

Final Report of: Mrs Peta Roberts F.B.H.S.

For: The Claimant

Dated: 6th September 2016

Specialist Field: Equestrian.

On behalf of: Mr Gavin Rees and Mrs Janine Rees, administrators of the Estate of their late daughter Angharad Rees

On the instructions of: Glamorgan Law

Subject matter: A carriage driving accident in which Miss Angharad Rees was fatally injured

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Report

1. Introduction

The Writer

I am Mrs Peta Roberts. My specialist field is equestrian. I hold the qualification Fellow of the British Horse Society, which is the highest qualification awarded by the British Horse Society. I currently work as a freelance riding instructress, teaching private and group lessons at private venues and riding schools throughout the country. Prior to this I worked as a lecturer at Hartpury College, teaching and lecturing Further Education students of all standards. I have run a large riding school, trained students, riders and horses of all levels, and competed to top level in many disciplines. I have acted as groom for my daughter in carriage driving competitions, competed in carriage driving competitions myself, trained my daughter's driving pony, and passed two carriage driving examinations, including the BDS Road Safety Test. Full details of my qualifications and experience are in the appendix.

2. Summary of the case

Miss Angharad Rees took her pony and trap to a horse driving and riding Fun Day on 27th May 2012 organised by Cimla Ride and Drive Club, under the umbrella of the British Driving Society. It was agreed that Mr Poulton would act as her groom to accompany her on the drive, and he decided it would be better to use his trap rather than hers, as it had a bigger seat, and the shafts were a better length for the pony than the ones on her trap. During the drive he somehow left the trap, and Angharad was thrown from the trap slightly further down the bridlepath. She hit a tree and sustained fatal head injuries.

3. Summary of my conclusions

The risk assessments were inadequate, with no control measures suggested for any identified risks.

There was insufficient provision for any first aid.

The trap used was not fit for the purpose of driving on steep slopes and rough terrain. The loosening of the seat will have contributed to the accident.

The bridlepath was unsuitable for use, due to the sharp turn onto it, the steep slope, the rocks and trees, the width of the path, and the fact that driving a pony and trap on a bridlepath is forbidden. The tight, narrow turn, narrow uneven path, and steep slope will have contributed to the accident.

Although Mr Poulton was acting as groom, rather than advisor, he was an experienced, qualified driver, and as such should have given Angharad some help

when necessary. He had walked the route to be taken, and was aware of the nature of the bridlepath.

The pony had quite possibly never felt the breeching strap before the fatal accident, and Mr Poulton should have identified this possibility, as he knew Angharrad's trap had shafts that were too long, so the breeching would never work. The pressure of the breeching on the pony's hindquarters, combined with the extra weight of the heavier trap, heavier groom, and Angharad, contributed to the accident.

The heavier trap, plus a heavier groom, and going down a far steeper slope than Magic was used to will have contributed to the accident.

The instruction for the bridlepath to be taken "at any pace" as given at the briefing would imply that it was suitable for any pace. If they were being advised to walk down it, the instructions should have specified walk.

4. The parties involved

Angharad Rees - (Deceased) driver of the trap
Mr Jonathan Green - Club Chairman and Assistant Area Commissioner for the British Driving Society
Mary Jones - Club Secretary
Mr Gerald Poulton - Member of the Club, and assigned as groom to Angharad Rees
Cimla Ride and Drive Club - the club organising the event.
British Driving Society (BDS) - the club was affiliated to the BDS
Gwenda Kesans - Area Commissioner of the BDS
The Forestry Commission Wales - Controllers of the land where the accident occurred
Afan Argoed Country Park, Neath - The location where the accident happened
Mr Gavin Rees - father of Angharad Rees
Mrs Janine Rees - mother of Angharad Rees
Mrs Mary Jones - Organiser of the event, competitor and designated First Aider
Mr Michael Kenny - Marshall
Keiron Barnes - Irish Contractor
Ceri Ann Simpson - Angharad's friend
Thomas Richards - Angharad's boyfriend
Nicholas Murfin - Forest Park Ranger
Hayley Jones - Competitor
Brian Morgan - Investigating Police Officer

5. Technical terms and explanations

I have indicated any technical terms in **bold type**. I have defined these terms in the appendix.

