



Dear Mr Gibbins,

Thank you very much for forwarding the remaining comments that have been submitted following our S38 Application on behalf of the Off-Road Mitigation Zoom Project.

We believe that the response we provided to you regarding the Open Spaces comments also cover much of which is contained in these additional 6 set of comments. As there is quite an overlap in the comments raised, we hope it is clearer for you to present our response in specific areas rather than address the comments separately for each of the 6 replies.

**Membership of RBBA and Communication and Background** - As stated in their submission, Joan Snowdon and Sarah Harman were members of RBBA at the time that the fence line was erected in April 2021. Irene Pope was the Chair of RBBA at this time and the representative of RBBA who attended the Off-Road Mitigation Project Zoom Meetings. It is unfortunate that the opportunity to proactively and collaboratively input into the Project was missed.

It would be safe, for members of the Off-Road Mitigation Project Zoom Meeting, to assume that the information discussed at the Zoom Meetings, and correspondence specifically sent to RBBA requesting the input of equestrian concerns to be fed into the Project ([Email sent 21-10-2020](#)), would have been fed back to the RBBA committee and that RBBA would have kept their members fully informed. Unfortunately, we understand, this did not occur.

The Off-Road Mitigation Project Zoom Meeting initially took advice on what access provision was needed from the RMBC Rights of Way Officer. As soon as it was brought to their attention the requirements of Commons Law, a meeting was held between Rochdale Councillors, RMBC Council Officers, Local Residents and RBBA (representing the equine community) on the 4<sup>th</sup> November 2021 with the specific aim of determining what the equestrian requirements were at the access Location C. The [minutes](#) of the meeting sets these out, at no time did RBBA or any participants at the meeting express concerns re the accuracy of these minutes until Ms Pope's statement on page 14 of her recent comments. As there had already been several changes to the requirements that RBBA had said were needed by Equestrians, one objective of this meeting was to bottom the matter once and for all. This was followed by a site meeting with equestrians (RBBA and the local BHS Volunteer Bridleways Officer) and Councillors on the [10<sup>th</sup> February 2022](#). It was soon after this site meeting that the advice, from RMBC Legal Department, was that the previous interpretation, that the fence line was exempt from S38 application, was incorrect and retrospective S38 Application should be sought. Their advice was that no further work should be undertaken on the Fence Line until the Application was granted (or rejected).

However, there was concern from all equestrians that the "tiger trap" at location B was a safety issue, due to the 90 degree turn and its close proximity to the busy Edenfield Road. With the help of the BHS (funding provided by them), the safe access, now present, has been installed so there is at least one safe access for equestrians available. The decision to pick Location B as the safe access was agreed with RBBA, NBHBA and local residents at a site meeting in November 2022 (despite the majority of the historical access had been via Location C), as it was agreed, by all, that this was the easiest and quickest access location to modify. This alteration, after obtaining agreement from the Lord of the Manor Agent and West Pennine Commoners Association, was completed in March 2023.

It took until July 2023 for the BHS to try and get agreement, from both RBBA and NBHBA, as to what additional modifications to the two other access locations should be. There was a continuous drip of changes sent by RBBA that caused the delay (see below **Length of time taken to pull together the S38 Application** for details of yet another example of the continuing changing of requirement). The chicanes at Location C, as queried by Natural England, were at the request of RBBA so horses spooking at the tiger trap would not turn around and run onto Edenfield Road. As the Tiger Trap will be 15m from the road NBHBA thought such chicanes were not absolutely required but did provide an additional safety feature so did not object (unlike similar chicanes that was requested by RBBA, late in the day, at Location B which, with agreement of the BHS were not included). Unfortunately, although the BHS have agreed to the design in the Application as an appropriate compromise with other stakeholders and the S38 requirement to show what steps have been taken to minimise the visual impact, RBBA are still not happy with the design.

