

EAST PARK ENERGY – POST ISH3 SUBMISSION ON BEHALF OF

THE BOROUGH OF BEDFORD LOCAL ACCESS FORUM AND THE BRITISH HORSE SOCIETY

I would like to start by thanking the ExA to determining that the impact of this proposed development on PROWs was of sufficient importance to be addressed at a Hearing. I apologise for my final outburst, but I was frustrated that I had not been able to comment on the Applicant's comments regarding the safety of BW37, particularly as I had deferred the opportunity to do so when Cllr [REDACTED] raised the matter earlier.

Both BOBLAF and BHS take a neutral stance on any solar development, but seek to ensure that, if such developments are to be approved, the interests of public rights of way users are protected.

In this case, neither BHS nor BOBLAF considers that sufficient mitigation has been offered by the developers to compensate for the very significant adverse effects this massive development will have on many rights of way, not only within and alongside the site but also in the wider area.

In addition, the BHS has safety concerns about the impact of construction traffic, pile driving and other construction noise and vibration and cabling on or alongside bridleways in Site A, which will particularly impact riders in Brook End who have no alternative off-road routes available.

Extent of impact

It has been estimated that in Bedfordshire 4km of BW plus 11km of FP are within or alongside Sites A and B. In Cambs the directly affected routes amount to about 2km, mostly FP but about 400m BW.

But many more will be affected, either by views of the development or because they lead to routes that are directly affected so that a circuit becomes less enjoyable. For example, the 400m of BW in Cambs is a middle section of a 2.5km route. Refer to p11 of APP-129 – you will see the many other PROWs in the study area surrounding the sites.

Overall, I estimate that maybe 40-50km of PROW will be affected, either directly or indirectly by this proposed development. This is an area with a very rich and extensive network which is why it is so highly valued by local communities and by those visiting from further afield.

Agenda item 3b – PROW and Landscape.

I have attached to this submission an appendix that captures six of the presented photographs and photomontages in respect of VP12 so that they can be compared more easily. This VP is described as on FP34 but it is also on BW37, roughly mid-way along the ridge line part of that bridleway.

You will see that the current view to the north (7 degrees) is of distant views towards Swineshead and that these are replaced, initially with views of panels, and ultimately with trees (and in winter, the panels will be visible through these trees). It is accepted that the views to the south are not obstructed but those to the north are completely obliterated.

The views to the west will also be dominated by panels initially and then eventually by trees.

In REP3-033 in the summary of effects (Table 18.2, page 18-10) – the magnitude of this effect in year 10 is described as “medium” and the residual effect as “moderate adverse, not significant” – how can this be when one of the major attractions of the route is the far-reaching views which will be lost? We consider the impact to be very high, major adverse and significant.

This just one example where the judgements in the LVIA regarding the impact on PROWs is questionable and, in our view, errs in the applicant’s favour.

I note that the host authorities’ speaker on this subject also identified a number of other locations where views will be obliterated.

I do hope that you will visit these sites, if you have not already done so.

Agenda item 3c – Current position

The topics I wished to address under this item were:

- The safety aspects relating to BW37/26 and BW40
- The lack of mitigation for the impact on the PROW and of enhancement of the network
- The status of the proposed permissive routes
- The position of the landowners

I would also like to pick up on some points made by the Applicant during the hearing:

- Local consultation
- Construction access on roads used by NMUs (especially horses)
- Length of time of construction impacts
- Usage surveys

Safety concerns on BW37/26 (and BW40) during construction

The BHS starting point on this is that it is unacceptable to use a bridleway for construction access unless unavoidable, in which case an alternative safe off road route should be provided.

In the BHS WR (REP1-099) I identified that the risks to riders and horses arise from four sources:

- Proximity of HGVs and other vehicles
- Pinch points in the farmyard with a deep ditch alongside
- Noise of construction - pile driving in particular - alongside
- Noise and activity related to the cable laying along nearly a mile of bridleway

At the hearing today, the Applicant focussed only on the first of these and did not address the other three.

I acknowledge that the changes made to the oPROWMP in the last iteration, REP3-058, do largely address my concerns in respect of HGV traffic. However, there are some places along the track where visibility of oncoming horses may be restricted, even from the elevated position of an HGV driver. For example, a horse approaching BW37 from BW40 in either direction may not be seen until the vehicle is closer than 50/100m away. I would therefore suggest a 5mph speed limit for HGVs and other large vehicles on the bridleway.

The BHS accepts that operational traffic will be at a level not significantly different from existing agricultural traffic and has not raised any objection of that aspect.

But my other points have not been addressed.

