

TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004
PROPOSED NETWORK RAIL (TACKLEY LEVEL CROSSING) ORDER
PROOF OF EVIDENCE OF CHARLES WILLIAM SELBY LANE
EQUESTRIAN ISSUES

Introduction

1. I, Charles William Selby Lane, make this Proof in relation to the Proposed Network Rail (Tackley Level Crossing) Order (Order) in respect of matters relating to the safety of, and enjoyment by, horse riders of the proposed New Bridleway, including in connection with its relative proximity to the railway, together with other potential effects upon riders arising from the proposed diversion to the New Bridleway.
2. Unless I state otherwise the information given in this Proof is from my own knowledge and where it is not I have identified the source.

Expertise

3. I have over 50 years' experience with horses. There are few areas of equestrianism with which I have not been involved. I have experience in racing, eventing, show jumping, dressage, hunting, shows, pony clubs, riding clubs, riding schools, trekking centres and livery yards.
4. I have provided expert witness reports for legal proceedings and been instructed to act as either a single or joint expert. I have given oral evidence in both County Courts and the Senior Courts of England and Wales, in cases involving all aspects of equestrianism. I have been instructed in UK, Ireland, Hong Kong, New Zealand, Australia and South Africa.

5. I continue to train horses, riding or competing on most days, as well as coaching other riders and undertaking high level practical roles within horseracing and eventing. I mentor others within the horse industry.
6. [CL1] sets out my c.v., more comprehensively. I am experienced in managing my own small competition/hunter livery yard, including schooling young and problem horses. I am a British Horse Society Accredited Professional Coach (BHS Intermediate Instructor) teaching a variety of private clients of inexperienced novice to experienced rider. I am a British Eventing and Pony Club Coach. I am a past member of the Animal Care & Equine Training Organisation Horsemastership Working Group. I have provided health and safety advice to racing, eventing, and horse welfare yards and riding schools, and an international horse competition, including preparation of Risk Assessment and Health & Safety Policy.

Scope of Proof

7. This Proof deals with matters relevant to the following items in the Statement of Matters: **Item 3**: “The suitability of the proposed bridleway for all users, including any safety implications of use with horses”; and **Item 4b**: “The impact of the scheme as a whole on:...(b) the accessibility for all users” insofar as this concerns equestrian users.
8. In preparing this Proof I confirm that I have considered the objections that have been made to the Proposed Order, in relation to issues relevant to the scope of my instruction. I have also considered the Statements of Case (**SoCs**) referred to below which raise points relating to equestrian safety on the New Bridleway and/or the suitability and convenience of the New Bridleway and other potential effects upon equestrian users.

<u>SOC51</u>	Byways and Bridleways Trust (BBT)
<u>SOC52</u>	Bicester and Warden Hill Pony Club (BWPC)
<u>SOC60</u>	British Horse Society (BHS)

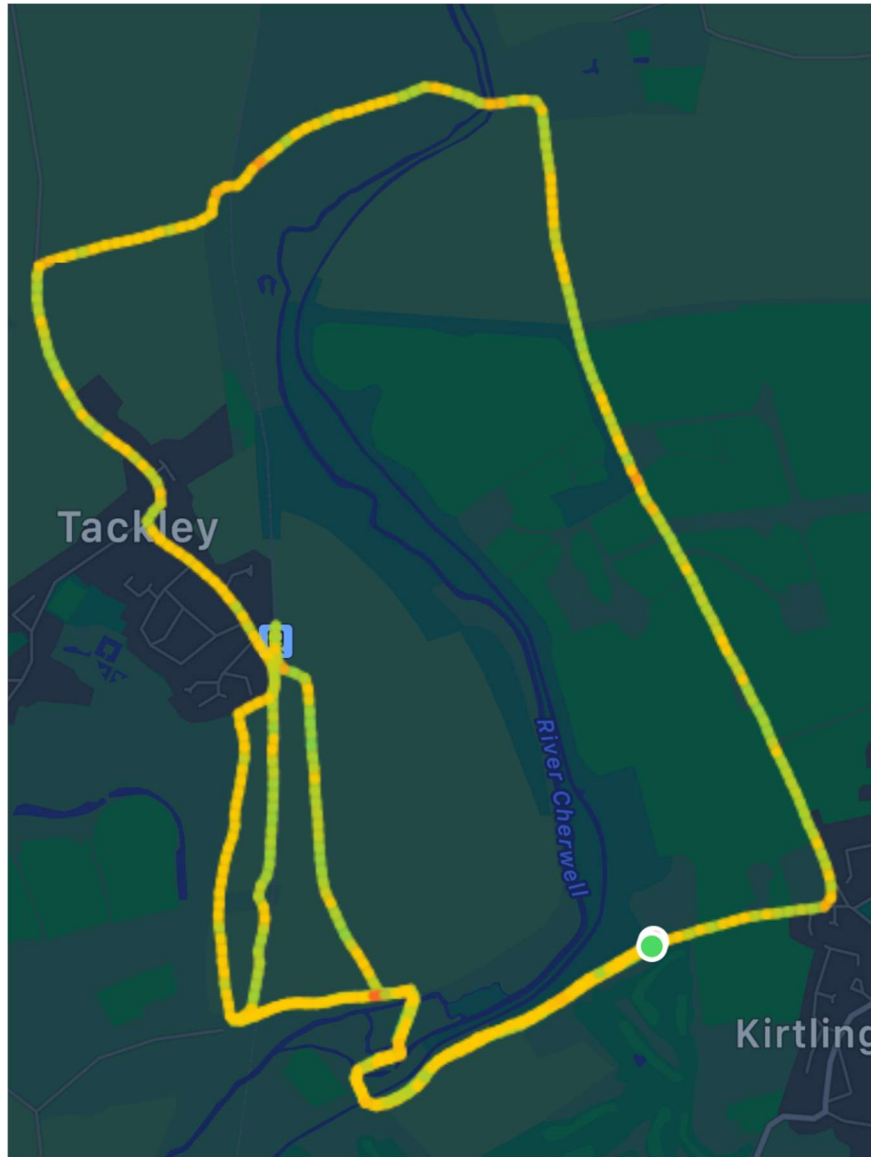
9. I do not restate here the content of these relevant objections or of these Statements of Case. I also note some considerable overlap between these representations. For ease of reference only, I refer below to the summary given by BHS in relation to their objection:

- "The safety case for closure of the bridleway at the crossing is inadequate and fails to take account of the greater risk to riders of alternatives to the crossing.
- Whilst the Society does not consider all lineside routes to be inherently unsafe, the proposed alternative bridleway immediately adjacent to the railway is considered by local riders to carry greater risk than use of the crossing. The increased risk is from its length by the railway, its width and enclosure by fences, the threatening effect of trains at head height, the lack of any mature tree or shrub screen, the proposed surface of the road, and that a rider is unlikely to be able to avoid passing trains while lineside.
- While arguably the most convenient route in terms of least deviation between two points, far more suitable alternative routes have been suggested which have been ignored or rejected with no reason given or without adequate reason, and which are not significantly less convenient when weighed against amenity value for all users and riders' preferences." ([SoC60], paragraph 66).

