 - 01:39:23:17

Whether that be the noise barriers, the actual physical location of on-site infrastructure compared to surrounding facilities, the procedural side of the mitigation, that's the air quality side of things or how HGVs are going to be managed on the highway network. And then as we were talking about earlier today, the community liaison group being that information communication piece that's sort of layered on top of that. All of that is to try and show

01:39:25:07 - 01:39:46:13

what the applicant team is doing to minimize those impacts, what confidence that can give them to the business owners, and then how that then can then be passed on to the clientele to give them the

reassurance that certainly when it comes to knowing more of the detail, what that actually means for them keeping their horses at those facilities.

01:39:49:02 - 01:39:55:13

As I said, it's about trying to build up those layers of information from mitigation all

01:39:55:15 - 01:39:56:00

the way up to

01:39:56:02 - 01:40:01:11

then the communication piece and building that confidence into that.

01:40:02:07 - 01:40:11:03

That's helpful. Thank you. I will come back to your point, but I'll come to Ms Godwin first, please. If we could have a microphone to Ms Godwin. Thank you.

01:40:20:05 - 01:41:09:19

Hi, Ms Godwin. I'm just going to say I've thirty got horses in my care and I've had my business for many years. I can't disclose how old I am. We use those roads in all the area. Start from Luckington and we ride around the roads. And not only does the the increment in in traffic have a huge effect because it's the local traffic using the smaller roads that we try to ride on to get from A to B and it's also the mud the mud incurred when we have our wet winters and and making the roads slippery and much more dangerous for the vehicles driving causing problems with horses just just even a quiet horse being hit by a car coming round the corner because it's seen us all of a sudden on a muddy, gravelly road.

01:41:10:08 - 01:41:54:08

There are the aspects of the four and a half meter high panels just and a horse going back to the flight. Once he goes by something that's going on and he starts not liking it, as he as he anticipates or she anticipates what's going on, they get behavior problems and turn feral. They didn't start off feral but the whole thing builds up into a really awful situation where the owners then say, actually, I don't want to ride. I don't want keep my horse here and there's no point going to another local yard because because I want to go, they'll take it to the an area very far away so that there's no traffic and problems of the construction is going on.

01:41:54:15 - 01:42:09:06

I have older clients that want to go for just little quiet round for twenty minutes, half an hour and that s my business now with the demise of hunting and how it s all changed. One tries to diversify diversify as you're going along and there's nothing to diversify too. it's

01:42:20:19 - 01:42:21:04

know Ms

01:42:21:06 - 01:43:09:19

Ms Copeland. That's helpful and that actually helped to form my follow-up point to the applicant. Someone choosing to move their host regardless of the amount of information they have, they can

know the construction elements inside out, but ultimately they may just take a personal preference to move the horse out with the area. It could be for the points that Ms Godwin raises. Is there a way of bringing that into impact the assessment? I don't know if you added a five percent or ten percent figure just as a general across the board to say, well, these fears were realised and regardless of any efforts and all efforts made by the operator, people just decided they just didn't want to have that issue there and decided to move on.

01:43:09:21 - 01:43:12:29

It's a way of building that impact into the applicant's assessment.

01:43:32:14 - 01:43:36:26

Just checking who might be the best person to respond to that particular point.

01:44:04:03 - 01:44:29:03

I'm just going to see whether Alison Powell just has anything to add just in terms of obviously consideration of the when the equine business report obviously looks at the national level and then the local level. So she can take into explain a bit more in terms of what factors we have taken in into account in terms of preparing the report. Thank you.

01:44:32:07 - 01:45:03:15

Thank you. Alison Powell working on behalf of the the applicant. So I think listening listening to the the the conversation this morning and the various points raised and then particularly obviously in relation to this this area of inquiry. I think it's it's useful just to to start by saying that the the equine business report rep five one zero five doesn't treat the equine sector as a single uniform receptor, but it

01:45:03:17 - 01:45:04:02

does

01:45:04:04 - 01:45:51:03

distinguish between the different types of equestrian facilities that we've been talking about this morning, whether is commercial thoroughbred and stud operations or livery yards, riding schools and also that supporting private network and facilities. We have also considered it's you know apparent at various points throughout the equine business report. You know how the the sensitivity and the the potential pathways impact might differ between different facilities and types with some facilities such as the commercial thoroughbred operations being recognised as potentially more sensitive in many ways.