6. The issues to be addressed and a statement of instructions.

I was asked to attend a site visit on 17th September 2015 to view the bridleway and the venue. I was asked to attend a second site visit on 15th August 2016 to measure various parts of the bridlepath, and to witness photographs and video evidence being

taken. I have been asked to prepare a report on this matter. In this report I will address the following issues:-

Was the bridlepath suitable to accommodate a pony and trap. If not why not?

Should the bridlepath have been used at all by the event organisers in any circumstances. Are there any applicable guidelines about the use of bridleways, and how do these apply to the circumstances of this case?

Was the trap supplied by Mr Poulton suitable for the terrain on the bridleway?

Could the weight of the trap have caused or contributed to Magic gathering momentum immediately before the accident?

What does travel "at any pace" mean as referred to by Mr Poulton in his briefing, and was that appropriate for this bridleway?

7. My investigation of the facts:

Documents I have seen:

Police witness statement of Janine Rees dated 31/7/12
Forestry Commission map of the area
Risk Assessment for the event
Copy of handwritten briefing note for the event.
4 pictures of Mt Poulton's trap.
27 colour photos of the track and the site of the accident
Hand drawn map of the site
32 black and white photographs of the track and site of the accident
Witness statement of Gerald Poulton to BDS insurers.
Police witness statement of Gerald Poulton dated 29/5/12
Police witness statement of Gerald Poulton dated 20/9/12
Police witness statement of Ceri Ann Simpson dated 29/8/12
Police witness statement of Michael Kenny (Marshall) dated 31/5/12
Police witness statement of Mark Patrick Fenlon (Irish contractor) dated 14/8/12
Police witness statement of Kieran Patrick Barnes (Irish contractor) dated 13/8/12
Police witness statement of Thomas Richards (Angharad's boyfriend) dated 9/8/12
Police witness statement of Mary Jones (Officer of Cimla Ride and Drive Club) dated 22/8/12
Police witness statement of Nicholas Bramley Bailey Murfin (Forest Park Ranger) dated 6/5/12
Police witness statement of Hayley Louise Jones (competitor) dated 3/7/12
Police witness statement of Brian Lyn Morgan (Investigating police officer) dated 13/10/12
Police witness statement of Tanya Dykes dated 6/7/12
Police witness statement of Jonathan Price dated 30/8/12
Police witness statement of James Roseblade dated 28/8/12
Police witness statement of David Williams dated 27/6/12

Forestry Commission documents:-

Permission in circulation and Assessment Form

Note of telephone conversation 28th May 2012

Unit Manager Comments for Accidents dated 26/10/2012

Record of Police Interview under caution of Jonathan Green

Forensic Engineer's report

Letter from Darby's LLP dated 24/6/2014

Letter from Darby's LLP dated 4/7/2014

Letter from Darby's LLP dated 24/7/2014

Report from Melanie Jenkins (Health and Safety Officer) handwritten date 6/3/13

I have also seen a U Tube video of Angharrad driving Magic in a sand school.

Extra statements supplied by the Defendants:

Mary Jones statement dated 27/5/2016

Gerald Poulton statement dated 27/5/2016

Jonathan Green statement dated 31/5/2016

Richard John Wagstaff statement dated 16/6/2016

John Williams statement dated 16/6/2016

Stanley Bates statement dated 19/6/2016

Dylan Jones statement dated 20/6/2016

Stuart Brown statement dated 22/6/2016

John Rolling statement dated 22/6/2016

Nia Thompson statement dated 23/6/2016

Michelle Peters statement dated 23/6/2016

Jeffrey Jones statement dated 26/6/2016

Avis Purnell statement dated 27/6/2016

Claire Rees statement dated 28/6/2016

Janet Purnell statement dated 28/6/2016

Gwenda Kesans statement dated 27/6/16

Handwritten note of Gwenda Kesans dated 28/5/2012

Modris Kesans statement dated 8/7/2016

Ruth Jenkins statement dated 30/6/2016

George Jones statement dated 2/7/2016

Richard Green's statment dated 22/7/2016

I also visited the site on 17th September 2015 and on 15th August 2016

8. My opinion

(i) Angharad Rees was eighteen years old at the time of this accident. She had ridden horses and ponies since she was two years old, and was a competent rider winning prizes at competitions with her horses and ponies including the pony (Magic) involved in this accident. She had competed in show jumping competitions, cross country competitions and gymkhana races. She had qualified Magic for the Cricklands Show Jumping Championships, and was an experienced horsewoman. She had been driving Magic for two years prior to the accident, and had used Magic with his own trap to fetch shopping from Neath, and to visit her friend Ceri. The trap she used was purchased from Llanybyther Sales for approximately £250 and was a light home made trap with motorcycle wheels, steel framework and a plywood seat. She had not had any lessons in driving, but had had some help from her father Gavin Rees, who had done a limited amount of driving in the past.

(ii) I have seen the video footage of Angharad driving Magic in his own trap, and she appears to be a confident novice driver. She uses both hands on the reins rather than driving "**coaching style**" and she does not carry a whip. A whip is an essential piece of equipment, as it is an aid to help get the pony to go forward, and it is also used as an indicator when driving in company, to signal to other competitors where the driver is going. A whip should always be carried and as the pony wears **blinkers** it cannot see the whip, so unless the whip is used to touch or hit the pony it makes no difference to the speed the pony goes. Whilst the fact that she was not carrying a whip would have made no difference to the accident, it should have highlighted to Mr Poulton that she was inexperienced, and untutored. It also meant that she was unable to signal her directional intentions to other competitors.

(iii) On 27th May 2012 she attended a "Fun Day" organised by Cimla Ride and Drive Club, being held at Afan Argoed Country Park, Neath, South Wales. This was being run under the umbrella of the British Driving Society. The plan was that Angharad would drive Magic in his normal trap with Ceri as her groom. It is normal to carry a groom, who will hold the pony as the driver mounts and dismounts from the trap, will lead the pony if the occasion demands, and generally help the driver. However, when they arrived at the event it was suggested that Mr Poulton should accompany Angharad as her groom as he was experienced in driving. He suggested that they used his trap as the seat was wider, and he felt his trap would fit the pony better, as he said the shafts on Angharad's trap were too long for the pony. This meant that the breeching did not touch the pony at any time, meaning there were effectively no brakes. (According to John Green on page 50 of his police statement Gerald Poulton said that the shafts of Angharad's trap were too long and he couldn't get the breeching straps to fit, so the breeching wouldn't come into action) Angharad showed Mr Poulton's trap to her father Gavin, who tested the balance of the trap, both with no one seated in it, and with Angharad seated in it, and decided it was adequately balanced. This is done to ensure that it does not tip forward, putting too much weight on the horses back, and equally so that it does not tip back, thus pulling the belly band up under the horse. The weight of the people in the trap is crucial to the balance, and ideally it should have been tested with both Angharad and Mr Poulton seated in it.

(iv) A briefing was given before the event started, and it was given by Mr Poulton. He gave guidance on driving the marathon, and then said that after completing the marathon section they should proceed down the track at any pace. After 1.5km they would be greeted by a gentleman called Noel, and they should give him their recorded time.

(v) Angharad took Magic and her own trap off the lorry, and started to harness Magic up. Mr Poulton then said they should use his trap, so they changed traps, and put Magic to the trap belonging to Mr Poulton. Once Magic had been harnessed up, and hitched up, with minor adjustments made to the harness to accommodate the different trap, Angharad and Mr Poulton got into the trap and Angharad drove round the rugby field to test the trap out. They drove down a very slight slope on tarmac, to get to the rugby field, in walk. The trap appeared to fine in walk and trot on the rugby field, so they proceeded up the slight incline to the start of the marathon. Both her mother and father asked her about wearing a safety hat (which is not compulsory under BDS rules) and she said she would wear it for the obstacle course, but not for the marathon,

as the weather was hot. The F.E.I. in their Driving Rules, in Chapter V, Dress for Athletes, states that for the marathon and combined marathon athletes (drivers) and grooms must wear securely fastened Protective Headgear, and a Back Protector. They also say that a whip can only be carried by the driver, in the marathon and combined marathon. Their marathon would be held over more testing ground than the marathon section of this fun drive. However, the slope and terrain of the bridlepath was similar to some of the terrain found in International Cross Country Driving Trials, and if competitors were going to be sent down that sort of terrain they should have been told to wear protective equipment, in accordance with F.E.I rules.