The Existing Bridleway and Local Equestrian Routes

10. I further confirm that I have considered the relevant proposals underlying the Order.

11. On 14 May 2024 I visited the affected area and surrounds. During my visit, the weather conditions were overcast and about 13°C. The routes I covered are shown in the screenshot below:



12. In addition I drove around some of the surrounding public roads. To me these seemed reasonably quiet roads for traffic and might well be used by riders, with the inherent risk that riding on roads carries. However the Tackley area is bounded by the A4260 – B4030 – B430 – A4095 – B4027 and I would expect riders to avoid riding on these roads because of the normal speed of traffic which, except where constrained by speed limits of 30mph in the built up areas is likely to be 50mph-60mph.

13. These surrounds include the public bridleway (379/2/10) (**Existing Bridleway**) which leaves bridleway 379/25/10 / 379/2/20, just north of Flight's Mill and heads north before it turns to the west to pass over the Tackley Level Crossing to join with Nethercote Road (between points Z1 and Z2 on the Land and Rights of Way Plans [APP7]). This provides for a point of access (via the bridleway) between Tackley and Mill Lane to the west of Kirtlington.
14. I am aware that the Existing Bridleway may form part of one or more circular riding routes, for example, using bridleway 270/4/40, heading north from Kirtlington along Crowcastle Lane; then heading west at Northbrook to cross the River Cherwell on bridleway 270/7/20; then along bridleway 379/4/10 to cross the railway over a bridge approximately 1.2km north of the Tackley Level Crossing; before heading south along bridleway 379/4/20 to enter Tackley village from the north at the junction of Rousham Road and Ashwell Bank Lane. The BBT describe the bridleway link between Nethercott-Tackley and Kirklington as 'significant' [SOC51], paras 6 and 7]. From Google maps this is a distance of about 4.5miles (7.25km) and I would expect most riders using this route to take about an hour to complete this ride with some walking, trotting and a short period of cantering but negotiating various gates and the narrow path through Pigeons Lock.
15. The New Bridleway will provide access to very much the same circular riding route and although I have only measured the route using Google maps, the difference in distance appears to me to be not significant, with the route along the New Bridleway from Tackley Level Crossing to the southern end of the Existing Bridleway being 1330m and the route along the Existing Bridleway from Tackley Level Crossing to the southern end of the Existing Bridleway being 900m, a difference of 430m, or an additional 4-5 minutes riding a walking horse.
16. I am aware also that the points of access to the Existing Bridleway are, at the southern end, from Mill Lane or from restricted byway 379/3/10 (Old Whitehill) which connects to the road from Church Hill to Whitehill. From the northern end, access is through Tackley Village along Nethercote Road. Nethercote Road is a two-way street, surrounded by houses, with street lamps, and which I understand

is subject to a speed limit of 30 mph. The other roads I refer to at the southern end are metalled, narrow and subject to the national speed limit of 60 mph.

17. Any rider following this route will need to follow the bridleway through Pidgeons Lock, where a rider will have to cross three bridges and some very narrow paths which would be reasonably testing for some riders. This is a very different problem to meeting trains, but will still requiring a confident rider on a trained horse.
18. From my visit on 14 May 2024 I saw a number of what appeared to be private horse paddocks and stables appearing to cater for about 1-3 ponies. Obviously I do not know how many horses in total this amounts to. I saw no livery yards or riding schools and I have found none on a Google search that are sufficiently close to the circular riding route that I would expect to be likely to use the circular riding route. On the circular riding route is Kirtlington Stud, but this is a Thoroughbred Stud breeding racehorses and I would not expect Kirtlington Stud to use the circular route because the horses are largely unbroken (not trained to be ridden) Thoroughbred racehorses. Based on this assessment, I would expect the Existing Bridleway or the New Bridleway to be normally used by a small number of private riders on occasions either on their own or in groups of 2-3. I cannot say how many private riders this might amount to.
19. I note that the BHS state that there are approximately 1,350 horses registered in the area (postcodes OX5, OX20, OX25) (para 6 [SOC60]). I do not know if this figure is correct and accurate. I have no reason to doubt it. However, it will be important that this is not taken as an indication of the number of riders who used the Existing Bridleway or might use the New Bridleway. I would expect the number of riders using the New Bridleway to be very much the same as the number who used to use the Existing Bridleway.

Horses being ridden or led

20. In the context of using a bridleway, a horse may be ridden (by a rider riding on the horse) or led (by a handler walking alongside the horse).

21. The way that horses will behave and are competently trained to accept traffic or trains passing them is essentially the same, whether the horses are ridden or led. In my Proof, therefore, I adopt the term 'ridden', but unless stated otherwise my opinion will apply equally to led horses.

The Existing Bridleway

22. Objectors describe the Existing Bridleway as having formerly been "a grass canter track, largely between substantial hedges.." and suggest that "Its historical nature and character has provided a high amenity value and pleasure from following an old route in touch with nature...on horse..." ([SOC51], para 9). Irrespective of these subjective observations, I note that the Existing Bridleway will ultimately remain in situ under the proposals and will only be closed at the point of the Level Crossing. Although this would mean that riders would be unable to use the Existing Bridleway as a through "link" (and would instead need to use the New Bridleway to enjoy a circular route), riders may nevertheless continue to ride along the Existing Bridleway and enjoy whatever they perceive is its nature and character, and to continue to gain their pleasure from this use, albeit it would eventually end at the point of the Level Crossing. I add also that at the point immediately before the Level Crossing there is ample width as to enable a rider to safely turn a horse, to make a return journey (indeed this is similarly the case along the entire length of the Existing Bridleway). This would also be true for a group of riders of basic level experience.
23. As a user of bridleways, I would not expect that most riders would look for more than an opportunity to canter on a grass track, when weather conditions allow (not too wet and muddy or too dry and hard), but for those that wanted the "amenity value" they can still use the Existing Bridleway, albeit only by accessing from the southern end and returning that way.