01:45:52:06 - 01:46:10:11

Then I think also that point around client confidence and that relationship with business viability is clearly important and is something that again has been referred to within the report and that relationship

01:46:11:27 - 01:46:26:11

between client confidence as a potential impact pathway in terms of the impact on customer perception for example or reputation or whatever as being something that has been taken into consideration.

01:46:28:13 - 01:47:04:15

The study has looked overall and it's obviously drawn on the, we've talked a lot about the physiological and behavioural aspects of horses and so it's drawn a lot on that and also the bespoke mitigation framework that we've been going through as well and drawn on all that information to come to its conclusions. And I think it's important to emphasise that the conclusion isn't that every facility would experience no effect, but it's about impact scale and taking into account

01:47:06:22 - 01:47:16:08

those business specific evidence, facility type considerations and also that wider sector evidence. And while, yes,

01:47:17:26 - 01:47:48:25

may be temporary disruption and we've talked about some of, I think somebody referred to that increase in management burdens for how some of those impacts could be dealt with and you know in individual equine responses. But the sum of all that evidence doesn't demonstrate that there would be sustained effects that are sufficient to materially undermine business continuity or employment or that sort of wider equine economy.

01:47:48:27 - 01:48:02:28

So yes, temporary disruption rather than loss of business function. I think the point that has been made just now about client confidence and particularly in relation to

01:48:06:12 - 01:48:08:02

some decline, some change in

01:48:11:20 - 01:48:44:05

customer numbers for individual facilities may happen but we've been looking overall about the likely direction of impact and magnitude of potential effects. So it's not saying that it wouldn't happen but we don't think it would happen at the scale to warrant a significant effect. I think also just as a final point, it's probably worth emphasising, know, as I think Ms Scobwin referred to just now, that client confidence is influenced by a range of things.

01:48:44:07 - 01:49:07:15

I mean environmental setting is one of them, but so also are the operators' expertise, reputation and quality of care. And then I think also an associated part of that, which again helps to build on the conclusions of the equine business report, is around the visibility of and the confidence in the effective controls and mitigation measures.

01:49:09:10 - 01:49:10:28

Okay, thank you.

01:49:12:21 - 01:49:17:29

In terms of client confidence, that's going to be a very personal thing for each client.

01:49:21:03 - 01:49:36:14

I'm sorry, wasn't clear what you said there. Has client confidence been considered then? Because if someone's liveried a horse for a year, two years, five years, etc, they're going to have confidence in the facilities.

01:49:38:21 - 01:49:54:12

Most likely any change during the construction period, for example, or as a result of TCO if it's granted, then client confidence, someone moving as a result of client confidence is going to be likely an effect of the solar project.

01:49:57:10 - 01:50:09:20

Have you considered client confidence then in the assessment? I just wasn't clear to what extent it's been considered. I wasn't clear what extent it's been considered. Thank you.

01:50:09:27 - 01:50:54:12

Thank you. Alison Powell for the applicant. Client confidence has absolutely been considered in the the equine business report. And it is referenced as as one of our potential impact pathways that's that's included within the within the document in terms of that reputational impact. But as I say it is likely to be a, it's very difficult to, the impacts of it are very difficult to quantify for the reasons that you've referred to there because there are many things that might affect it or it might be one of a range of factors.

01:50:54:14 - 01:51:08:02

So it's quite hard to come up with a hard and fast number in terms of quantification of the impact that it has. But it is absolutely a a consideration that has been included within the within the assessment findings.

01:51:09:23 - 01:51:12:24

Okay thank you. I'll come to Missus Labour first. Thank you.

01:51:13:06 - 01:51:13:21

Thanks.