**Equestrian Access Denied** - The above hopefully demonstrates BHS Judgement that adequate Equestrian Access is provided in the Application, equestrian access has never been prevented and a single safe equestrian access route is already in place. Additionally, the design has minimised the positions where sheep can get through onto the busy Edenfield Road, whilst still meeting the conflicting equestrian requirements. Several members of NBHBA have ridden on the Moors throughout all the time that the fence line has been in existence with no recorded incidents. The HGV incident referred to in both Ms Snowden and Ms Harman submissions occurred a number of years ago, further down the road closer to Norden Village. As they both say, they were travelling from the direction of Norden Village towards the Moor and then were turning right into Overtown Lane. Whilst the incident does highlight the dangerous nature of the road, it has no relevance to accessing the Moor. Access to the moor has always needed riders to contend with the dangers Edenfield Road presents. The construction of the fence line does not change this. Short of closing the road or providing severe speed restriction hardware on the road, there is little that can be done. NBHBA has been in discussions with Highways Department regarding signage on Edenfield Road and, to date, highways response has been that signage is adequate.

It is up to individuals to complete their own risk assessments concerning the safety of their horse and themselves. The three crossings at Locations A, B and C were the only crossings used historically due to the topography and ground conditions on the moor. We would propose that the design presented in the Application is the best that can be made to satisfy all the conflicting requirements of the various stake holders and provides safe enough access for equestrians. This has been confirmed by the BHS. The difference in perception between RBBA and NBHBA regarding the safety of the crossings was one of the reasons the BHS were asked, as the National Equestrian Body, to mediate and come up with a safe and suitable configuration taking into regard all other stakeholder requirements.

**Risk Assessment** - All horse riders need to do a risk assessment before going for a ride acknowledging their own capability and any quirks their horse may have, thereby riding where they can reasonably expect to be safe and avoiding routes which may be unsafe to them. There are very few public rights of way in the country which offer ideal conditions to any single group of users. Often compromise needs to be made between competing requirements. Local Equestrian Access Groups work hard to ensure Public Rights of Way are suitable for the majority of horse users. There was a very real, high risk, associated with illegal off road bikers and 4x4's prior to the fence being constructed. The dangers fell into several categories, collisions between legitimate users and illegal off-road vehicles on narrow paths, deep ruts caused by the vehicular traffic meaning paths, previously safe for legitimate users, were becoming dangerous as clearly articulated by Rossendale Mountain Rescue on the BBC article in [March 2021](#). The fence line was then erected on safety grounds, at the specific request of Greater Manchester Police, following numerous discussions at the various Zoom Meetings and consultation with RMBC. The initial view of members of the Zoom

Group, on reading the S38 Process, was that it was exempt from S38 Application Process and required on the grounds of Public Safety. Before commencing discussions with the BHS and RBBA, on the suitability of the access for equestrians at Location B, members of NBHBA rode the route on a Sunday, when the Road is the quietest. The group consisted of two experienced horse riders and two novice riders of 10 year olds. They were able to use the route safely but it did highlight a couple of issues which could result in a serious incident.

Although you could ride safely from Rough Lea along the path near the stone wall, some 200-300 yds away from Edenfield Road, when you crossed Edenfield Road, from the drive at Cross Gates Farm, the crossing was at a slight angle to the metal gate for Emergency Access, ran along the fence line a mere 2-3m from the road and then turned 90 degrees over the horse stile (known widely in this area as a "tiger trap" and used often by RBBA, in the past, with such a name). This was fed into the site meeting with the BHS, RBBA and NBHBA in Nov 2022. The final design location of the "Tiger Trap" was in the centre of the corridor which minimised the risk of horses wishing to go either towards the fence line or the craggy rock face hence minimising any collision risks. It was also dictated by the contractor's ability to drive posts into the rocky ground. Closer to the Quarry face, the ground is solid rock. Additionally, RBBA wished to have chicanes installed in the corridor to protect a horse from shying at the "stile", already widely used in the area on other bridlepaths, running the 15m of the corridor and then turning 90 degrees onto Edenfield Road. NBHBA when conducting a risk assessment, judged that this risk was much lower than the risk of a horse crossing Edenfield Road, turning through 90 degrees and being immediately faced with an obstacle. There was a much higher chance that this horse would spook, turn round and bolt onto Edenfield Road. The BHS agreed at a Teams meeting in July 2023 that this was an appropriate assessment of the risks and the chicanes were omitted from the plans.

