

Deadline 6 submission

On behalf of The British Horse Society (both Bedfordshire and Cambridgeshire) and the Borough of Bedford Local Access Forum.

I submitted a post-ISH3 submission on behalf of both organisations for Deadline 4 (REP4-044), as I had hoped to speak at the ISH on behalf of both organisations. I also emailed a copy to the Applicant in advance of the deadline, as I had prepared it early (before a holiday) and wanted to give the Applicant time to consider my points, since I had not had the opportunity to speak at the ISH.

The submission is listed in the examination library as only being from BOBLAF– though the heading did make it clear that it was a joint submission.

I have studied the Applicant's summary of its Oral Submissions at ISH3 and Action Points (REP4-110). This document seeks to address the concerns raised by interested parties, including the organisations I represent and the Host Authorities, but essentially restates their entrenched positions on the various matters raised. The Applicant appears not to be taking on board legitimate concerns.

Views

Various parties have expressed concerns that the LVIA does not give sufficient weight to the loss of open views on a number of PROW - in particular the loss of views to the north of Bolnhurst & Keysoe BW37.

The evidence before the Examination does not, in our view, support the conclusion that “the openness of views across the landscape will remain intact” (as stated by the Applicant at 2.1.13) nor that “the openness is clearly retained in view” (2.2.20). While some views may remain available, the development would result in the permanent loss of a substantial part of the existing panoramic experience, particularly from the elevated sections of BW37.

I note that point 4 of Appendix A of Applicant's REP4-110 is shaded grey. It states that the LAF was to submit ‘plans’ relating to viewpoint 12 – I believe this should be photos. I assume that the grey indicates that it has not been done? These photographs form the final two pages of our post-ISH submission (REP4-044) and were emailed to the Applicant on 10 June.

Much is made by the Applicant of the fact that these are not regionally or nationally important routes or views. To those affected by this loss of amenity this is irrelevant, as they are very important locally, as the ExA heard at the ISH. I note that the Applicant acknowledges this but has not sought to minimise these impacts.

We share the Host Authorities conclusion that there is some under-representation of significant effects and that the screening of views has been assessed as an improvement rather than a potentially adverse change. We do not find the Applicant's responses compelling and consider that the professional judgement, particularly in the case of the views from Bolnhurst & Keysoe BW37, has not adequately appreciated the permanence of the loss of views over quite a distance of bridleway (about 1 km).

Construction safety measures

The ‘safety measures’ put in place for equestrians on this Bolnhurst & Keysoe BW37 during construction are in our view inadequate.

The Applicant continues to insist that these are adequate despite evidence provided in the virtual site inspection videos that the banksman (if present) will have inadequate visibility of approaching horses and so the proposals to stop traffic and construction at such times are unworkable. Nor has the method and speed of communication of such ‘stop’ messages been adequately explained.

I note that the summary of the safety measures presented at 2.3.10 and 11 no longer refers to the plan to tell workmen to cease work when a horse is present. This may well be because the Applicant has realised that this is a communication challenge and unrealistic. But it now means that equestrians will be riding just meters away from potentially noisy and percussive construction work over a significant distance of approximately 1km and even further if cable laying is taking place past the BW40 junction.

It is stated in 2.3.10 that the proposals are in line with the BHS’s own Advice Note. I disagree. I have attached the August 2024 version of this advice note¹, which is the version extant at the start of the Examination. I draw your attention to the section entitled “Horses’ reactions”:

It should be remembered that we are talking about percussive piling which will be a particularly challenging noise for many horses. The lack of a proper means of communication to the machinery operators and the failure to provide banksmen on all lines of approach at all times of construction and cable-laying are particular omissions:

BHS advice	Applicant's proposed measure	Remaining deficiency
Machinery and noise should be capable of being stopped while horses pass	Applicant proposes banksmen/traffic management	No demonstrated reliable communication with operators and banksman not able to see all approaching horses
“Sentries” (Banksmen) should warn approaching riders and be obvious on approach	Banksman arrangements proposed	Not present at all times – only when deemed necessary – plus banksman not able to see all approaching horses or be seen by all approaching riders
Activity should not resume until horses are safely clear (20m+ if horse calm, 50m+ if horse distressed)	General safety measures described	No enforceable procedure demonstrated

¹ An update to this Note has been issued in June 2026, but the content is materially the same in this respect. It can be downloaded, if wished, at <https://www.bhs.org.uk/media/e0jd440c/construction-0626.pdf> . Earlier versions can also be provided.

At 2.3.30 of REP4-110 the Applicant acknowledges that it should ensure that foreseeable risks are appropriately controlled through a proportionate and enforceable management regime. This proposed management regime will not in my view protect against foreseeable risks. Just one example is a horserider approaching Bolnhurst & Keysoe BW37 from the west – they will not be seen in approach and none of the proposed safety measures will benefit them.

I note that at 2.1.21, reference is made to the past use of part of Bolnhurst & Keysoe BW37 for access to the existing Manor Farm solar facility. The previous use referred to by the Applicant was materially different in scale and circumstances from that proposed under the current Application. In particular, the relevant section had substantially better visibility and does not provide a comparable precedent for managing construction activity along the much longer sections (over 2km) of bridleway affected by the proposed development.

Once again, the Applicant has not addressed the point made in REP4-044 and also made by Cllr Sira, that these inadequate safety measures effectively close BW37 to horse riders and that the horses kept in Brook End have no alternative safe off-road routes available to them. A safer diversion route is required, not least for the vulnerable child who keeps his horse in Brook End.