Tackley Level Crossing

24. I understand that Tackley Level Crossing has been closed under temporary measures since 2020, and so it has, in fact, not been possible since this time, for

equestrian users to use the Existing Bridleway, as any “link” (as I note has been so described by BHS and BBT), if riding to and from Tackley village.

25. During my visit to the area and surrounds I inspected the Tackley Level Crossing. The gates are no longer in position having been replaced by fixed fencing. I would expect negotiating the crossing would give at least some concern to any rider. The reasons or concern are:
 - a) To use the Level Crossing, the rider would have needed to use the phone to obtain permission to cross/clarify that a train is not approaching. The phone is immediately adjacent to the railway line. While approaching and/or using the phone, the rider will be immediately adjacent to railway line and at the point a train could pass. If a train is expected they have to wait at the level crossing and their horse will see the train come passed. Using the phone provides a further difficulty for the rider who will either have to try and use it while mounted or will have to dismount and hold their horse while using the phone, with the possibility that a train might pass at anytime. While it is possible to move back from the gates if a train is heard coming, this does require a presumption that the rider will hear the train in good time. When using or attempting to use the phone, the rider and their horse will be closer to the train than if using the New Bridleway.
 - b) The rider then has to open the first gate, pass through it and close it behind them, cross the line, open the far gate and close that behind them. Negotiating the gates either requires the rider and horse to be sufficiently trained and competent to do so without the rider dismounting, or alternatively it requires the rider to dismount, open and close the first gate, lead the horse across the line and then open and close the far gate before remounting. If the rider is dismounted, they have less control of their horse than if mounted.
26. Crossing the line will undoubtedly make any rider nervous, even if reassured by phone that they have sufficient time to cross.
27. When horse and rider are on the line, between the two gates, there is always a risk that the rider may lose control of their horse and/or fall off, leaving the horse

loose on the railway line. While the risk of this happening is probably low, for most competent riders and trained horses, it remains a risk. Using the New Bridleway ensures the horse and rider are never on the line and that risk is removed.

28. The BHS states that "The local Pony Club had assessed the risk at the level crossing and deemed it safe for use during events with juniors with appropriate mitigation by adults." [SOC60], para 8. The Pony Club states that "Using the level crossing was not unsafe for horse riders. Phones were provided to call before crossing and check no trains were coming. In the times when a train was approaching horse riders had plenty of room to back away from the railway and avoid the passing train until it was safe to call [sic] back again." ([SOC52], page 1). The Pony Club also states that "The old route was safe and usable, even when crossing the line as there are ways to mitigate – for example having additional adults there." ([SOC52], page 2).
29. I am unclear as to what the full circumstances were that led to the local branch of the Pony Club carrying out the risk assessment. I would not expect riders to be regularly using the crossing as a group activity, albeit that away from Pony Club activities, individual pony riders may have used the crossing as would other local riders. That notwithstanding, the risks faced are the same as those faced by any rider as I have discussed above. As with any rider the risk of crossing would be mitigated by additional adults being present. I would expect the Pony Club to carry out similar risk assessment for riders using the New Bridleway and I would expect the risk of crossing the line to be removed and any risk of using the New Bridleway to be substantially less.
30. I am professionally unable to, and do not, formulate a view on the safety risk at the Level Crossing, generally. I am aware that has instead been addressed by Network Rail, by reference to their experience. In light however of my equestrian experience, I do consider myself able to express a considered view as regards the use of the Level Crossing by a horse rider, or a group of riders, in terms their safety, when accounting for the available mitigations – by which I principally mean, signage and the phones made available for riders.

The New Bridleway

31. Further to the above, the Order proposes the creation of a new bridleway (**the New Bridleway**) to the west of the Existing Bridleway (marked with a pink dashed line on the plan on the Land and Rights of Way Plans [APP7]) on the other side of the railway. The New Bridleway would run, at given distances from, and adjacent to, the railway before joining the existing byway (379/25/10) (Existing Byway) to the south.
32. The New Bridleway will run alongside the railway line for a distance of about 860m. In my opinion, it will take a horse approximately 8-10 minutes to cover 860m at a walk, and approximately 3-4 minutes to cover this distance at a trot¹. I would not envisage any horses cantering or galloping along this section. I understand that, on average, 113 trains traverse Tackley Level Crossing each day and although the distribution throughout the day is not uniform, in some daytime hours trains currently pass along this section of line up to 9 times an hour. I therefore understand, on average, that one train will pass every 6-7 minutes, at peak times. As such, at these times, a rider may expect one train to pass whilst using the New Bridleway section alongside the railway. There would however conceivably be comparatively less busy times, during which a rider may use this section, without a single train passing.
33. I am aware that the New Bridleway will be approximately 4m away from the railway line, where running in parallel with the railway. The engineering detail of the New Bridleway is set out in the Proof of Mr Willson [NR-W5-1]. I am aware that this explains that the New Bridleway will be 4.5m wide with post and wire fencing on both sides.
34. My understanding is that the surface of the New Bridleway will be similar to the surface of the Existing Bridleway as it is and I consider this further under 'Roadification', below.

