

BHS Bedfordshire comments on Applicant's responses (REP1-055 and REP1-056) to our Relevant Representation (RR 1253)

Our RR raised four key concerns:

1. The failure to provide requested additional bridleway network connectivity, particularly across Site B between Green End and Brook End
2. The use of Bolnhurst & Keysoe BW37 and Pertenhall BW26 as construction access roads and the inadequacy of the arrangements for the safety of users on these bridleways and also on Bolnhurst & Keysoe BW40
3. The proximity of construction traffic and work to the paddocks of Lodge Farm, Green End, Little Staughton
4. The use of roads also used by equestrians for construction traffic to reach the site does not appear to have been minimised

Regarding point 1: The failure to provide requested additional bridleway network connectivity, particularly across Site B between Green End and Brook End.

The connecting bridleway between Green End and Brook End has now been included, which is very much welcomed, BUT only on a permissive basis and with the possibility that it might be withdrawn at any time if 'antisocial behaviour' arises.

The bridleway should be a dedicated one because

- The need for a safe off-road connection is ongoing and likely to increase over the many years until the site is fully decommissioned due to population and housing growth. It is highly unlikely to decrease. Horses and their riders are amongst the most vulnerable road users, along with cyclists who would also be affected, and deserve to be provided with safe alternatives wherever possible.
- The impact of the development is long-term and permanent – especially the impact on views. Whilst the panels and related structures will be removed on decommissioning, the hedges and trees will not (nor should they be for environmental reasons). This additional safe off-road route partly mitigates that visual impact and should also be available on a permanent basis.

Further the definition of 'anti-social behaviour' covers a wide range of things from rowdy parties to inconsiderate parking to damage to property. None of these would justify the closure of a bridleway as the host Council's rights of way team are well used to handling such issues. Any closure would have to be with the Council's agreement and subject to the TRO legislation.

Impact on views

In REP1-055 Table 15, the Applicant fails to address the impact on views from Bridleway 37 to the north and west which will be entirely lost due to the tree planting to screen the development. It is exceedingly difficult to describe the 'amazing sense of openness and views of the local countryside' that are obtained when riding along that ridge.

These photographs were taken facing north on BW37 from a point about half way along BW37 from the crossing with BW40, from walker height, a rider would have an even better view of the distant countryside. These views will be eliminated.



These views will be lost permanently and the fact that views to the east will be maintained is no compensation – especially when that view will include acres of panels rather than of green fields.

It is noted that the current site visit itinerary does not extend along BW37 but stops not long after the intersection with BW40. The Society will comment on the proposed itinerary but considers that it is vital that the ExA should experience the full length of the bridleway and the views to fully understand the Society's point. This bridleway can be accessed by vehicle, being a hard farm track.

Additional access as Benefit in Kind

There are other potential bridleway connections that could be provided to benefit the local community. I am aware that Bedford Borough Council's rights of way team has asked for the bridleway route now offered to be extended from Green End road across through to Spring Hill road, which can be achieved through the site to the east of Green End. The Society would very much welcome this additional access, noting that it would be particularly beneficial to the horse owners at Hawthorn Stables reducing the road work they need to do to access off-road riding significantly.

In the thematic response (REP1-056) para 2.5.21 the Applicant quotes from the Government's Solar Roadmap regarding benefits to the local community from Solar farms, specifically referencing that benefits-in-kind may include new footpaths and bridleways. The Society asks the ExA to consider whether the very limited permissive routes that have been offered by the Applicant provide sufficient benefit to the communities 'hosting' this infrastructure for the years of construction/replacement/decommissioning disruption and the long-term impacts on the existing rights of way network.

Regarding point 2: The use of Bolnhurst & Keysoe BW37 and Pertenhall BW26 as construction access roads and the inadequacy of the arrangements for the safety of users on these bridleways and also on Bolnhurst & Keysoe BW40

The proposals contained within the updated oPROWMP (REP1-042) and also within the updated oCEMP (REP1-031) are wholly inadequate and do not fully address our concerns.

Regarding Pertenhall BW2, the proposal (in the updated oPROWMP at para 6.4.5) is that drivers will be instructed to maintain a 50m separation from any horses or riders.

If they are behind a horse, they will maintain that 50m separation as long as the horse is there. On the face of it, that sounds reasonable but it fails to understand that flight instinct of a horse and the relative size of an HGV. The horse may well feel that it is being 'stalked' and seek to escape by bolting. In the event that the ExA is inclined to accept this approach despite our objection to it, then a separation of 100m would be required.