**Length of time taken to pull together the S38 Application** - This has been entirely due to RBBA not agreeing to plans and changing their requirements at every stage that revised plans were submitted for comment. NBHBA incorporated into plans specific requirements by RBBA even though we did not necessarily agree they were entirely necessary (although agreed the changes would improve safety beyond what we thought was already adequate).

Ms Pope very clearly indicates in her submission that, this continuing to change requirements, is still occurring. On page 2 of her submission Ms Pope quotes that the stiles should be 20m from the fence line. This is despite RBBA (of which Ms Pope was Chair until October 2021 and is still an officer holder of the society, namely Secretary) having already stipulated 15m as is clearly shown on page 13 of her submission. This is yet another example of the lack of clarity and uncertainty over requirements from day to day (often with the benefit of hindsight), and was precisely why RMNF contacted the BHS, following further demands from RBBA received after the meeting on the 4<sup>th</sup> November 2021, the sole objective of the meeting being to definitively agree what access requirements for equestrians were required. RMNF wanted the BHS to act as a definitive arbitrator for equestrian needs. The BHS agreed to this, and a site visit, between BHS, NBHBA and RBBA, was arranged for Nov 22 but the toing and froing continued with RBBA up until a Teams Meeting in July 2023, between BHS and NBHBA. Agreement was reached on what was required and Mark Weston took an action to inform RBBA of the final design. In his email to RMNF on 27<sup>th</sup> July 2023 he stated that "The British Horse Society has been consulted on the s38 application, we have been mediating between the various equine interests in the area. We are now at a point where the Society is happy to confirm the details of the Access Locations A, B and C as set out in the revised s.38 application. In reaching this opinion the Society has consulted RBBA and NBHBA. The Society is aware that the RBBA do not agree with the Society, but as stated the Society is happy for the s.38 application to proceed." NBHBA then commenced finalising the application, raising the funds for the advert and finally submitting the application on the 6<sup>th</sup> September 2023.

The sole cause of any delay therefore is the inability of Ms Pope (or RBBA) to concisely and definitively communicate their requirements. This is continuing in the recent comments submitted by Ms Pope at several points in her comments. On page 11 she says at Location A "No chicanes have

been proposed. This needs much more discussion and planning.”. However, the request to have the chicanes removed and the horse style moved backwards was at the specific request of [RBBA/C Peat](#).

**Off-Road Riders Using Moors** - Although the fence line has not stopped completely the off road riders, it has reduced the numbers significantly and has acted as a barrier which Greater Manchester Police can use to help corral the riders during the, roughly monthly, Operation Dragster policing operations. Evidence of the reduction in number of off-road riders is clear to see as some of the moorland paths have already begun to regenerate with vegetation beginning to re-establish itself. The paths are slowly becoming more safe for horses and pedestrians to use.

**Post and Rail Rejected on Cost Grounds & Wire being Dangerous for Horses** – Cost has never been a driving issue for decisions on this project. Post and Rail for the main fence line was rejected primarily on the Visual Impact it would present and secondly because Off Road Riders have demonstrated in other parts of Ashworth Valley that Post and Rail forms no barrier to them as they just smash their way through the wood. A welcome by-product though would be that the cost of installation would be cheaper but this was never the driving reason for the decision made. Ms Pope has equated the shortened discussion in Q16 in a way which backs her argument. We appreciate that the wording used was with hindsight not the best that could have been. NBHBA felt that the remainder of the fence line had minimal visual impact and so to provide large (>15m long) wooden constructions at the three Locations would negate entirely the arguments we have made in the application as to what material had been considered and why the final choice would minimise the visual impact of the installation.

NBHBA undertook a risk assessment on the use of post and wire vs post and rail. Horses very rarely get entangled in wire when under the control of a person (ridden or led). Injuries usually happen when horses are loose in a field surrounded by wire (barbed wire being the worse closely followed by sheep netting). Following a suggestion by the BHS, which NBHBA had not thought about, the design was changed to incorporate boards at the bottom of the two closest sections of sheep netting to the horse stile, to provide further protection to prevent the very remote possibility of hooves getting entangled in the bottom of the fence.