(vi) They set off for the marathon at their appointed time. There was no checking of the harness or the trap by the organisers before they set off. When they had completed the marathon section they proceeded down the bridlepath to the obstacle section, and at some point Mr Poulton was either thrown from or dismounted from the trap, leaving Angharad in the trap on her own. He did not see what happened next but she was found lying beside a tree, with the seat of the trap near her, with head injuries that proved to be fatal.

(vii) According to Jannine Rees' statement Mr Poulton said to her that he told Angharad to bail out, and Angharad replied it was OK, she would steady him. Ceri Ann Simpson's statement backs this claim up, as he apparently said to her that he had told Angharad to bail out. Mr Poulton has apparently said that the pony speeded up as the trap was going down hill and the breeching kicked in. (This is the strap round the back of the pony. He should use his hindquarters as a braking mechanism to slow or stop the trap, by leaning against the strap) The pony and trap gathered momentum, and the trap mounted the embankment to the right, and Mr Poulton was thrown out of the trap into the bracken and brash to the left of the bridleway, and so did not see what happened next. Mr Poulton has since denied suggesting bailing out, and says he was thrown out of the trap. This trap, with Angharad and Mr Poulton in it would have been considerably heavier than Magic was used to, and the slope probably much steeper than Magic was used to, making it difficult for Magic to control the trap, even if he was used to the breeching strap.

(viii) I have visited the site, and walked the entire route used for the fun day. The horse boxes were parked on the rugby field, and the briefing happened there. It was also used as a harnessing up and warming up area. It is a small area and would have been very crowded with eleven competitors preparing for a driving event. It was also open to the public, and there were bike riders and dog walkers about. The risk assessment for this area does mention the possibility of congestion, but makes no provision for dealing with this.

(ix) Once they were happy with the trap, and had had a practice trot on the rugby field, Angharad and Mr Poulton headed out for the marathon. This started on a public road, going over a viaduct bridge, and then continued up a reasonably wide, stony uphill track through the forest. The footing was good, and it was up quite a hill for the majority of the route. At the top the terrain evens out to become flat, and then a very slight downhill slope, until the end of the section. The risk assessment for the marathon drive says that the terrain will be uneven, and that they might meet mountain bikers or scramblers. It says that drivers must be aware of this possibility,

and drive on the correct side of the trail. It says that on forestry and bridle trails the country code applies, and that the highway code applies on roads.

(x) At the end of the marathon the drivers had to make a hairpin turn to the right, to access the bridlepath, to get to the next section. This turn was very tight, going from a light track to a darker wooded area, onto a narrow bridlepath. There is a gap of 6ft between a tree and a steep embankment, to get the trap through, and a narrow worn track where people have ridden, in the middle of this gap. The downhill gradient is steep, and this would have been the first time on the drive where the trap would have pushed hard into the **breeching strap**, and onto the pony's hindquarters, effectively pushing him down the slope. A pony who has not experienced a breeching strap before will often shoot away from the breeching strap, gaining speed. An experienced driving pony would slow down and "sit" into the breeching strap to slow the trap down, and control it going down the slope. If Magic's normal trap was incorrectly fitted to Magic, as Mr Poulton apparently said, this would have been the first time in two years that Magic had felt the breeching strap push him down a slope. Also, this trap was considerably heavier than Magic was used to, and Mr Poulton was apparently heavier than his normal groom, giving Magic much more weight to control than he would have previously experienced, even if he was used to the breeching. The slope was possibly steeper than he had ever encountered before when bring driven, and the weight would have effectively pushed him down the slope.

(xi) If the pony followed the track made by the riders, as would be his natural instinct, the trap would have cut the corner onto the bridlepath, and the right wheel would have gone up the embankment tilting the trap. To help prevent this happening it would have been necessary to pull to the left of the forestry track prior to turning in, to give a better line onto the bridlepath. Once the driver is on the bridlepath it continues to slope quite steeply downhill, and the path is uneven and twisty, with many tree roots and rocks on either side, and a steep downhill sloping wooded area on the left. There is a slight right hand bend, with a tree to the left, which is the tree Angharad hit. There does not appear to be a separate risk assessment for the bridlepath, but there is a mention of uneven terrain and downward slopes, with no safety measures suggested.