¹ I would expect a horse to walk at about 3-4mph (80-107m/min) trot at about 8-10mph (215-268m/min)

35. I appreciate that the New Bridleway would provide the basic connectivity which the Existing Bridleway had provided, east to west towards Tackley village. Also, the New Bridleway would also allow for the revival of the Nethercott-Tackley and Kirklington link, referenced by the BHS and the BBT. I would expect that any and all routes that are accessed using the Existing Bridleway would be accessed using the New Bridleway and therefore any use of roads on these routes would also be the same.
36. I note that the BHS states: "Closing the crossing to riders increases riders' risks elsewhere, by forcing them onto roads, where motorists present a far greater risk, than trains at the crossing, or to a route which is considered by local riders to be a higher risk than the crossing." ([SOC60], para 21). I do not agree. I do not see how the closure of Tackley Level Crossing (or indeed, the provision of the New Bridleway) would force any, or any considerable number of riders, onto roads that they would not already be using, in substantial part. I have described above, the points of access to the Existing Bridleway: in short, the New Bridleway would run from the same point at its northern end, and would finish on the same restricted byway at Old Whitehill as the Existing Bridleway – only, it will be a short way further to the west. No additional riding along roads would be involved in using the “link” so described by the BHS and the BBT.
37. Also, in that most riders probably would need to have used substantial sections of roadway in order to enter onto and exit bridleways which include the Existing Bridleway, from their original starting point, that same rider would have had to experience riding alongside vehicle traffic (and, presumably, would be of a standard to enable this to be a safe experience) throughout these same sections.
38. It is correct that riding alongside vehicles inevitably presents some risk, but the level of risk is not such as to mean that riding on roads is to be avoided where a horse is familiarised. The activity of riding alongside vehicles, especially on roads which are subject to a 30mph limit, is also not hazardous, per se. Nor, indeed, is riding on roads commonly avoidable for very many instances of riding circular routes. The same is true of the locality of the Level Crossing and of the Existing Bridleway.

39. To add, I do not consider that this activity is any more hazardous, than is the case for a rider having to cross a busy level crossing, as is the case here.

How horses will react in general to the speed and noise of a passing train

40. How horses will react to passing traffic or trains will inevitably depend, to a significant extent, on their familiarity with this situation, and with their level of training – as well as the experience and competence of the rider.
41. Horses will react in the same way whether ridden or led, but it may be that the rider/handler controls the horse in a slightly different way.
42. I purposely differentiate between a horse that is initially *startled* by the appearance of a fast-moving train and a horse that is *frightened* by the train.
43. The sudden appearance of a fast-moving train may startle a horse, which may cause the horse to do something like raise its head, flinch or stop, but I would expect the horse having been momentarily startled, will very quickly adjust and continue on its way, without issue. It will not however be at all frightened by the ongoing passing of the train. The horse may be startled just as a person walking may be startled if they are not aware of the approach of the train.
44. Contrastingly, a horse that is instead frightened by a train might try and turn away and/or run away from the train. I would expect that a competent and experienced rider would on these occasions, retain control of a frightened horse and in so doing, swiftly reassure the horse, as to allow for the ride to continue, without issue.
45. An inexperienced rider will be comparatively less capable of regaining control of a frightened horse, but in this conceivably rare event, this would essentially be the case whatever the cause of a horse taking fright, whether in connection with a train passing or a vehicle passing, or potentially also, another user of a bridleway passing.

46. I would expect that almost all horses that are familiar with trains will be conscious of the sound of a train approaching, whatever the speed of the train. My experience is that the approach of a fast-moving train, is not soundless. I would expect sound both from the rails and the train will forewarn a horse that is familiar with trains, of the approach of a train and so the horse may not be startled at all, or to any significant extent. I would not expect a familiar horse to be frightened.
47. A horse that is however startled by a train, is startled by the sudden appearance of the train, and the accompanying sudden noise and sudden movement of the train. A horse that is frightened by a train, is frightened by the on-going presence of the train as it passes. However a frightened horse can enter a state of fright and flight and continue to be frightened after the train has passed, becoming less frightened as the situation passes.
48. It is important to note also that if horses are familiar with trains they will very largely ignore the presence of the train (see videos, below) and will not be startled, or indeed frightened, at all. For example, I have kept horses in a field immediately adjacent to a railway line, which was not used for fast moving trains, but was used by loud-sounding freight trains carrying quarry material, and the horses or horse would graze right up to the railway line fence and not be startled by their passing.
49. If horses are not familiar with trains then they may well be startled when first encountering a train but if they are familiarised to and normally quiet in road traffic they will probably not be frightened by the train.
50. If horses are entirely unfamiliar with trains, then the faster, noisier and closer the train is, the greater the risk that the horse will be frightened.
51. However, once horses are familiarised with trains (at any speed) I would very much expect they will be accepting of trains (and not startled, or indeed frightened) however fast, noisy and close the train is.

52. It is, in my opinion, impossible to make any exacting statement that a train moving at 90 mph will be perceived as a greater 'threat' (if this is more likely to startle, or indeed frighten, a horse) than a train moving at 70 mph or 50 mph or even 30 mph. The train may probably be perceived as less of a 'threat' if it is moving as slow as at 5 mph.
53. If, as I very much assume to be the case in respect of the Existing Bridleway (given that it had crossed the railway), the horse is familiarised with trains, that they may meet one train or multiple trains, would not matter. In this regard, the amount of time spent on the New Bridleway, which is a factor of its length, would not affect the likelihood of a horse being startled, or indeed frightened.
54. Although I would not expect most horses to be frightened by a train, and none of those horses that have been familiarised with trains, if a horse is frightened, it might possibly react unpredictably by either.:
- a) twisting and turning very much on the spot; or
 - b) less probably accelerate fast and runaway out of control. If the horse did, it is not possible to say whether it would run in the direction it is already travelling or turn and runaway in the opposite direction. Although which direction the horse was to go may depend on whether the train is travelling in the same direction the horse is originally travelling or in the opposite direction, it is not possible to predict which direction the horse will run.
55. It is impossible to say, with any exacting statement, whether a horse that is frightened will be more likely to twist and turn, or to run, in a given instance. From my experience of riding horses, I would very much expect that the horse probably would not buck or rear, although I am unable to rule this out entirely.

56. Whatever the horse did, the rider might be unbalanced and fall and then the horse could potentially run loose on the bridleway. Whether the rider was unbalanced and fell would depend partly on how violently the horse behaved – and, importantly, partly on the competence / training and athleticism of the rider. I would expect most riders who have the necessary skills to be riding a horse on the roads and who are riding a horse that has been suitably familiarised to be normally safely ridden on the roads to be able to regain control of their horse so that they did not fall and the horse was calmed.
57. An obvious advantage of the New Bridleway in this case, over the Existing Bridleway, is that a horse, if frightened by the train through lack of familiarisation or training, would in any event be contained within the fencing on either side of the bridleway and so the horse cannot collide with the train or a passing vehicle.

