

## **FERN Submissions for 2<sup>nd</sup> June 2021**

### **Supporting Submission No 20026497**

#### **Public Rights of Way**

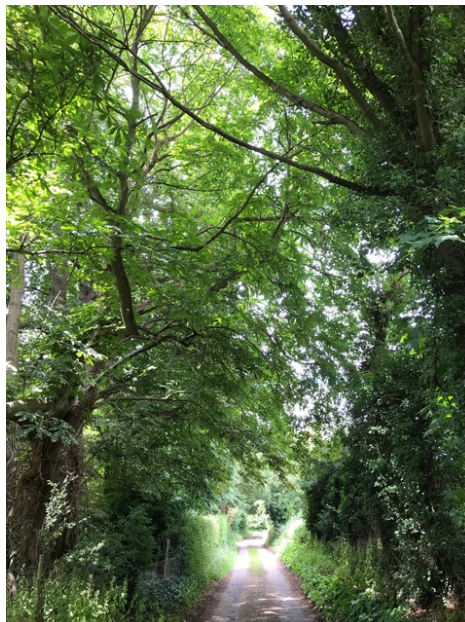
##### **Submission by Julie Noble, Farnham Barn.**

1 I write as a member of FERN (Farnham Environment Residents & Neighbours association). I have been a Bridleways Officer for the British Horse Society ('BHS') (in Surrey). I have owned horses most of my life since I was a teenager and have always been an active member of the equine community, wherever I have chosen to live, although in retirement I do not now own a horse.

2 Riding a horse is hugely enjoyable and fantastic exercise but it is also a pastime that requires commitment, dedication, and a healthy financial investment - not just initially to purchase the right animal but the ongoing costs for livery, bedding, food, saddlery, shoeing and the not inconsequential veterinary fees. It is a hobby that is not without risk. Horses are independent beings without gears, brakes or indicators and can be very reactive to their circumstances and surroundings. As riders, we can only guide them to the best of our abilities but mostly, we rely on their good nature and instincts of self-preservation to keep us safe.

3 This submission is in relation to EDF's DCO (and the subsequent applications for changes) for Sizewell C and is specifically regarding the proposals for the Two Village Bypass ("2VB"). We object to the proposed severance of our local village footpath. The walking experience will simply not be the same, with a new bridge (an alien intrusion into the landscape). We have a specific objection to the proposal to upgrade our access lane to a bridleway. Currently it is a single vehicle-width, PRIVATE country lane that is also a Public Footpath. If, heaven forbid, EDF's 2VB alignment is approved and also the upgrading proposal, we believe that EDF and Suffolk County Council ("SCC") have just not thought through what design requirements there are for mixed use for the new bridge EDF proposes.

**The Private Access Lane** - photo shows sense of place



4 The access lane varies in width, as will be seen on-site inspection. Apart from where there are accesses to properties, the access road is bounded mostly by natural hedging but in part with barbed wire. In my experience, it is rare to find a bridleway sharing space with cars and other vehicles. The access lane is steeply banked in places which is a fixed obstacle that inhibits avoidance of conflict.

5 The access lane serves 11 homes currently and also serves for the tourist business uses at The Old Vicarage and The Cartshed. Four households have two vehicles; all others one each, for those presently resident, but one should allow for new owners having more than one. The access lane is used regularly by utility vehicles, delivery drivers, large farm machinery, and refuse and recycling vehicles as well as residents' private cars. There are five blind bends along the access lane with very limited sight lines (see photos and on inspection).

Photos below of three of the five blind bends with limited sight lines



## **Unjustified interference with private property rights of way**

6 My understanding of the law is that, unless one can find a legal instrument creating a public footpath, it is deemed to have been “dedicated” to public use at some time in the past. The Definitive Map and Statement of public rights of way (“PROW”) are conclusive legal documents that set out where the public can walk and ride.