**Arrangement of access at Location B** – Some of the comments made regarding the entrance at Location B by Ms Pope are dubious on safety grounds. A gap of 2m is a very narrow gap (less than the existing gap of 2.6m between fence posts). If a group of riders were approaching the gap from the other side of Edenfield Road, any shying or stopping of a horse in front would mean horses behind would be remaining on Edenfield Road for an extended period. Having the gap at its current 5.2m (removal of one fence post) allows two or three horses to pass through the gap at the same time hence removing them from danger at the earliest opportunity. The boulders were put in place to prevent cars from parking in the entrance and blocking equestrian access as had happened with the earlier implemented design at this Location. The moors and paths leading to the moors are scattered with boulders at various locations. Consequently, any horses accessing the moors would need to be familiar with boulders to avoid them shying on the moors from the safe paths into peat bog. It is the opinion of NBHBA that the provision of Bollards at this entrance would present a much greater hazard for horses to potentially shy at and would have detrimental visual impact on the surroundings.

**Signage on the Road** - As mentioned earlier, this has been raised by NBHBA in the past with RMBC Highways Department and was denied by Highways. NBHBA will continue to raise the issue periodically with the Council to try and influence them into providing better signage (or indeed reducing the speed limit on the road).

**Terminology** – Everyone is well aware that a Tiger Trap is a Cross Country Fence. However, for over 15 years the horse stile consisting of three sleepers in a figure of 8 as a horse stile has been colloquially known, at least within the Rochdale Locality (and probably further afield). The terminology has been used by RBBA for many years in correspondence with RMBC, its members and other organisations.

**Incorrect copy of BHS Report** – we apologise for this oversight the electronic report submitted was the correct report but the report physically attached to the email was the earlier version. As you will see though both reports are virtually identical. The [final one](#) corrects the title from Ashworth Moor to Knowl Moor and adds a historical map onto page 3. At no point does the application refute the Common Land status and so we hope that you will agree with us that this omission does not affect either the application process or misleads anyone.

**Future work planned** – We fully understand and appreciate the comment from Natural England regarding the need for future planned works to fully consider common land consent process before implementation. The Project is principally implemented by volunteers from a number of community groups. It has been a steep learning curve but members of the project have attended other similar groups within the area (Rossendale Off-Road Mitigation Zoom Group, Healey & Syke Area Forum etc) to pass on the learning which the Off-Road Mitigation Zoom Meeting Project have gleaned over the past 3-4 years. This will hopefully prevent any misinterpretation of any requirements from occurring in the future.

**Responsibility and Future Maintenance** – All structures on any land is the responsibility of the Land Owner. It is precisely for this reason that the Off-Road Mitigation Zoom Project has kept the Lord of the Manor, via his agent, fully informed of any work before commencement. They are fully informed, and support the contents of this Application. There has been ongoing maintenance required since its installation. Repairs to criminal damage have been undertaken by members of the Off-Road Mitigation Zoom Project. The Project members have an enduring commitment to maintenance and repair work due to the effectiveness the fence line has had already in reducing the number of off-road riders.

In summary, it has been a protracted process to get agreement on the safe access arrangements for horses onto the moor. Access has always been available. Had RBBA been willing to proactively collaborate, as happened with other interested parties, a resolution could have been made over 2 years ago. In fact, RBBA members thought they had solved the issue back in December 2021 when a poll of members was made to confirm the [funds of RBBA](#) could be used to supply access to equestrians at locations C. Having said this the protractive period has resulted in a safer design at all three locations. It has meant numerous copies of documents which we have tried to keep up to date the BHS Report was one that slipped through the net.

Although we have not answered every point in the comments, I hope we have done enough to give you an insight into the process followed, the difficulties we have encountered and the benefit that the fence line has already brought to the area whilst not inhibiting legitimate user access (with the exception of Location C which could have been resolved early in 2022)

Kind regards

Pat Tough  
Chair of NBH Bridleways Association