I acknowledge that most horseriders in the area have other options to ride and will, in all likelihood, avoid these routes during construction (18 months for Site A) and indeed during any refit and decommissioning if they can.

The dangers associated with two pinch points on Bridleway 26 in and near the Manor Farm farmyard are perhaps of a lesser concern than the dangers on BW37/40 because Pertenhall riders would have the option to ride across towards Swineshead Woods and beyond, mostly on off-road routes.

But nonetheless, the current proposals are tantamount to closing this bridleway for the duration of construction - which is contrary to EN-3.

But horse owners in Brook End do not have the option to use alternative bridleways, without significant roadwork.

Such riders will use BW40 to reach BW37 and then either turn west along BW37 or go ahead on BW40 towards Swineshead (and, in either case, their return route would involve these bridleways again).

They would be exposed to the loud and percussive noises of the pile-driving required for the installation of the panels, to the noises of HGVs being unloaded and materials moved around on the site and many other potentially disturbing noises. There will also be noise and movements related to the cabling along part of BW37, in particular at the BW37/40 junction.

There are not many riders affected, but they include the disabled boy I have previously described (and mentioned by Cllr [REDACTED]) and his mum.

I don't know if you are a parent, but would you be happy to take [REDACTED] on his pony past this work? Or to do about 2km on the increasingly busy roads, in order to do a circuit away from the work?

They will not be able to ride out in confidence for 18 months, except maybe on Saturday afternoon and Sundays – so summer after-school riding will be lost for possibly two summers.

The recent changes to the oPROWMP and oCEMP, whilst well-intentioned, do not go far enough to address the BHS concerns.

The oPROWMP clarifies that the banksman at the BW37/40 crossing will be deployed only when there is activity in the immediate vicinity of the crossing. So, for much of the time,

there will be no banksman to raise the awareness of the workers to pause or reduce work in the presence of equestrians as required by the oCEMP.

The oCEMP remains unchanged in this respect and remains not credible in our view.

- It is not possible for a user who approaches the site from the west (so via VP9) to be seen by anyone for most of the length of the route next to the arrays
- If the banksman at the crossing is only there when work is ongoing close to the crossing, then horses will not be seen at other times even if there is work going on adjacent to BW37
- It may be argued that the banksman at BW26 can sound the alarm about horses coming up the bridleway from the farmyard but horses approaching from north or south on BW40 will not be seen (indeed even when the banksman is in position they will not be seen until very close)
- So it is not credible that this system will work for any horses arriving at the site from the north, south or west.

The oCEMP requires (Table 5.6 of REP3-048) that the Principal Contractor will give instructions 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? Firstly, because the horse will in all probability not be seen and secondly, even if it is, how can this be communicated and acted upon in the moments between when a horse is spotted and the horse is alongside the noise source?

I have tried to be constructive and suggest a safe off road route that could be offered. See BHS Beds WR (REP1-099). I am not tied to this alternative route, but I have demonstrated that such a safe route could be provided with goodwill on the part of the applicant and the landowner. It is mostly outside the red line but is in common ownership with much of Site A (possibly all of it).

Another option, if an alternative safe diversion cannot be provided, would be to remove the panels from the section alongside BW37. This has already been suggested by Bolnhurst & Keysoe Parish Council to address visibility issues (REP-128). It would then be possible for construction traffic to reach all the panels through the site, without using the BW to the west of Manor Farm, bar one short section to access the panels closest to the B660. Some safety measures would be required when work was going on very close to BW40, but this should be a for a short time only.

Mitigation and Enhancement

The host authorities drew your attention to the various provisions of the National Policy (in EN-1 and EN-3) for the requirement firstly to minimise the visual impacts and secondly to maximise opportunities to facilitate enhancements to PRoW and the adoption of new PRoW. (See also p5-8 of the ES - APP-041).

It is our view that the applicant's proposals do not achieve either of these objectives and so fail to comply with National, as well as local, policy.

Neither BOBLAF nor BHS considers the mitigation/enhancement offered is sufficient to compensate for the significant adverse impact on the PRoWs, particularly on views and on enjoyment of the existing routes, let alone to provide enhancement of the network.

I do however acknowledge that an upgrade of footpaths to bridleway in Site B creates a very helpful, but permissive, equestrian link between two roads – 2.35km.

I stress that this is an upgrade not new PRoWs and will not be of any benefit to walkers.

Table 2 on p49 of the oLEMP (REP3-056) shows that the only true new access that is being provided is under 3km of permissive footpath.

Is 3km of additional access in a site of this scale and impact, really appropriate mitigation?

We think not and have made several suggestions for further access opportunities - including further new footpaths and the upgrade of the proposed loop near Great Staughton to bridleway, connecting to the nearby to Hail Weston BW112/7– and the host authorities not only support these but have made further requests.

