

**Closing statement for Alex Machin – Individual objector and on behalf of the
Bicester and Warden Hill Pony Club**

1. As an independent first-time objector, I have had to navigate the procedural process which has been challenging. I, and others have invested more than just time and received no recompense for this. It is so important, not only to me, my children, pony/riding clubs, but to other bridleway users and future generations because the outcome of this Inquiry is something that we will have to live with forever.
2. A bridleway should be an enjoyable route for all. Above all, it must be safe. The previous route with the level crossing was enjoyable. It was also safe, for riders, their horses, and others. The current proposal carries a clear and substantial risk of needlessly making the route unsafe. It would also be less enjoyable, but safety is the major consideration.
3. I am aware that all documents that have been submitted will be taken into consideration when making a decision for the TWAO, and in these closing arguments I would particularly like to focus on two points. These were numbers 2 and 3 of the Statement of Matters, as set out below:

2. The main alternative options considered by NR and the reasons for choosing the preferred option set out in the Order including the consideration of the safety case for extinguishing the bridleway at the level crossing.

3. The suitability of the proposed bridleway for all users, including any safety implications of use with horses.

4. As has been discussed in detail, the level crossing in Tackley was safe to use by all equestrians (and others) providing they adhered to the rules in place. The vast majority always did so. I understand there have been rare situations where riders have not done this (although I am not one of those) and I do not in principle have an objection to the closure of the crossing providing a safe alternative is provided.
5. However, I do, still, strongly object to the proposed alternative route as it is just not safe. It is not my case that there would be accidents every time the proposed route is used, but it is very much my case that there would be occasional accidents and that the dangers are far greater than Network Rail has acknowledged. The proposed route would replace a safe path with a risky one.

Taking point 2 from the statement of matters.

6. Network Rail have failed to adequately consider the alternative options. Both Mr Wilson and Mr Lane have stated during the inquiry that route D is better than the proposed route and was in fact the preferred route originally. This route is currently used on a licenced basis by local riders and is the preferred option amongst the riding community.
7. Route D is inherently safer due to the distance from the railway line (a similar distance to the existing bridleway). There is the 60m section of narrow path close to the train tracks approaching the village by the train station to use, however, by stopping, looking and listening there is ample time to move along

this corridor without meeting a train. There is also room at either end to move away from the track if a train comes, or if another user is in the corridor such as a pedestrian.

8. None of the list of bridleways presented by Network Rail in their review of analogous bridleways, page 78 of their Statement of Case, which are next to railways show a great deal of data or analysis to ascertain their similarity to the proposed bridleway. They just show speed of the train and length recorded. Critical factors omitted are (i) frequency of trains – hence probability of meeting one, (ii) height of the train to the horse (for example, in a cutting or on embankment), (iii) vegetation and cover between train and horse. The failure to carry out a proper analysis and have regard to these factors undermines their proposal and their approach to what we propose.
9. During the Inquiry we did hear of incidents of ridden and led horses caused by trains. That cannot be ignored or brushed aside.

Point 3 from the statement of matters.

10. The proposed route is not suitable for all users. The videos shown during the Inquiry were for familiarised horses, and as J Langstone explained, due to their vision they could not see the train.
11. NR's equestrian expert, Mr Lane, has consistently and frequently asserted that the proposed bridleway is only suitable for 'familiarised' horses. This, by definition, excludes a significant percentage. Evidence has been heard about why and how 'familiarisation' is difficult to achieve. In a sense, the reasons do

not matter: it is a fact. Non-familiarised horses would use the proposed
bridleway, and the dangers would be real.

12. In Inquiry document 20 Mr Lane also states that 'I accept that a horse which is unfamiliar with trains passing, ridden by an inexperienced rider could use the level crossing if appropriate assistance, **The same rider and horse combination cannot use the new bridleway**'. I have emphasised this passage of his evidence because of its importance.
13. The proposed new bridleway would significantly increase the risk of an incident with a horse than the current bridleway. This is entirely unacceptable when there are viable alternatives. What should be sought is the least detrimental alternative.
14. Route D, as suggested by Andrew Peake in his Statement of Case, should be considered as a satisfactory alternative.
15. In support of this I would like to particularly mention the statements from Dr Joanna Hales (Joanna Eeley) and Miss J Langstone who provided expert evidence on the reasons why NR's proposed route is not safe.
16. Our proposal, which would give equestrians a circular bridleway route that has limited 20mph roadwork and is further from the railway line, has many merits.
(1) It is an excellent way of moving one of the most vulnerable road users, riders, off busier roads. This is obviously good especially as roads are becoming busier for the other traffic too. (2) It is a great training area for inexperienced, novice and young horses and for riders to build confidence

and trust. (3) Being circular also can be a training aid for horses in building trust and confidence as you are not turning back on yourself.

17. We have shown from the suggested alternative circular routes presented by Network Rail that they are not equivalent for many reasons. Moreover, it must be borne in mind that the old circular bridleway was a safe and enjoyable route that all levels of ability and age of horse and rider could negotiate. The proposed route does not give us that, nor do any of the suggested alternatives circular routes given by Network Rail.
18. As stated the length trackside is important. Risk is calculated by probability multiplied by severity. Therefore length of lineside is important when considering the 60m to 860m. 60m is 14.33 times shorter. Added to that, you can 'stop look and listen (beware of trains)' as the signs at the crossing say - then negotiate at walk the 60m in <30 seconds. You can generally hear trains in most circumstances for 30-60 seconds away. You cannot negotiate even at trot the 960m in less than 4 minutes. You certainly cannot stop look and listen for a train for that time! The risk and the danger would be much greater.
19. The facts that equestrians, the BHS and even the NR expert witness are telling you the proposed bridleway is unsuitable for all but familiarised horses and there are better alternatives is hugely important. I suggest that it must lead to the proposal being rejected.
20. It does not matter if the Network Rail legal team present a case to support their objective of closing the crossing because there is now surely enough

evidence to demonstrate that an alternative route (which is an option) would be safer and preferred.

21. During the Inquiry Mr Lane said that in the Household Cavalry incident in April the horses had been 'spooked' by a sudden, unexpected noise. He said the noise of a train, which builds up, would cause no problem to a familiarised horse. Mrs Eeley suggested horses could feed off each other's anxieties and create a chain reaction of panic – Mr Lane countered (Inq20) that a single frightened horse would be expected to normally be calmed by the presence of one or more other calm horses. The objectors' concerns were perfectly illustrated by another Household Cavalry incident when a familiarised led horse was frightened by a bus (noise building up) and spooked the other horses (chain reaction) causing their riders to be unseated and resulted in 3 loose, panicking horses on the London streets.
22. In conclusion, whilst accepting that there are reasons why Network Rail would like to close the level crossing, its proposal is seriously flawed. It would not provide an acceptable alternative for the bridleway. Further, if the level crossing is to be closed, Route D would be the appropriate substitute, not least on grounds of safety. I therefore ask, that the Order in its current form is not accepted.

Alexandra Machin

2 July 2024