If the horse is approaching, they will stop when 50m from the approaching horse. This could mean that an HGV will stop at one of the pinch points, such as by the ditch, and the rider will have to squeeze past. If the air brakes should go off at the relevant time then there is every chance of the horse and rider ending up in the ditch. I have confirmed with a haulier that the driver has no control over air brakes and they can go off at any time, even when the engine is switched off.

Both require the cooperation and awareness of the drivers; it is acknowledged that warning signage is proposed. A banksman at the top of the access track from the road might be able

to stop HGVs arriving if he saw a horse on the route. This may well not be the case for vehicles exiting from the construction compound.

Our concerns about the impact of construction traffic are not assuaged by the fact that there will be 5 HGV one way trips a day – so 10 movements. There will also be other traffic on the bridleways – this table below is from APP-045 and shows a max number of vehicles of 45 one-way trips so 90 movements. Further, it only takes one to create a safety incident.

Table 9.15: Forecast Daily Construction Vehicle Trip Generation (One-Way Deliveries)

Area	Scenario					
	Max HGVs		Max Staff		Average	
	HGVs	LGVs	HGVs	LGVs	HGVs	LGVs
Site D	30	26	12	430	8	249
Site C	4	3	2	39	1	6
Site B	8	2	3	75	3	16
Site A	5	1	2	37	1	7
Grid Connection	3	0	2	5	1	0

The BHS is still of the view that the arrangements for BW26 are not safe and since there is a much safer alternative route available, albeit outside the red line of the Order limit but in common ownership, they are totally unacceptable.

I would remind the Applicant that the BHS’s guidance on Solar Farms (<https://www.bhs.org.uk/media/5f0llz3t/solar-0825.pdf>) states quite categorically that “Bridleways, byways and unsurfaced roads **should not** be used for site access.”

Regarding Bolnhurst & Keysoe BW37, the same points regarding separation distance from construction traffic apply. But we also listed two other concerns, which we also consider have not been adequately addressed:

- The noise and vibration from the installation of the arrays alongside the bridleway
- The cable laying along 1,340m between SW2-1 and SW2-2 (on sheets 1 and 2 of the street works plan)

Noise and vibration

Table 5.6 of the updated oCEMP purports to address the concern about noise and vibration:

Where construction activities or construction traffic operate in close proximity to bridleways or other PRow suitable for equestrian use, the Principal Contractor will, through the Construction Noise Management Plan (CNMP), implement measures requiring advance

warning signage and instructions to drivers and banksmen to stop and hold plant and vehicle movements when horses are passing (in accordance with the final oPROWMP), and to pause or reduce non-essential noisy activities (particularly impulsive or intermittent sources) until the equestrian user has cleared the immediate works interface, applying best practicable measures in accordance with BS 5228.

This approach is just not credible. How is the Principal Contractor going to be able to achieve this in the moments between when a horse is spotted on the bridleway and the horse is alongside the noise source? Further, a rider approaching from the western end of BW37 through the spinney will be alongside the array before anyone can spot them.

And in practice, how is the instruction to stop work to be conveyed to the workers, no doubt wearing ear defenders and wholly focussed on the task in hand? This is just impractical.

It is noted also that only 'non-essential noisy activities' are to be ceased which clearly implies that there will be ongoing noise from activity deemed to be 'essential'. And indeed what is 'noisy'? – our concern related to both noise and vibration.

Regarding the cabling, paragraph 6.8.7 states that

PRoW users would be required to follow a localised diversion (in the order of a few metres either side of the existing PRoW alignment) around the works site.

A 'few metres' is just not enough space for equestrians. Of course, if the construction activity has genuinely been ceased as the oCEMP envisages than that might be adequate BUT as explained above I do not consider that proposal to be credible – a horse and rider on BW37 will not, in my view, be noted in time for the stop order to be conveyed to the workmen laying the cable to be directed to stop.

The Society remains of the view that the only safe option here is to provide an alternative diversion further away from the construction traffic and activity. This is within the gift of one of the landowners who is benefitting from this development. To continue with the current proposals is to close the bridleway to equestrian users during construction hours, without acknowledging that this is the case.

I would like to remind you that one of the riders affected by this effective closure is the disabled child I described at the Open Floor Hearing (the details have been redacted though he is not identified and his mother has consented to the wording being used in a public forum).

