

## Access for horse riders

77. The PIG was concerned that horse riders would not have 'the freedom to roam' that they are said to have at present, because there would be a danger of loose stock spooking horses. The BHS argued that the proposed fencing would work against the aim, stated in *The Strategy for the Horse Industry in England and Wales*, prepared by the British Horse Industry Confederation in partnership with, among others, Defra, of increasing access to off-road riding. Its experience on other conservation grazing schemes was that there had been problems with unsatisfactory gate installations, with livestock, and with having access removed. It produced evidence of horses injured by self-closing gates (which, it is not disputed, would be required by Natural England if it granted HLS funding.) It was also concerned that fencing might make exiting the Commons difficult for riders in the event of fire.
78. The evidence presented in support of the application suggests that the third issue – the removal of access – would not be a problem; if grazing produces the results intended, a much wider area of the Commons would eventually be accessible to horses. In addition all currently used points of access to the Commons by equestrians would be retained. The BHS request that fences be set back 2 metres from carriageways is accepted by ESCC and noted below (paragraph 104), as is the request that all gates leading from carriageway highways (apart from the two on the south and west of Lane End Common which, it was not disputed, would not be safe for horses) should be bridle gates.
79. If consent for works is granted all gates installed in the fence would be to the appropriate British Standard. In addition the Natural England HLS specification for bridle gates states: *the bridle gate must be adequately stockproof while providing good access for all legitimate users. Work should be carried out to the standard required to safely perform its intended function for the duration of the agreement... The bridle gate must be maintained in good condition for the life of the agreement.* The Commons are extremely unlikely to be fenced (if permission is granted) unless HLS funding becomes available (see above at paragraph 27). Nothing can guarantee that there will never be an accident to a horse going through a gate, and so a gate will always carry a risk greater than a gap. Construction to the current British Standard, however, a requirement that any replacement gates are to be to the British Standard in force at the time of replacement – evidence suggests that bridle gate design is moving forward – and the agreement for subsequent maintenance, should mean that the risk of accidents would be low. I conclude that access to the Commons by gates would be disadvantageous to some horse riders, but that the disadvantage would not be great.
80. The BHS gave evidence that some horses are seriously alarmed by cattle, although an experienced local rider gave his view that cattle of the sort proposed to be grazed were not a problem for horse riders. It seems likely that if grazing goes ahead then there could be disadvantages for those who, if they ride horses which are alarmed by cattle, might have to acquire a different mount to ride on the Commons, or ride elsewhere. I was given no evidence of the extent of this problem, so I cannot give this factor a great deal of weight.



81. The English Nature Research Report referred to above (paragraph 57) states: *The presence of stallions may be problematic in areas with regular horse riders.* It is not clear to me whether it is intended to graze stallions, but one of ESCC's expert witnesses stated that there would never be more than 6 ponies grazing as part of a mix of grazing animals. Such low numbers in an area of 175 hectares seem to me not to present a great risk.
82. It seems probable that most horse riders would derive some immediate benefit from being separated by fences from vehicular traffic, and might also, at some time in the future, benefit from having a wider area of land to ride on because of the reduction in areas of bracken and scrub. If a grazing regime were successful the risk of accidental fires on the Commons would be reduced because there would be less flammable material, although I have been provided with no evidence of the current risk. Fencing might make it more difficult to leave the Commons in the event of a fire, but again it is difficult to give weight to this matter both because the level of risk is unknown and because I have been provided with no evidence of the number of horse riders using the Commons. The extent of poaching of the ground certainly suggests that it is fairly large.
83. Some riders might find their access more restricted until they became adept at opening gates. An unknown number may have mounts liable to be spooked by cattle, even of docile breeds. It is not easy to give weight to these factors, but overall I conclude that fencing would have some detrimental effects on riders in the short term which would probably be lessened over time.

#### *Cattle grids*

84. If the Commons are fenced as proposed then cattle grids on public vehicular highways will be necessary to prevent stock escaping. Local residents expressed concern about the noise which could emanate from such grids and which could, they considered, be a nuisance. The BHS was concerned about the safety of grids and their bypasses.
85. It is clear that the views of ESCC's road safety auditor were considered and acted upon in deciding the positioning of cattle grids on public roads. It is also clear that alternative positions were considered and that where possible (in particular with regard to the proposed grid on Beggars Wood Road near the north corner of Pound Common) the suggested position took account of the position of nearby properties. The auditor appeared and was cross-examined at the inquiry, and I am satisfied that the alternative positions for grids proposed by objectors would not be as satisfactory in terms of road safety. They might be less noisy, since positioned further from houses, but I was not convinced that noise would be a significant problem.
86. The BHS was particularly concerned about the safety of the proposed cattle grid bypass at the north corner of Pound Common, but since ESCC agreed to amend its application to include bypasses on both sides of the road for that and other cattle grids, and also agreed to take into account the BHS preferred design for such bypasses, it seems that its objections have been met.
87. The authorisation of cattle grids on highways cannot be my concern as they are not on common land. Authorisation for bypasses to highway cattle grids may also be given under s82(4) of the Highways Act 1980 (see paragraph 23