01:51:15:12 - 01:51:27:02

Mrs Power, I just want to take you to paragraph 6.1.11 of the equine business report. I'll just read it out for the room. It says

01:51:29:12 - 01:52:10:17

remain concerned about the effects of change on client confidence or on the perceived quality of the local equestrian environment. Those are legitimate concerns. It says however on the information currently available they do not amount to a likely significant adverse effect on business viability. So I'm interested to know what information is currently available that that position is being taken upon. But you also just said yourself to Mr Love in answer to him that actually it's unknown, the effects can't be quantified, so how can we make a statement, or rather how can the applicant make a statement, that they do not amount to a likely significant adverse effect? I'm unsure what's informing that.

01:52:12:13 - 01:52:44:17

Alison Powell for the applicant. So that statement in paragraph six point one point one one is accurate. We do consider that the, you know, that perception of change in the environmental quality is something that may affect client confidence or, you know, may lead to a perception of change. And you know, that is a qualitative statement really. We we are unable to say specifically.

01:52:44:19 - 01:53:16:05

We haven't got that detailed information about you know how how many customers might leave an individual business that is quantifiable and robust. We can go on the information with the mitigation that we've walked through this morning in terms of that variety of mitigation and management processes and the discussions with equestrian experts and the ways in which we can manage some of the

01:53:17:21 - 01:53:33:26

environmental aspects that with that you know, with visibility of that type of mitigation and confidence of the facilities in that mitigation, then that should not amount to a likely significant adverse effect. It's a difficult area

01:53:35:11 - 01:54:03:18

to call because obviously you're looking at something that's predictive and hasn't happened but with best evidence and we have seen this on other DCOs as well where there are you know concerns about you know type of impact on on facilities and the with mitigation it doesn't amount with adverse effects, significant adverse effects.

01:54:04:03 - 01:54:44:16

Could you submit some of the information on those other DCOs and the adverse effects that have been monitored and reflected upon? Because if we're relying upon other DCOs and being able to say well they're built out now and look those effects didn't actually emerge as were anticipated by some of the concerned business owners. It would be helpful if that information was proposed, particularly if that's the information that's backing up that statement. If it isn't backing up that statement then anyone must want to retract it but it's just it says however on the information currently available now if it's about if the if that information that is currently available those words is the mitigation for lying down that's understand that.

01:54:44:18 - 01:54:53:10

But if we're drawing parallels to the fact that this hasn't played out on other DCOs, then I would like for that to be submitted so that we're clear. Thanks.

01:54:53:12 - 01:55:08:23

Alison Powell for the Aquent. So primarily the information is in relation to Lyme down. I would just like to clarify that. And and if there are additional examples that we want to bring into examination then we will put that in.

01:55:10:20 - 01:55:13:00

Okay. Thank you. Alright. Thank you.

01:55:13:02 - 01:55:16:23

Thank you. I'll come to Mr Frost first, who's been waiting patiently online.

01:55:18:02 - 01:55:53:22

Hi there, thank you. It's just very difficult to square off that statement with the experiences that we've endured in terms of you're referring to not materially adverse effect, temporary disruption, all these things, when actually this is not a passing phenomena. This is something that's going to change the landscape and the area forever. Well, until two thousand eighty at least, according to the plans or the proposals. You're talking about an area that's tried very hard to establish a reputation over many hundreds of years.

01:55:54:01 - 01:56:28:06

This is not we're talking about badminton, we're talking about polo as a massive sport in the area. These are huge, huge businesses that cover all manner of equestrian enterprises. It just seems to be extraordinarily flippant to say this is just a passing situation. When you haven't spoken to any customers, you haven't spoken to us as a stud, you're referring to what are very, very much sort of flippant remarks from our perspective, because you haven't actually analyzed the customer base or the impacts on the customer base.

01:56:37:12 - 01:56:38:16

Ms Reynolds, please.