Height of trains passing

58. In respect of the New Bridleway, trains will be passing on an embankment, and so be at a height above any horse on the New Bridleway. However, I would not expect this height difference to have any or any material effect on how the horse reacts during the ride because the embankment is not particularly high and the train is not immediately above the horse, but in any case there is no accepted known behaviour by which a horse will be frightened by a train on an embankment but will not if the train is level in height with the horse..

Horse breed/type

59. I would also not expect that horses of a different breed or type will react in different ways dependent on breed/type, by which I mean some horses of all breeds/types are flightier than others but this depends on the horse's normal level of behaviour, training and familiarity with the situation.

Likely degree of familiarisation

60. I would envisage that the majority of riders who use the bridleway will live and/or keep their horses locally. By this I mean they will probably live or ride from stables within about perhaps about 2-3 miles of the bridleway circular route of

which either the Existing Bridleway or the New Bridleway is part. This is because although it is likely that most riders would not normally ride more than 5-6 miles in total, some on occasions might ride as much as 10 miles, although most of the time most will not. Therefore, if, for instance, using the circular route described, which is 4.5miles long, then a ride of 2-3 miles to join the circular route plus a similar distance on return, makes the ride more like 8-11 miles long, which would be a long ride for most riders.

61. If riders live within 2-3 miles of the bridleway circular route, I assume that both rider and horse will be familiar – even if only at basic level – with the area and the bridleways. Again, I would very much expect this to be the case in respect of the Existing Bridleway. I would expect most riders who use a particular bridleway or road, will use this on a frequent or relatively frequent basis, by which I mean riders tend to have a limited number of routes around their stables area and they will use these frequently – and, also, would only be content to use any of these routes if, as safe and basically competent riders, they had (and were able to demonstrate) a minimum level of experience and control over their horse, in order to do so, safely. I do not anticipate that a responsible stable or school would think of allowing for riding to take place on any other basis, in the very first instance.
62. Any rider that had used the Existing Bridleway would therefore have needed to familiarise their horse with the passing of trains and negotiate the crossing as I discuss under Tackley Level Crossing, above.
63. These horses will be significantly familiarised with the presence of trains. I would expect a very significant proportion of these horses that wait at the crossing, may stand close or relatively close to the gates, and be familiarised with the trains.
64. I note here that the passage, quoted above, from the Pony Club: "In the times when a train was approaching horse riders had plenty of room to back away from the railway and avoid the passing train until it was safe to call [sic] back again." ([SOC52], page 1), itself confirms that local horses would have had this familiarisation experience.

65. If the horse is unfamiliar with trains passing then an inexperienced rider should certainly not be using the Existing Bridleway as a link, as to require use of the level crossing.
66. Conversely if the horse is familiar with being passed by trains and, on this basis, may be considered suitable to be ridden by a rider who is inexperienced – for instance on roads with traffic – then I would expect there to be no reason why that inexperienced rider could not ride that horse alongside the railway (and in the way shown in the video file).
67. Any rider using the New Bridleway must assume that they will meet at least one train. Before using the New Bridleway, I would also expect the prudent rider to familiarise their horse with the passing of trains.
68. In my opinion and in accordance with accepted practice, a horse that is not familiar with the railway should not be being ridden there, in the same way that a young horse or one not familiar with traffic should not be taken on a busy road.

Familiarisation

69. There is no definitive guidance for how horses should be familiarised, but it is good practice, just as a rider should not take a horse on road unless they have familiarised the horse with traffic of the type they are likely to meet on the road.
70. This is not a comprehensive discussion of how a horse should/would be familiarised with the trains, but familiarisation might include such as first taking the horse to a place where the horse first sees/meets a passing train (for instance at the Level Crossing) starting at a distance from the rail line and then coming closer as the horse shows itself accepting of the passing train. Some horses will take very little time to become familiar with the trains, for instance older, mature horses familiar with traffic and or trains in other settings. Other horses may take more time to become familiar with the trains, for instance younger horses with less experience of being ridden and/or those with a more flighty temperament and/or those with less familiarity with traffic. Using the company of another

horse that is already familiarised with trains will help in providing reassurance and familiarisation to a horse that is not familiar with trains.

71. I would expect most horses to become familiar with and accepting of the passing of the trains, but some horses might always be nervous and/or frightened of the trains and never become familiarised to the extent that they could be safely ridden on the bridleway.
72. If it should be suggested that because the speed of the train (possibly up to about 90mph) is significantly higher than the speed of road traffic and that this difference in speed makes it not possible to compare passing road traffic with a passing train, I disagree. I disagree, because my experience is that horses will become familiar with the train passing at higher speeds as it does with cars, heavy goods vehicles including articulated HGVs.
73. In the UK, a significantly large proportion of all horses that are trained to be ridden are ridden on roads; some on an occasional basis and some on a regular basis. Familiarisation of horse with road traffic will be very similar to familiarising a horse with trains, as I have suggested above. Most horses become very familiar with and accepting of traffic. If a horse is familiar with and accepting of traffic ('good in traffic') then it will probably be at least part way to becoming familiarised with trains. As I have described, in order to access the New Bridleway (or the Existing Bridleway) movement along roads is necessary.
74. I anticipate that the far majority of horses which undertake local circular routes analogous to those in this case, will encounter traffic significantly more often than trains. This also reflects the fact that most horses are ridden on roads or bridleways that are not near train lines. However, if a horse is kept and ridden in a location near a train line, these horses may frequently encounter trains.
75. Most horses become remarkably accepting of traffic and trains in a very short period of familiarization and training. This can be seen in the videos at:
 - a. https://youtu.be/bVc_3s4UEiQ
 - b. <https://www.facebook.com/shela.a.ryan/videos/10158909845957082/>

76. I understand the video at 75 a, above is of riders using a bridleway near Rochester in Kent:



77. It would be unrealistic of any rider to expect that they could ride their horse in traffic or by trains without giving their horse any basic training.
78. From my experience, there is a definite responsibility and onus on the rider (and additionally, also on the stable or riding school) to know where the rider will encounter traffic or trains and ensure that they have carried out sufficient familiarisation and training of their horse. The passages I have quoted above, demonstrate that the local horse riders do, in fact, do this and, moreover, that they have already taken appropriate mitigation action to minimise risk at the Tackley Level Crossing –by ensuring the presence of adults at the crossing when it was to be used by juniors.

