



23/6/2021

Karen L Dilks LLB  
Coroners Court  
Civic Centre  
Barras Bridge  
Newcastle upon Tyne  
NE1 8QH



Dear Karen L Dilks LLB

Thank you for your letter dated 7 May 2021 attaching the Regulation 28 Report to Prevent Future Deaths dated 29 December 2020.

I propose to address the coroner's Matters of Concern before going on to set out the current plan for the movement of cattle.

**Matters of Concern**

1. **Cattle movement being commonly undertaken in accordance with individual farmers "custom and practice" and in the absence of:**
  - (a) **Formal plans for cattle movement (written or verbal);**
  - (b) **Contingency plans / strategies in the event of cattle breakout;**
  - (c) **Specific planning in respect of the heightened risk associated with the presence of young calves and in the context of their first release from winter shed.**

In relation to the suggestions that there was an absence of a formal plan for cattle movement, contingency plan or specific planning to take into account the presence of young calves, I would wish to make the following observations.

Having heard all of the evidence, the HSE expert witness, [REDACTED] confirmed in his evidence to the court that, in his opinion, the plan in place for the movement of the cattle was a reasonable one. In particular, he confirmed it was his view that the drive along the track to check for members of the public was carried out within a reasonable timeframe.

In relation to my contingency plan, [REDACTED] agreed that I had a contingency plan in place and that the plan to follow the herd, enter the field on the left hand side by the metal gate and travel up the field in order to overtake the cattle, was a reasonable one.

An experienced cattle farmer, [REDACTED] also answered questions at the Inquest about the plan. He confirmed his view that any plan to move cattle has to be flexible. He also stated that, as one cannot predict what might go wrong, any contingency plan involves weighing up the risks at the time. In answer to a specific question about a breakaway group that disappear from view, he responded by saying that he would try to get around and past them, but that if that wasn't possible, he would go slowly and ensure that he didn't push them further away.

I maintain that a plan for the movement of the cattle was in place at the time of the incident and that it was one that had been used for many years, without incident. That plan very much took into account the fact that young calves would be in the group of cattle that were being moved. Further, there was a reasonable contingency plan in place.

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2. **Cattle movement undertaken without appropriate measures in place to mitigate the risks of cattle breakout**
  - (a) **Cattle held prior to movement in a holding area pen which was insecure. Cattle contained only by quadbike and trailer (driven by farmer) at the front of the herd;**
  - (b) **No warning to the public of impending cattle movement and the risks thereof either by temporary warning signage or farm staff placed at strategic points on the planned route to give verbal warning.**

When giving evidence at the Inquest, [REDACTED] stated that in his view the method of using the quadbike and trailer, together with my being at the side of those with the flexible stick, was a reasonable practice.

It is accepted that at the time of the incident there was no temporary signage in place, as it was believed that the check of the route prior to the movement commencing was sufficient. No guidance issued by the H.S.E. suggests that signs should be used when moving cattle.

3. **Secure gate at the entrance to the bridleway unable to be utilised due to direction of opening which with some limited alteration may have gone some way to mitigate the risk in this case.**

The gate opens "inwards" (ie towards the sheds rather than away from them down the track). During a visit from representatives of the H.S.E. on 17<sup>th</sup> November 2020, it was discovered that, following some significant alterations, the gate can be opened outwards (away from the sheds). However, it has to be lifted, with significant effort, over the slope of the ground because of both the gradient of the track and its camber. That is, the gradient and camber are such that the gate hits the ground and cannot be pushed any further without it being lifted. This would clearly cause problems, and potentially increase the risk of cattle breaking out, if it were done at a time when cattle were about to be moved along the bridleway. This is the reason the gate hadn't been altered previously.

As explained in evidence at the Inquest, the use of the gate no longer forms part of the cattle movement plan (see below).

#### **Details of action taken to address the coroner's Matters of Concern**

1. Whilst I maintain that there was a plan in place at the time of the incident I have revisited the plan and changes were made following the incident. The plan is not required to be documented but all parties involved understand the plan and their role in it.
2. There are two cattle sheds. Each shed has its own secure holding area and the cattle are moved out of the shed into the secure holding area immediately outside it. That is the same as before.
3. However, as stated at the Inquest hearing, cattle are not now moved into a second holding area requiring the use of any barrier at the entrance to the bridleway. That second holding area and the gate are no longer part of the movement plan. Cattle are moved one shed at a time so there is no need for this second holding area.
4. The gate to the bridleway is left open and I ride my quadbike along the track to check the gates along it and to warn any walkers on the track. As I explained during my evidence at the inquest, I then return to the brow of the first hill. From this point I can

see if any members of the public come along the track in the period between my check and the cattle being moved. If I see any members of the public, I will ride to them and warn them of the imminent cattle movement or wait until they are clear. If there are none, I will call the staff members in the holding pen and tell them to commence moving the cattle (as long as it is clear where they are). There are always two members of staff moving the cattle from the holding pen to the bridleway and then, depending on the numbers of cattle, either one or two will follow the cattle up the track to the field. Once the move has started I stay well ahead of the cattle (around 200m – 300m) so that if anyone comes onto the track I have plenty of time to ask them to stand in a field until the cattle have passed.

5. We also now have "Warning – Cattle being Moved" signs which are placed around the farm yard to warn any members of the public coming up behind the sheds that cattle are being moved ahead of them.

Yours sincerely