7 Those who own the lane and those with rights over it should have been regarded as “stakeholders” and consulted. Those of us in FERN were not. It is not clear what legal process EDF and SCC envisage to change the legal status of the public footpath over this private lane. The access lane is not yet in the ownership of EDF. SCC may have a statutory freehold interest in so much of the surface of a highway as they need to maintain it, under Section 263 of the Highways Act 1980, but that is not sufficient to enable them, or EDF, to unilaterally change the status of a highway which is subject to private ownership and private vehicular rights of way over it. This lane is shown on Hodskinson’s map of 1783 so clearly it is clearly ancient.

8 This access lane is a Private Means of Access, in technical terms, as well as a Public Footpath. The current owners of the access lane cannot unilaterally agree to the worsening of private rights of way over the access lane. Having a private vehicular right of way with a public footpath is fundamentally different to having a private right burdened by use by horse-riders and cyclists. It follows that EDF has to take title to the access lane so that it can achieve the upgrading of the public right in the way it is suggesting and thereby impose greater burdens on the current owners and those with private rights of way. That greater burden would have to be compensated for but here the proposal is unjustified and unnecessary and compensation based on the loss of value and injurious affection is not an acceptable remedy for the dangers that would be created.

9 Unless the intention is that EDF retains title to the access lane for all time (or passes it to SCC), we presume that (if this proposal is approved, which it should not be) EDF would want to pass title back to the current owners and secure that those with existing rights of way continue to enjoy them as now but in conjunction with public bridleway rights for horse riders and cyclists. There will be an increased maintenance burden on SCC as highway authority, which should be dealt with in the S106 Planning Obligation Agreement, along with the bridge itself (assuming that the DCO alignment is approved, which we say it should not be, and also this upgrading proposal, which again we say it should not be). Who will clear up the horse dung, one might ask.

10 We do not believe that imposing the extra burden of horse riders and cyclists on an existing private access lane can be justified as a matter of merit and therefore this proposal is an unjustified interference with private property ownership and rights, as will now be explained further. Compensation is not an adequate remedy for the increased danger of mixing horses and cyclists with vehicular use on a narrow private lane (with multiple accesses and several ‘blind’ bends). The proposal has not been justified by reference to demonstrated demand or need, consultation has been totally inadequate, the proposal has not been thought through and it should not be approved. If SCC wants to increase public access in this area, it should look at a comprehensive plan for suitable routes, not along a private access lane.

## **Lack of strategic vision**

11 This upgrading proposal has come out of discussions between SCC and EDF. I have to seriously question whether any of those involved actually know what it is to ride a horse. Does anybody in SCC's PROW section or any transport planner ride horses? If they do not, then that might account for the failure to think this through properly.

12 It might sound like a *nice idea* to provide for *wider access to the countryside* (supposedly) but where is the research into need and a justified case for a new bridleway? Where are the horse riders who might use this route? There are no riding stables or livery yards nearby so what surveys has SCC or EDF undertaken to identify a need? In my 5 years here, it has been rare to see a horse at all being ridden on the public roads.

13 Furthermore, this new bridleway will not connect to any other horse-riding route in the vicinity. It is quite some distance to get to Restricted Byway 16 east of the railway line. That does connect to Restricted Byway 17, which then comes west over the railway line to join the minor road leading south from the A1094 east of the small Friday Street settlement. Looking carefully at SCC's working copies of the Definitive Maps for Farnham, Snape, Sternfield and Benhall, there simply is not a network of bridleways or byways in the area that horse riders can use.

14 Is the real purpose in fact to provide a new cycling route, since pedal cyclists are entitled to ride along bridleways? Again, is that just a *good idea* in somebody's head? Where is the research on need? What is the policy behind increasing cyclist use by adding new bridleways to the network?

15 It takes only common sense to appreciate that mixing horses and vehicles is a thoroughly bad idea. Anybody with any experience of horse-riding will know that. The danger is compounded by the configuration of accesses and the need for some people here to have to reverse out. That too is a recipe for conflict with cyclists.

16 It is not as though one can see the concept of this new bridleway being linked to a programme of Quiet Roads, in technical terms. This is a proposal that has either not been thought through or is based on a false understanding of the reality on the ground.