Rider Training and Prudent behaviour

79. I have referred a number of times in this Proof to a prudent rider. I set out in this section what I mean by that and the level of training that can be expected.
80. Although most riders are not members of the British Horse Society (the BHS cites a 2019 survey² by the British Equestrian Trade Association as there being 1.8 million regular riders of a total of 3 million riders and “over 120,000” members of the BHS³) best practice for all riders riding on the roads would be to be able to achieve the standards required of the BHS Ride Safe Award⁴ which include being able to control and regain control of the horse you are riding when encountering traffic and other possible perceived threats on the road. This means both training the rider and the horse.
81. The Pony Club offers similar road using tests to its members, who are riding their own ponies. The Club is largely for members who own their own horses and ponies.
82. If there are riding schools in the area that might use the Existing or New Bridleway then I would expect them to only take riders and horses that are confident on the roads and under escort, irrespective of whether they are using the Bridleway. The onus on the riding school would be to only use horses that have been familiarised with trains if riding on the New Bridleway, as it would if crossing the Tackley Level Crossing.

² <https://www.bhs.org.uk/media/w2xhqthz/statisticsarow-1119.pdf>

³ <https://www.bhs.org.uk/membership/gold-family-membership/>

⁴ https://www.bhs.org.uk/careers-recreational-awards/recreational-awards/ride-safe/?gad_source=1&gclid=CjwKCAjwo6GyBhBwEiwAzQTmc5MGtVXFfN9uzwkmtVBz1j_HhHLhMbzfIgpFgjdO3nUomlpIF7l-BoC16YQAvD_BwE

Comparison with other bridleways

83. Appendix 4 to the Applicant's Statement of Case [APPXX] sets out numerous examples around the country of bridleways running adjacent to railways and while I have not visited these sites, it appears to me that many are sufficiently similar in the way they bring riders and railways together on a bridleway as to show why riders on a horse familiarised with trains should be able to use the New Bridleway in safety. For instance:

- a) *Brampford Speke Bridleway*² – Devon is narrower than the New Bridleway, runs alongside the railway line and level with it. There is a drop into the River Exe on the other side of the bridleway to the railway line and some horses will be wary of this (as they maybe whenever crossing narrow bridges with a drop into water). Fencing on either side of the bridleway contain the horse. The trains here run at 100mph. This section of the bridleway is 100m long, but any suggestion that because this is shorter than the New Bridleway is irrelevant. As I say consistently, the length of the New Bridleway is not an issue and if it is safe for 60m or 100m it is safe for 900m.
- b) *WN 1/3 – Somerset* is a bridleway that runs alongside the track and level with it for 180m. Trains run at up to 100mph. I do not know if there is a fence on the field side of the bridleway, but the horse is next to the railway line with nothing but the fence between the horse and train.
- c) *PURT 146 & PURT 148 – Wiltshire* is a bridleway running alongside the railway line for more than 1000m. Trains run at up to 100mph. The railway line is on an embankment so raised above the horse. There are some trees between the railway line and the bridleway, and the bridleway is not consistently alongside the railway line but if a train passes at a point where the horse is close to the railway line and with no tree between the horse and the train, then this is so similar to the experience on the New Bridleway as to be the same.

- d) *WBAS61 – Wiltshire* is a bridleway that follows the railway line for about 150m. The bridleway appears to be slightly further away from the railway line than the New Bridleway and there are trees intermittently between the railway line and the bridleway. There is a hedge on the other side of the bridleway. Trains run at up to 100mph. Part of the bridleway is below the railway line. It is not possible to say that a horse will be unconcerned on this bridleway but the same horse will be frightened on the New Bridleway because of these differences in the juxtaposition of railway line and bridleway.
84. I have also been shown a report prepared by the BHS in 2020/1 in relation to horse riding adjacent to active railway lines [CL2]. I note that in that document (page 1) the BHS states: "The BHS has no reports of accidents resulting from riding close to railway lines". I would not expect this to mean there has never been such an accident but I would expect this to mean that such accidents have been rare.
85. The report also includes references to examples of locations where horse riding takes place adjacent to active railway lines in England and Wales.
86. In my view the above documents demonstrate what I set out in this Proof that horses can be, and are, ridden safely along bridleways that are adjacent to railway lines, including high speed lines.
87. There is nothing I have seen in the proposals for the New Bridleway that suggest to me that the New Bridleway is unusually unsafe for equestrian users, either in and of itself, or by comparison to such other bridleways.
88. I have also considered paragraphs 54 to 65 of [SOC60]. I do not accept the premise that there are materially different standards or approaches applicable to the question of safety of bridleways for equestrian users depending on whether the bridleway in question is new or is a replacement – either it is adequately safe, or it is not.

89. Paragraph 61 of [SOC60] sets out criteria which the BHS suggest should be considered when appraising the similarity of the other examples of lineside routes – it is understood that it is implied that this criteria should be employed to distinguish other examples. The criteria set out are:

- a) Degree of height separation
- b) Existence of vegetation or other screening between trains and bridleway
- c) Corridor fencing or not – is it possible to move off the path without hitting a fence?
- d) Width of path – is it possible to distance oneself from the railway?
- e) Surface – is it appropriate to trot or canter to reduce the time adjacent to the line?
- f) Likelihood of riding the length without exposure to a train
- g) Frequency, speed and type of trains
- h) Sightlines and acoustic exposure
- i) Level of use by equestrians – is it avoided as unsafe?
- j) importance as a link to local riders; desirability as a link to wider access opportunities
- k) proportion of the whole route which is lineside – a relatively small section of desirable longer route is more tolerable than a majority length.