01:56:40:08 - 01:57:11:14

Celia Reynolds, stop Lime Down. A few points to make in response to that. The first flowing exactly from what Mr Frost has said there, where that stop Lime Down's position is quite clear that there is no evidence to support the statement which is being made in paragraph 6.1.11 and that should be contrasted today by the evidence which the examining authority has heard from those businesses within the area which clearly indicate that these are businesses which are highly susceptible to changes, even if the most major of those changes only take place over a couple of weeks.

01:57:11:21 - 01:57:45:16

The applicant's dismissal of those effects to say that they do not amount to likely significant adverse effects on business viability hasn't been substantiated and it's not clear to SLT on what evidence they can actually make those conclusions. It's been discussed today that there's been a sort of sequence of information which has been obtained in respect of equine businesses. The first in that I believe it's APP two forty one which is the appendix to I believe chapter sixteen on socioeconomic effects. And then after this they produced this subsequent equine business report.

01:57:47:29 - 01:58:18:08

is supposedly informed by this questionnaire, which has gone out to thirty equine businesses. It's not clear to us from reading the equine business report, how any of the responses received to those questionnaires has actually formed their assessment of those effects. The questions which were raised in that questionnaire haven't been provided and nor has there been a sample of the responses given. Stop Limestone has seen some of those responses and it certainly doesn't align with what the applicant has now concluded within the report.

01:58:18:17 - 01:58:48:20

So Stop Lime Dam would recommend or or would welcome I should say. The applicant providing at least some samples, some anonymized version of what what it has actually received from these businesses because what SLD is hearing on the ground aligns certainly with what Mr Frost has said that the likely impacts on businesses are quite significant. And this also ties into precisely how the report defines business viability and that set out a paragraph four point one point one.

01:58:49:17 - 01:59:21:09

If I can just pull it up in one moment. Basically what it says is that it's looking at businesses and its assessment of significant effects only on the basis of whether or not a business is able to continue operating. That isn't obviously incorrect, but what SLG doesn't understand is why viability is the only proxy which is being used to assess significance here. Because clearly, a business may still be able to continue operating, but confront significant effects as a consequence of this scheme.

01:59:24:06 - 01:59:54:13

And oh sorry, and in connection with that, SLD is struggling to understand how the applicant can make conclusions in relation to these particular receptors and whether or not they remain viable given the lack of communication and correspondence with these individual businesses on the actual site and local level. As we're going to come on to, StopLimedown has conducted an assessment and attempted to conduct a business survey which has asked businesses to provide detail in respect of their annual turnover.

01:59:54:15 - 02:00:06:19

The applicant doesn't have that information and we're not aware of that information being sought in the questionnaire either. So again, it's unclear how the applicant can make any conclusions in respect of business viability on that basis.

02:00:07:08 - 02:00:16:15

Okay, thank you. Think some of those points stray into what we'll be discussing after lunch, but if I come to Doctor Farrington first and then I'll come back to the applicant. Thank you.

02:00:17:02 - 02:00:53:12

I just wanted to make a quick point regarding that will feed into client confidence, and that is basically service provider confidence. I would include vets and probably farriers in that as well. I think the report does refer to the farriers in that they need a calm environment for their work. But in my experience, it has been the case where the practice that I work for has withdrawn our services from farms that we deem not safe to practice in for our own personal safety and for the safety of the animals.

02:00:53:26 - 02:01:07:19

And where mitigation comes into it, there are still a lot of sensitive daily activities that occur routinely on a stud farm that such as internal examination of mares,

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scanning, just even even doing suturing and things on wounds. That that if there isn't a safe environment for the vet to operate in, you know, the stood farm owners and stood for themselves could find difficulty in, securing proper services from a veterinary practice.

02:01:30:24 - 02:01:34:24

Thank you. Will come to the applicant to respond on points raised, please.

02:01:39:25 - 02:01:54:13

Obviously there's been a range of different points raised there. Would you like Ms Powell to give some more information in terms of questionnaire and the role it played in producing the equine Business Report?