17 The BHS has very specific recommendations and advisories for bridleways which do not seem to have been addressed at all by EDF or SCC. There is some remnant barbed wire, which should be removed if horse-riding is to be allowed. As the lane is clearly historic, it is also bordered by ancient banks, some particularly steep in the section where it is most used on the approach to Farnham Hall and the surrounding homes. This means there is very little room to escape for horses and their riders, or indeed pedestrians or cyclists, in order to avoid vehicular traffic.

18 The villagers (and we in the Farnham Hall area) use the public footpath along our lane regularly and extensively. We actually walk it and we see other people doing so regularly. This is for dog walking, recreation and exercise the footpath is an important local amenity. It is also an important pedestrian access route from the village to the Greenwood Burial Ground, where many of the community's friends and family members who have passed are now interred. There are three of us here at the Farnham Hall area with relatives buried there.

19 EDF's current proposed alignment for a 2VB west of the Ancient Woodland of Foxburrow Wood severs this historic footpath amenity from the main part of Farnham village, the historic listed building at Farnham Manor and its environs, including other residences, and the woodland and countryside. EDF might say that the new bridge over a very busy road restores the connection but that is unsound. What attracts people now is the peaceful ambience of this walk. People will simply be disinclined to 'enjoy' a walk involving crossing a busy road where the previous ambience has been destroyed by the new road. Taking a 2VB route east of Foxburrow Wood at least keeps some sense of continuity for what is the undeniable attraction of Foxburrow Wood and preserves the importance of the lane to Foxburrow Wood as a wildlife corridor (especially for bats). Going east is by far the better option, just from a PROW perspective.

## Technical issues

20 The detail regarding the design of a pedestrian footbridge crossing the EDF alignment is scant at best, but the dimensions previously proposed would be totally unsuitable for a horse and rider. I for one would be extremely uncomfortable crossing such a bridge, given the volume of projected heavy goods vehicle and other traffic movements thundering beneath me and my horse. One simply MUST have the ability and SPACE to turn a horse around safely if one gets into difficulties and an apprehensive rider will always transmit any concerns to the horse he or she is riding. The BHS advice is that: *"Where it is necessary to turn a ridden horse (in order to close a gate, for example), the area of manoeuvring space should ideally be no less than 4 meters by 4 meters; large horses may require more than 4 meters to turn easily. The absolute minimum space required is a diameter of 3 meters on clear, flat ground with no protrusions or overhanging vegetation. A greater area is preferred to avoid potential of injury on fencing, gates or other structures and if ground is uneven or there is overhanging vegetation.*

*The more that area is restricted, the more important it is that the surface is firm, level and even and kept clear of overgrowth".* It is simply not clear that EDF and SCC have factored this into design for the points at which the proposed bridleway enters and leaves the access lane. It is important to remember that horses simply do not turn on 90 degrees. In addition, one needs to think very hard about the risk to horse, rider and a cyclist both when on the bridge and on ramps, where cyclists would pick up speed. For horse-riding, a gradient should be 1 in 12.

21 Realistically, a bridge width should accommodate

- A buffer zone of 1 meter on the bridleway side against the parapet
- A minimum width of 4 meters width for the bridleway element
- A minimum width of 1 meter buffer zone between the bridleway element and the cyclist/pedestrian element
- A 5 meter width for pedestrian and cyclist use (hard surfaced)
- An 0.5 meter buffer zone against the other parapet

EDF and SCC cannot argue that this would be over-engineering when no surveys appear to have been undertaken as to present need or potential need in the future. Absent such, it would be crucial to plan for complete safety.

22 This structure would also require a much 'taller than for pedestrian use' parapet wall or closed fence to ensure the safety of both horse and rider. Most important, in my opinion,



as an experienced rider, as well as being a valid concern of the BHS, is that infill is attached to the parapet wall or fence on a bridge in order to obscure a horse's view of traffic passing beneath. It is vital to remember that riders are sometimes elevated by several meters above the surface their horse is walking over. The BHS state: "*The average height of a mounted rider is 2.5 meters above ground level, tall riders on large horses could be close to 3 meters*". "Infill" is solid paneling fixed to the parapet railings to obscure a horse's view of traffic beneath a bridge. EDF and SCC should plan for the worst so a parapet height of at least 3 meters is required. Only if a bridge over a busy new road (now designed to 60 mph, not the 50 mph we were told at consultation stages) were made very much wider should parapet heights be reduced. Happily, the need to close off the view for a horse would also coincide with the need for noise attenuation fencing.