90. It is important to note that these 41 examples were referenced by Network Rail in the context that there are bridleways adjacent that are being used, presumably safely, around the country. Of the above suggested criteria, those which I agree are relevant to safety are:

- a) Existence of vegetation or other screening between trains and bridleway

- b) Corridor fencing or not – is it possible to move off the path without hitting a fence?
 - c) Width of path – is it possible to distance oneself from the railway?
 - d) Sightlines and acoustic exposure.
91. I do not consider that the other criteria demonstrate any or any notable relevance to safety:
- a) Degree of height separation: as above, this would not have any or any material effect on how the horse reacts to a train passing.
 - b) Speed and type of trains – as I have already stated the speed of the train will not affect the likelihood of whether the horse will be frightened. Nor in my opinion will the type of train passing.
 - c) Frequency of train / ability to trot or canter to reduce time adjacent to the line / likelihood of riding the length without exposure to a train / proportion of route which is lineside: these are essentially all aspects of the same thing and are not relevant factors - I take issue with the notion that safety can be determined by whether a rider might be able to get through without exposure to a train. It would be very dangerous to suggest that a route is safe for an unfamiliarised horse on the basis that the rider might get away with using it with not meeting a train. A rider using any of these routes should be prepared for meeting a train. As such, the comparative differences in length are not a relevant factor for safety.
 - d) Level of use: this is a question of local perception rather than safety and will be subjective, for example depending on the particular attitudes of local schools and clubs. I don't think we can reasonably speculate on that.
 - e) Importance of a link: this is not relevant to safety.

Comparison with roads

92. In practice, the risk when riding on roads is probably significantly greater than using the New Bridleway, partly because horses can be frightened by perceived threats that are not traffic, such as, say, a dog running out or a dustbin that is not normally there or a plastic bag blowing in the wind, and the horse, frightened by this perceived threat may step into the path of passing traffic. Since there would be a fence between the horse and the railway line this would not happen on the New Bridleway. Road traffic is also likely to be as close as 2m to the horse
93. A horse may also be comfortable with passing cars, but if passed by unusual traffic, such as, for instance, a refuse lorry or a cattle lorry loaded with stock may be frightened. Once a horse is familiarised with trains, no train is likely to be perceived as different to any other.
94. In this case the speed and/or noise of the train is considered as creating a particular threat, but cyclists on roads also can be considered by a horse as a threat. By this I mean a near silent cyclist approaching at speed (20mph) from behind may not be noticed by the horse until the cyclist is alongside the horse, perhaps a metre away from the horse or even closer.
95. The disadvantage of the passing train is that it is significantly longer than a vehicle or a cyclist, and therefore the ‘threat’ – if that is what the train is perceived as – is alongside the horse for a comparatively longer period of time. However, as I have set out at length above, this will not be a relevant factor for a horse that is familiarised.
96. [SOC52] notes that Highway code Rule 215 says that drivers must pass wide (at least 2m) and slow (a maximum of 10mph). This stipulation may seek to avoid frightening horses, but it is also aimed at ensuring the driver has the opportunity to react if a horse should turn or step into the path of the driver's vehicle. Although this is what the Highway code demands of drivers, my experience is that on the roads drivers frequently pass horses at a speed of greater than 10mph and closer than 2m and if accidents happen this is frequently cited as the cause.

Interaction with other bridleway users

97. I am aware that the New Bridleway will be about 4.5m wide which from my experience is more than a sufficient width for horse to be ridden along and is a comfortable width.
98. Cyclists and pedestrians will share the bridleway with riders and horses.
99. I have described above how a frightened horse may react. If a horse became frightened, and also, were then to move unpredictably, then – in what is a very rare example – there is a risk of a collision between the horse and other bridleway users but this is a problem on roads as well.
100. Irrespective of whether a train passes, there is a risk of collision between horses and other bridleway users. There is also the risk that the horse may perceive another bridleway user as a threat and may kick out with the risk that the other user may be struck. This risk exists when using roads or any bridleway. The risk is generally extremely low, by which I mean a kicking incident such as this, very seldom happens.

'Roadification' and the safety of the surface

101. I understand the bridleway surface will consist of a 20mm surface layer, 3mm limestone dust and 150mm compacted sub-base layer (of which 63mm will be down aggregate or road planings). I understand that the surfacing will be agreed with Oxfordshire County Council. I would expect it to be similar to that of the Existing Bridleway.
102. As a very experienced horse rider, albeit with no technical engineering qualification or accreditation, I am extremely familiar with equestrianism in conjunction with these type of surface materials. I would expect this to be a suitable slip resistant surface to ride horses on at walk and trot. It is not suitable for riding at canter because this will have a jarring effect on the horse and therefore I would not expect riders to canter on this surface.

103. I do not agree with the statement in [SOC52] (page 2) that the surfacing will be road grade, and thereby, slippery.
104. A bridleway suitable for cantering on is a turf surface, although the suitability will depend on the turf being not too wet/soft/muddy/poached by use and not being too dry and firm. Few turf bridleways are suitable for cantering at all times of the year.
105. The BBT states (para 17 of [SOC51]) that it strongly opposes the 'roadification' of bridleways which it sees as a loss to pedestrians and equestrians, as it encourages dominance through speed and attitude. The BBT say that it has less amenity value in terms of users' contact with a natural environment. The BHS make similar complaints at para 44 of [SOC60]. I do not agree that the New Bridleway, with the surfacing that I have described, will have the same feel for equestrians as a normal road. Although a turf surface is better for cantering as I have set out, what is proposed, still retains a high amenity value for equestrians and is significantly less slippery than a metalled road.

Alternatives

106. The BHS puts forward 5 alternatives solutions for the closure of Tackley Level Crossing [SOC60], para 22:

A.	An underpass at the crossing
B.	A bridge north of the station where the line is in a cutting with creation of a bridleway on the east side from the crossing to it
C	Creation of a bridleway north from the east side of the crossing, between the railway and the River Cherwell, to the bridleway bridge at SP 4834 2171
D.	Creation of a bridleway west of the railway on the current 'permissive route'
E.	Creation of a bridleway west of the railway further west from the permissive route, immediately west of the second field boundary, the 'Western infield route'

107. These alternatives are shown in Appendix 2 of [SOC60]. The BHS favours Alternative D (or E) ([SOC60], para 68). I note that the BBT agrees with the BHS ([SOC51], para 29).