02:01:54:22 - 02:02:24:29

Think so, please. What's not clear to me is in producing the Equine Business Report the extent of local input, local knowledge that has informed that because we're hearing today from we've got three business owners, equine business owners, one online and two in the room, who are painting a very different picture to what's concluded in the equine business report. Would be useful to know how it was informed with local knowledge in mind.

02:02:25:25 - 02:02:42:11

If I hand over to Ms Powell she can explain the process that was undertaken in terms of the questionnaire and how that information was then utilised to form the basis of equine business report.

02:02:43:22 - 02:03:06:06

You. Alison Powell for the applicant. I think it's important to highlight that the questionnaire which obviously does the responses have provided us with some very useful and valuable local evidence in relation to individual facilities in the local area.

02:03:09:00 - 02:03:22:12

Is also just one source of evidence And I think it's important to view it in the light of supplementing evidence rather than constituting a complete and very detailed

02:03:24:00 - 02:03:37:04

census of vet crime facilities within the area. So I think firstly it needs to be viewed in that light. Secondly I think I would just like to say that some

02:03:40:03 - 02:04:29:24

of the detail from those responses has been obviously fed into the equine business report. For example table one which includes a a summary of the some of the the facilities that are in closest proximity to the order limits and the types of that narrative around the types of facilities that they are. I think the other thing to just add is that although obviously the questions in the questionnaire, centres were the asked same questions, detail that was returned in relation to individual facilities has varied quite significantly in terms of depth, breadth of information.

02:04:29:26 - 02:04:32:13

So it's not as simple as making a, you know,

02:04:34:01 - 02:04:52:18

pulling a sort of a direct comparison together. So I think it's enabled us to inform a structured approach to the assessment and as I say it's been one form of one source albeit a very valuable one in terms of that local evidence to bring into the picture.

02:04:56:08 - 02:04:57:28

Okay thank you.

02:04:59:21 - 02:05:06:10

I don't think there's anything further from me. I'll come round and see if there's anything further anyone wants to raise on these points. I'll come to the council first.

02:05:09:19 - 02:05:13:29

Are we referring to the mitigation measures as well, sir?

02:05:17:29 - 02:05:23:09

Sorry, I Are we referring to potential mitigation measures as well?

02:05:25:18 - 02:05:28:15

I think we touched on some of those earlier.

02:05:28:17 - 02:05:31:02

We have one recommendation we would like to make

02:05:31:04 - 02:05:32:10

in that,

02:05:32:26 - 02:06:12:01

as I mentioned earlier, we are still very concerned about the safety of all sliders in the area and potentially cyclists and pedestrians. It's something you touched on last week when you mentioned that people's recollection of events sometimes differ if there should be an incident between a vehicle from the applicant's side and a horse rider or cyclist. So we'd like to recommend that all vehicles associated with the project are fitted with some sort of speed tracking device and also cameras so that they could be recorded that the drivers have taken on board the extra training that they've been given and also prevent vexatious claims from members of the public.

02:06:15:10 - 02:06:18:24

So, thank you. Stop lying down.

02:06:22:03 - 02:06:57:26

Daniel, I've stopped lying down. Thank you, sir. Very short question that maybe the applicant can clarify. Just to understand the matrix in EIA terms, the matrix that it's applied to establish a significant effect. As my colleague referred to, the applicant is focused on a significant effect on viability, and viability essentially described in as 4.1.1, is where the business ceases to make an income, to profit.

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And significance has been assessed against that. My question or my concern would be,

02:07:07:10 - 02:07:50:07

one, that would seem to entirely omit consideration of effects that reduce business success, but don't take it to the point of a viability question. So for example, you're a very profitable business and it produces a slow slide, but doesn't fundamentally mean you're to going close. And second, it's odd to treat significance as simply a question of viability, because how do you distinguish between different levels of significant effect? So the applicant's matrix and the EIA applicant's methodology, which is a pretty standard methodology, characterises moderate adverse effects and major adverse effects as significant.

02:07:50:24 - 02:08:10:24

And it seems to me if you have made the business unviable, that seem would to be the most major effect that you could have. And so it would be useful to understand how, for example, a moderate adverse significant effect is understood in the EIA framework applied to this assessment.