23 A spooked horse can unseat a rider quite easily, no matter the level of proficiency of the rider. The consequence of such an incident on a bridge is that it could well result in catastrophic injury. Head injuries are well documented from riding accidents and can have a devastating impact on the person, with life-long consequences. Kick boards are required at the base of a parapet feature so that hooves cannot become trapped. Non-slip surfaces are essential, especially on an incline. Mounting blocks at either end of the bridge (and at ground level) would also be necessary for riders who wish to dismount and lead their mounts over such a hazard. If SCC or EDF seriously think there is a need for a bridleway over our lane and the proposed footbridge then both of them need to undertake a proper risk analysis and consult with those who actually know about horse-riding i.e. not just us in the Farnham Hall area but at least the BHS and the Ramblers Association. The ExA are requested to ensure that SCC and EDF do undertake proper stakeholder consultations and consider the outcome before giving this proposal substantive consideration and if that is not done then the proposal should not be approved, for that reason alone.

24 By upgrading to a bridleway, it will also become a cycle route which brings its own set of problems and concerns. As noted above, several residences, including the one I own with my husband at The Barn, have limited parking at their properties and have parking configurations that require careful reversing with very limited sight distance into the lane when going out. It would be extremely hazardous to do this given the speed at which cyclists can travel. In addition, there are 5 'blind' bends with extremely hazardous limited sight distances. It appears that a facile view has been taken on simply putting in a facility that would be used by cyclists. Either SCC simply does not care about cyclist safety or it has simply failed to think about what would be safe. Cycle tracks are put in on modern housing estates to a required specification, with at least a 4/5 meter width so that there can be proper lanes defined between cyclist and pedestrians. Here SCC appears to be wanting to mix motor vehicle use on our access lane with horses, cyclists and pedestrians (and then to mix horses, cyclists and pedestrians on approach ramps and a new bridge) with no great thought as to the consequences, and without thinking through how much greater an intrusion into the landscape would come from a bridge which is designed properly to accommodate, horses, cyclists and pedestrians. We are concerned specifically about what happens on the access lane but EDF does not appear to have put forward design and land take changes which will address the appropriate width of ramps on either side of the bridge and the bridge itself and there must be an issue also as to what happens to this access lane further east of EDF's proposed 2VB alignment.

25 It is simply not clear what account EDF or SCC have taken for the need to consider accessibility for the disabled.

## Conclusion

26 The Countryside Agency's Practice Guide "*on the right track: surface requirements for shared use*" came out in 2006. It is submitted separately for the assistance of the ExA. I ask the ExA to note that this proposed bridleway route will not be a BOAT or Restricted Byway so references to carriage driving do not apply. EDF's 2VB alignment would have already altered detrimentally the landscape so a new bridge should be designed with safety paramount. Hard surfaces are preferred for cyclists and give a better all-weather surface (especially on gradients) for walkers. Horses need a softer surface but as appropriate on a gradient. The need for consultation is stressed in that document. Here there should be a presumption for segregation of horses, cyclists and pedestrians. The Ramblers Association's Advice Note *shared use of footpaths with cyclists* February 2018 says in opening that changing the status of a footpath to a bridleway must be considered on a case-by-case basis, based on an objective consideration of a number of factors, and in the context of a comprehensive plan. The advantages of segregation of cyclists from pedestrians are noted.

If the EDF alignment is to be approved, the ExA are requested to ensure that, roughly from the walled garden to the other side of the bypass route, EDF carries out adequate design and adjusts land take, after proper consultation, before the EXA recommends any approval to the concept of a bridleway over EDF's alignment. This, however, is said without prejudice to FERN's fundamental opposition to the proposal. Satisfactory provision cannot be made along the private access lane; appropriate segregation is simply not possible. The dangers are obvious and too great to be accepted, especially in the absence of a justified and demonstrated need and the lack of any coherent plan for the wider area.