108. I have considered these alternatives. I comment on each, below:

A.	I understand the Proof of Mr Willson [NR-W5-1] sets out the engineering difficulties with this option. I note that the BHS accept that this option is not feasible ([SOC60], para 23). From a rider perspective this option would mean no change from the use of the Existing Bridleway
B.	I understand the Proof of Mr Willson [NR-W5-1] sets out the engineering difficulties with this option. I can see no problem with this route from a rider perspective.
C	This route would not reprovide the east-west connection to and from Tackley village that the Level Crossing or the New Bridleway provides. It would not appear to maintain the bridleway link between Nethercott-Tackley and Kirklington that the BBT describes as significant (see para 12 above).
D.	For riders, this would be a preferable route to the New Bridleway as it will be more pleasant to ride at this greater distance from the rail line but it does require the rider to still ride along the same first 60m of route from the Tackley Level Crossing alongside the rail line and to use this will require the horse to be familiarised with trains. There is no or no significant safety advantage in Route D. I am not an engineer, but there seem to be not dissimilar construction problems for Route D and E and the New Bridleway. There would be no material difference in pleasure or amenity between the New Bridleway, and Routes D and E) if no train happened to pass during the 8-10 mins riding time.
E.	For riders, this would be a preferable route to the New Bridleway as it will be more pleasant to ride at this greater distance from the rail line but it does require the rider to still ride along the same first 60m of route from the Tackley Level Crossing alongside the rail line and to use this will require the horse to be familiarised with trains. There is no or no significant safety advantage in Route E. I am not an engineer, but there seem to be not dissimilar construction problems for Route D and E and the New Bridleway. There would be no material difference in pleasure or amenity between the New Bridleway, and Routes D and E) if no train happened to pass during the 8-10 mins riding time.

109. Not least for these reasons, I do not agree that Alternatives D or E provide alternatives to the New Bridleway that are materially safer albeit they may be of greater amenity for equestrians. I add that Alternatives D or E do not provide any accessibility benefits for equestrian users over and above the New Bridleway.
110. Also, I note that Alternatives D and E will both require bridleway users to use the same 60m (approximately) alongside the railway line as the New Bridleway, from the point marked 'Commencement of New Bridleway' on the Land and Rights of Way Plans [APP07] to the point marked 'B2' on those Plans. In my opinion, using this route carries the same risk as using the whole of the proposed New Bridleway

Fencing and Gating

111. There is proposed to be fencing along both sides of the bridleway, so between the bridleway and the rail line and between the bridleway. There may be gates at either end.
112. I would expect appropriate fencing would be about 1.25m (4') high and substantial enough that a horse will on nearly all occasions stay inside the fencing and not try to jump over or through the fencing.
113. I disagree with any suggestion that the fence on the field side of the bridleway should be low so that a horse might consider jumping over it into the field because the horse and/or rider might fall incurring injury if this happened.
114. As the Proof of Mr Willson [NR-W5-1] explains, the fencing proposed by Network Rail on both sides of the New Bridleway will be stockproof and around 1.2m tall of post & wire construction.
115. Network Rail are in discussions with Tackley Estates to determine whether they would agree to the fencing on the field side of the bridleway to be replaced with boundary post markers with no fence. If no fencing were to be provided on the field side of the bridleway this would allow riders to move further away from a passing train which would assist with familiarisation and significantly reduce the risk of a horse being startled to the extent that it ran away out of control.

116. If no fencing were to be provided on the field, gates would have to be provided at either end of the field to prevent the land owner's stock escaping from the field.
117. If no fencing were to be provided on the field, this increases risks of interaction between stock and riders, but to me this would not be a significant risk and is no different to that encountered on probably hundreds of miles of bridleways that run through fields.

Conclusion

118. I am of the opinion that the New Bridleway will be safe for equestrian users whose horses have been familiarised with trains.
119. By familiarisation in connection with horses, I broadly mean training horses by putting them in situations where they see and hear trains, possibly in the company of a horse that is already familiarised with trains, starting at a distance and then coming closer as the horse realises the train is not a threat.
120. I would have expected for only familiarised horses to have used the Existing Bridleway, specifically at the section (from either direction) of approach to, and over, the Tackley Level Crossing. I would not have expected for a basically competent or responsible rider, or indeed, a responsible stable or riding school, to have allowed for an unfamiliarised horse to be ridden along this section.
121. Were a horse to be ridden along the New Bridleway, which has not been familiarised with trains – which I do not expect to occur, or occur other than very infrequently – there remains some minor risk that the horse, if it is startled by a train passing, may additionally take fright, and if frightened, may also react by trying to turn away and/or by running away from the train. I would however consider instances of fright to be extremely rare as is consistent with the lack of any evidence of horses being frightened in other places where bridleways run alongside railway lines.

122. In my opinion, no responsible and prudent rider would use a bridleway without taking basic and adequate measures to first familiarise their horses. Similarly, no responsible or prudent rider would use a bridleway adjacent to a railway without familiarising their horse, and in the same way as they should not use a road with road traffic without familiarising their horse.
123. In certain cases, riders who have attempted to familiarise their horse with the passing of trains but found their horse to not accept the trains will not be able to use the bridleway. I would very much expect them not to do so.
124. I am aware of many bridleways in the UK that run adjacent to railways, and I do not consider the New Bridleway to present any greater or unacceptable risk from an equestrian safety point of view.
125. In respect of the New Bridleway, trains will be passing on an embankment, and so be at a height above any horse, however, I would not expect this height difference to have any or any material effect on how the horse reacts during the ride.
126. The New Bridleway will provide a link between the Tackley Level Crossing and the southern end of the Existing Bridleway and in so doing provides the same connectivity that has been lost by the closure of the Tackley Level Crossing and with no or no significant loss of amenity to riders who used to enjoy the Existing Bridleway.

Expert's Declaration

I understand that my overriding duty is to the Inquiry, both in preparing reports and in giving oral evidence. I have complied and will continue to comply with that duty.

I have set out in my report what I understand from those instructing me to be the questions in respect of which my opinion as an expert is required.

I have done my best, in preparing this report, to be accurate and complete. I have mentioned all matters which I regard as relevant to the opinions I have expressed. All of the matters on which I have expressed an opinion lie within my field of expertise.

I have drawn to the attention of the Inquiry to all matters, of which I am aware, which might adversely affect my opinion.

Wherever I have no personal knowledge, I have indicated the source of factual information.

I have not included anything in this report which has been suggested to me by anyone, including the lawyers instructing me, without forming my own independent view of the matter.

Where, in my view, there is a range of reasonable opinion, I have indicated the extent of that range in the report.

At the time of signing the report I consider it to be complete and accurate. I will notify those instructing me if, for any reason, I subsequently consider that the report requires any correction or qualification.

I understand that this report will be the evidence that I will give under oath, subject to any correction or qualification I may make before swearing to its veracity.

Statement Of Truth

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed 

Dated 21st May 2024