02:08:14:07 - 02:08:20:12

Thank you. I'll just make sure. Are there any further comments in the room? Any further comments online?

02:08:22:02 - 02:08:24:21

Ms Godwin? And can we have a microphone for Ms Godwin, please?

02:08:31:28 - 02:08:53:02

Ms Codman, to point out that myself as a local business owner and many in my area have not been approached to come and have a look and see what an impact it would have on our businesses and just a general note on the traffic in the area and the landscape etc from an equestrian point of view.

02:08:53:19 - 02:08:58:22

Thank you. I don't see any hands up online. From my own point,

02:09:01:28 - 02:09:39:08

think probably Rep five thousand one hundred and five, the equine business report, does need to be updated with the comments raised by Mr Kozelka there, so I think that does need to be something done for deadline seven, but I'm. And I'll mark that as an action point to update the report. But I would like a comment from the applicant with respect to the council's suggestion for other mitigation measures with respect to, GPS device to monitor speed of vehicles and cameras, which only also has has the benefit to the applicant of addressing any sort of vexatious claims.

02:09:40:05 - 02:09:52:00

I would also like to have a comment from the applicant about the potential use of white noise sensors. So rather than beeps, you have white noise, which is something that's fairly common in, say, the minerals industry.

02:09:54:11 - 02:09:58:09

Yes, I don't know if you wish to provide any comment on Mr Gizelko's

02:10:00:16 - 02:10:08:00

EIA term significance on viability, you're welcome to do so now, but equally I'm happy to have that one for parked in writing. Thank you, Ms Broderick.

02:10:08:05 - 02:10:28:25

Clare Brush, the applicant. We're going to just have to take away the point in relation to white noise sensors and cameras in HDBs. I don't have the answer to that here in terms of whether we can practically commit to that being in all of the vehicles. In terms of speed tracking, etcetera, we talked quite a lot last week in terms of

02:10:30:11 - 02:11:04:25

the tracking of vehicles and their location and that you would be able to proceed track their speed via their their location. So I don't think that that is necessarily going to be an issue but we would we'll just confirm that the functionality of that system would enable you to take that data from it. I will hand over to Mr Flynn just to see if you want to provide some context in terms of what Mr Kiselka was mentioning in terms of how the significance matrix is applied in relation to business viability in EIA terms.

02:11:23:20 - 02:11:54:14

Apologies. I think Ms Powell might be able to respond in terms of what's taken into account there but we take on board the note to perhaps add some greater commentary to the equine business report so that you can obviously understand where we have made reference to likely significant effects, what that means in the context particularly of equine businesses versus receptors generally, which is what's referred to in chapter sixteen.

02:11:58:11 - 02:12:45:15

You. Alison Powell, for the applicant. So I think I just wanted to just to come back in there in that in that question around viability and you know and how that sort of fits within that significance matrix and I think that the point I wanted to make really was around the fact that yes, you know, business closure is the most severe potential outcome or significant outcome, but it's not, but I just wanted to confirm and emphasise that that is not the only relevant consideration or the bar or the threshold by which we've been completing the assessment and that some effects might fall short of closure such as business contraction or reduced activity or employment effects and so on.

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And they may be significant depending on their magnitude and duration.

02:12:52:03 - 02:13:16:06

you know similarly And we have talked about some of the the the temporary disruption and additional management that may occur. But I think it's important to emphasise that you know these effects are unlikely to be sufficiently sustained or or material to to compromise that continued operation. So yes to take on board the action to update the equine business report in the way that you say. But I just wanted to talk just to reflect on that sort of breadth

02:13:18:04 - 02:13:21:17

types of impact in relation to viability that we've taken into account.

02:13:23:04 - 02:13:43:02

Okay, thank you. No further questions from the panel on this point. Unless anyone has any burning questions on equine business matters, I propose that we take a break and we return after lunch at two thirty. Thank you. We'll pause the hearing.