Regarding Bolnhurst & Keysoe BW40, our RR noted that the arrangements for Bolnhurst & Keysoe BW40 where it crosses BW37 need to be carefully reviewed. It seems to the Society that there will be a need for a banksman at that point whenever there is traffic on BW37, works going on the adjacent arrays or cabling being installed along BW37.

The oPROWMP does include at 6.9.3 provision for a banksman at this crossing BUT only “during periods of intense construction activity” ... “to marshal vehicle movements along the intersection”. This is inadequate – not least because ‘intense’ is a judgemental issue but also because, as noted above, it only takes one incident to create a safety issue.

The role is stated to be only for the marshalling of traffic but, in the event that the ExA accepts the proposal in Table 5.6 that the Principal Contractor will cease non-essential noisy activity, when horses are passing, this banksman position would be critical, not only for the safety of horses on BW37 but also on BW40 who will also pass close to array installation as they approach this junction.

The banksman will not be able to see the full length of BW37 from that position, nor will he be able to see horses arriving from the north on BW40 until they are within the development. And again, the question remains about how the instruction to stop work, in the event that the horse was seen in time, would be passed to the workers, wearing ear defenders and focussed on their task.

If this approach is to be adopted and the ExA is able to satisfy himself that the inherent communication issues can be addressed, there would be a need to individual ‘spotters’ to be positioned at the western end of BW37 (or even a bit before that – outside the Order limits) and down BW40 to the north, who together with the banksman at the access road near the farm (who can see horses heading west on the BW) and the one at the crossing who can see horses approaching on BW40 from the south.

We consider the Applicant’s proposals undeliverable in terms of creating a safe environment for equestrian users of these bridleways. They are just not credible.

So, we continue to press for the provision of a safe alternative diversion for BW26 and BW37. This is within the gift of one of the landowners who is benefitting from this development. To continue with the current proposals is to close the bridleway to equestrian users during construction hours, without acknowledging that this is the case.

We do however acknowledge that it is probably not possible to provide a safe diversion route for the northern part of BW40 (as we understand that the land that would be required for such a diversion is in different ownership). This BW does not suffer from the traffic or cabling concerns of BW37 but does have two sets of arrays immediately alongside, both roughly 200m in length. The Society would advise that it would be wise to close the BW whilst work is taking place immediately alongside BUT that this closure should be minimised in duration, and that the detailed works scheduling should seek to ensure that that is the case. Notices should be placed at the road south of Swineshead and at the crossing of BW37 when that route is closed.

Regarding point 3: The proximity of construction traffic and work to the paddocks of Lodge Farm, Green End, Little Staughton

Table 5.6 of the oCEMP contains provisions to limit the impact of construction on the horses at this equestrian property. [REDACTED] will no doubt comment on the adequacy of these arrangements.

I note that it is stated that the “The additional mitigation measures follow standing guidance from the British Horse Society (BHS) in this regard”. I would ask that the Applicant shares the source of this guidance with me, as the author of our guidance notes does not recognise this advice.

Regarding point 4: The use of roads also used by equestrians for construction traffic to reach the site does not appear to have been minimised

At BHSB-RR-06 of the Applicant’s response REP1-055, it is stated that “The construction access strategy has been designed to avoid vehicles using the public highway as far as practicable”. As the Society has pointed out in its WR (REP1-099), this is not the case as it would be possible to achieve the required access to the various parts of the site by using internal tracks more and reducing the impact on these country lanes to three crossings rather than about 3km of road.

The applicant goes on to admit that in developing the construction access strategy, the focus has been on avoiding the need to pass through villages. So, the impact on vulnerable road users, such as equestrians and cyclists, has been ignored.

In BHSB-RR-07 the Applicant states that “It is proposed to construct a network of internal haul roads to allow HGV movements around the Site, to avoid the need to route HGVs along unsuitable roads”. These roads (sections of Great Staughton road between Great Staughton and Pertenhall and part of Green End road Little Staughton) are most certainly unsuitable and, as the Applicant acknowledges, such roads should be avoided.

The Society regards the use of these roads as unacceptable, particularly when there are alternative solutions involving internal haul roads that would significantly reduce the adverse impact on vulnerable road users.

Finally, the Society expressed concerns that construction traffic would use other roads to get to or from the development. The Applicant continues to insist that this will not be the case but neither we nor many of the local residents consider this plausible. The Society will leave it to others to argue this point at length but wishes to state that almost all the local country lanes are used by equestrians and cyclists and the issues relating to intimidation and safety of such users must not be forgotten.