Or, as I have previously suggested, the arrays alongside BW37, to the west of the junction with BW40, could be removed from the Scheme which would not only address these safety issues but also local residents' concerns about the impact on views.

In summary, we invite the ExA to conclude that the proposed construction management measures are insufficient to ensure the continued safe use of BW37 by equestrians. We therefore request that the Applicant be required either to:

- provide a safe and suitable temporary diversion for equestrians for the duration of the relevant construction works; or
- amend the scheme to remove the arrays and associated construction activity adjacent to BW37 west of its junction with BW40; or
- demonstrate, through an enforceable and detailed management plan, how construction activity will be safely managed in accordance with appropriate equestrian safety principles.

Additional public access

The applicant has not offered any further additional public access, nor agreed to upgrade permissive routes offered to dedicated routes, despite repeated requests from ourselves and the Host Authorities. At present, the Applicant states (2.3.23) that no further mitigation or enhancements are needed to make the Scheme acceptable in planning terms. We disagree.

This failure to provide further public access is attributed to the landowners, although it is stated that the Applicant is continuing to consult landowners regarding additional access (see 2.1.31). These farmers will be benefitting very significantly from the development and, whilst it is accepted that the Applicant cannot impose further access, it can certainly influence them and make them aware that such additional access may assist their cause.

The Applicant takes the view that such provision is not 'mitigation' but rather opportunities to improve access. Whatever the rationale, this is a very large development covering about 1,900 acres and the permissive routes currently offered amount to:

- The upgrade of 2,350m of footpath to bridleway – appreciated but not an increase in public access, being of no benefit to walkers
- 1,725m new circular footpath around a parcel of land which is no longer to have panels on it following archaeological finds
- 1,230m being 5 short connecting sections of footpath.

At 2.3.26 the Applicant acknowledges that the benefit that should be attached to these new paths is limited as they are limited in scope and not dedicated as permanent access improvements. I note that the negative impact of the development on PROWs will be permanent – which may explain why the Applicant is seeking to argue that the permissive paths are not mitigation measures as if they are they should be permanent mitigation for permanent harm. We continue to press for dedication and for the upgrade of the circular footpath to bridleway (with a connection to the nearby bridleway Hail Weston 112/7) as well as the further paths requested by BOBLAF.

We remain of the view that the spirit of EN-3 requires further public access. Notwithstanding the strict legal position that the landowners need to agree, the reality is that this development will be beneficial to these landowners and detrimental to public rights of way users. Most of the routes requested will apparently not be returned to agriculture after decommissioning so are available to be provided as dedicated routes in perpetuity, without significant implications for the landowners.

As regards the potential closure of permissive routes due to antisocial behaviour, it remains the case that the Site Operator will be able to close such routes without the agreement of the Host Authority. We regard such requirement for consent as a necessary protection and good governance – particularly as the identity of the Operator is unknown and may well change during the lifetime of the operation.

A similar concern relates to the proposed quarterly monitoring. The Site Operator does not appear to be under an obligation to share the outcome of such inspections with the Host Authority or the Community Liaison Group. The only mention of reporting to the Host Authority is if an issue that falls outside the control of the Site Operator is identified – so there is no safeguard to ensure that the Site Operator (whoever that may be) does indeed monitor and remedy issues.

In summary, we ask for:

- Dedication of the proposed permissive routes.
- Upgrade of the proposed circular footpath to bridleway.
- Connection from that circular route to Hail Weston BW 112/7.
- Further routes previously requested by BOBLAF and by the Host Authorities.
- Appropriate Host Authority oversight before any closure of permissive routes.
- A requirement to report monitoring results to the Host Authority and Community Liaison Group.

Virtual Site Inspection Videos – REP4-117 onwards

I note that these videos were published in the Examination Library after Deadline 4 (10 July) - between 27 July and 17 August (only yesterday), due I was told (on 22 July) to technical issues with uploading them to the Examination Library.

Deadline 5 was 21 July, before the videos were published in the Examination Library.

Both the BHS and BOBLAF have submitted comments on these videos for the Deadline 5 (REP5-034 and REP5-032) but these comments had to be based on the versions of the videos available on the Applicant's website.

The Applicant's website did warn that the versions on that site should not be relied upon, only the ones (eventually) uploaded to the Examination Library. However, these were the only recordings available to us at the time.

The versions of the videos subsequently published in the Examination Library have, in our experience, presented technical and usability difficulties, including a fish-eye distortion and an inability to use the 360-degree viewing facility. In addition, the segmentation of individual routes means that they do not provide the same continuous representation of the experience of travelling along the relevant PROWs as the single, continuous versions available on the Applicant's website.

For example, the video of Route 9b is in 13 segments in the Library but a single video on the Applicant's website.

As a result, I do not consider that the videos within the Examination Library give a proper view of the PROWs surveyed, as was the original intention.

The only exception is the Drone Survey 9a which is presented in the Examination Library in full and appears to be the same as on the Applicant's website.

I would encourage the ExA to look not only at the Examination Library versions but also those on the website (<https://eastparkenergy.co.uk/document-library/>) as these give a more cohesive view of the PROW and will allow him to view the key points referred to in the BHS and BOBLAF submissions referred to above.

And once again, both BHS and BOBLAF would encourage the ExA to visit the PROWs in person.