There was discussion today about the distinction between mitigation and enhancement. Users don't care, frankly, whether they gain additional access as mitigation or enhancement – they just want to have some improvements in the network.

Status of any new routes

The proposed additional routes and upgrades are to be permissive paths.

We consider this inadequate – permanent adverse impacts deserve permanent mitigation.

These routes should be dedicated so that they remain available to the public for the long-term and so that they cannot be closed without the agreement of the host authority. If they are not dedicated, they are not PROWs – as there is no Right of Way – they are merely Permissive paths.

The oLEMP (p50 of REP3-056) envisages that these routes might be temporarily or permanently closed in the event of anti-social behaviour. This closure does not require the

agreement of the highways authority, as it would for a dedicated right of way, but is at the discretion of the operator. We don't consider this appropriate as it means that the mitigation or enhancement offered by these new routes may be removed.

Landowners

The Applicant states that various requests made by interested parties cannot be fulfilled because they require the agreement of the landowner(s). In particular, the provision of additional public access, the dedication of the proposed permissive routes and the provision of a safer temporary diversion for BW37.

I do not find this argument particularly compelling, though it no doubt reflects the strict legal position. The landowners will be benefitting from this development financially and it is therefore in their interests to facilitate the mitigation and enhancements required by EN-3 etc. in order to secure consent.

About 2 weeks ago, I contacted the landowner of most (possibly all) of Site A regarding the possibility of providing a safer off-road alternative to BW37 during construction. I gained the impression that he was unaware of the issue and that the Applicant had not approached him about it, most certainly had not had any serious discussions with him.

It is easy for the Applicant to hide behind the 'landowner says no' argument but it is, in our view, imperative that the landowners are fully engaged in the discussions about these issues. They should address these legitimate concerns and requests.

You noted that discussions between the host authorities and the Applicant about proposed network enhancements should continue. I suggest that the landowners should be involved in such discussions so that they can understand the community impact of the proposals.

Local consultation

It is true that non-statutory consultation did commence in 2023. But I, like many local residents, do not feel that this process had any significant impact on the proposal and masterplan.

At that stage there was very limited information about access routes and, although I did flag the issues with using BW26/37 as a construction access route and offered to be involved in further discussions, this matter was not addressed until this statutory stage.

Construction access on roads used by NMUs (especially horses)

I was somewhat surprised that this topic was mentioned by the applicant at the hearing, not being directly related to PROW. I restate that the proposed usage of the roads between Great Staughton and Little Staughton appears to be unnecessary – the arguments put forward today were not compelling.

It is quite possible to link Site C to Site B and to connect within Site B without using these roads. I refer you to the fourth page of the BHS Beds WR – REP1-099.

Length of time of construction impacts

Several times during the hearing today, a construction period of 30 months was referred to. This is two and a half years and will quite possibly involve three summer periods.

But this is not the end of the impact on PROWs – it seems to be widely accepted that there will be a refurbishment phase at some point during the operational life of the development and of course there will also be the decommissioning phase (if it is funded). No indication of the timescales for these activities has been given – but I would not be surprised if that would be a further 3 to 4 years. So, a total of maybe six and a half years of PROW disruption in the context of a 40-year operational period.

When considering the construction impacts, please remember that these arrangements may affect a much longer total period.

Usage surveys

I would like to ask that usage surveys are done by CCTV or another technology solution that enables data to be obtained over an extended period of time. Lots of factors can affect the use of PROWs – weather, season, time of day, day of the week, local events taking users elsewhere etc. – so it is important the surveys can capture the typical usage.

I advise that these surveys should be carried out in the late Spring to early Autumn period (say during British Summer Time) as usage will undoubtedly be lower during the winter months, especially once the clay soil has become wet and sticking to boots and hooves.

But I am not entirely clear what use these surveys will be put to as the proposals are already developed. This is an exercise that might more properly have been done at the early stages of considering the proposals. To be honest, if these surveys are unlikely to have any impact on the development plans, the money and effort would in my opinion be better spent on addressing network enhancement issues.

Extract of LVIA photos from point 12, along BW37/FP34 APP-130

The first four photos/photomontages relate to the view in a 7 degree direction, so roughly north.

Current summer view towards Swineshead - roughly north (p16 – Fig 5-16k):



Year 0 view (summer) (p19 – Fig 5-16n)



10 year summer view (p22 – Fig 5-16q)



10 year winter view (p13 – fig 5-16h)



These next two photos show the view at a direction of 277 degrees – so roughly west

Looking west existing summer view (p15 – Fig 5-16j)



Looking west the year zero summer view (p18 – fig 5-16m)