(xii) The path continues downhill from where Angharad left the trap, with numerous twists and turns, and one narrow part where there is a gap of 5ft between a wooden fence and the side of the hill. The track levels out to come onto a public picnic area where the competitors were meeting to do the riding activities. The risk assessment appears to say no spectators in this area, but it was a picnic area open to the public, so again the risk assessment is inadequate, inaccurate, and no control measures are suggested.

(xiii) Mr Poulton's statement says they completed the marathon in twenty three minutes, and all was going well. Mr Rees has told me that Magic was not particularly fit at the time, so it would be reasonable to assume that Magic would be settled, and possibly tired by the time he had walked and trotted for twenty three minutes mainly going uphill, with a much heavier trap and two adults to pull. When they got to the point where they had to turn onto the bridlepath they pulled aside to let another competitor go down the track before them. According to Keiran Jones' statement Magic was dancing a bit at the top of the slope, and didn't look like he wanted to go down the slope, and it was at this point that Mr Poulton told Angharad to pull aside

and let the other competitor go down first. According to Mr Poulton's statement they allowed this competitor time to clear the descent, and then they followed. According to Mark Fenlon they followed the other competitor immediately after that trap had gone down the slope. Following another horse would have encouraged Magic to go where he had not wanted to go, as horses are herd animals and like to follow each other. However, following another horse closely could well have encouraged Magic to try to speed up to catch it up. They started to go down the track, and Mr Poulton says in his statement that Magic started to accelerate when the breeching strap kicked in, and veered right, putting the right wheel up the bank and causing the trap to tilt, throwing Mr Poulton out to the left. He doesn't know what happened after that.

(xiv) Looking at the pictures of the trap after the accident, the place where the seat slots onto the trap on the left hand side has broken, and opened out. It is quite possible that as the trap started to tilt Mr Poulton slid to the left onto the safety rail, and his weight caused this bracket to break, making the seat likely to collapse to the left and the right side of the seat rise out of the right bracket. This could explain how Mr Poulton was thrown out of the carriage, as the seat would no longer give him the security and support it should have done. Had this happened it would have left Angharad trying to control Magic from an unsafe and unstable seat. She could well have had to stand up, as the seat would have no longer been functioning as a seat, making her unstable. Magic must have been going quite fast at this point, and as he turned slightly right to follow the track she was thrown out to the left, hitting the tree. The mark where she hit the tree is quite high up, and she would have been unlikely to have been thrown that high from a sitting position, especially as the trap appears to have remained the correct way up throughout the accident. The seat probably became totally detached from the carriage after Angharad was thrown out of the trap, as it was found further down the track, and not entangled with her. If Mr Poulton had bailed out when he felt unsafe, the same scenario with the seat could well have occurred. Either way, if he had stayed in the carriage, on the balance of probabilities she would have had a more stable seat, and more chance of regaining control,

(xv) Magic was found at the bottom of the track picking at grass and wandering along, with the trap and harness intact, with no signs of damage apart from the missing seat and a slight scratch on the reins. He must be a very sensible pony, as he did not gallop off in a blind panic when things went wrong, and somehow he negotiated the very twisty and narrow track on his own, without catching the trap on anything, or going off the track and down towards the river through the forest. Keiran Jones said he heard a sound that sounded like a horse **bolting**, but I do not believe Magic bolted i.e. ran flat out blindly in a panic, as if he had bolted the trap would have turned over, been broken into many pieces, and the pony would have come off the track and been injured or killed. There is also no evidence of him sweating, or blowing hard, which could also be signs that he had come fast down the track.

(xvi) The turn onto the bridlepath was a hairpin turn with a narrow opening, going into a darker area, with quite a downhill slope to it. The bridlepath was narrow and twisty with a marked track where ridden horses had obviously gone down the track in single file. Although the turn onto the path would be a reasonable turn on a ridden pony, it would be difficult for even an experienced driver to get a pony straight, and the trap into the wood, without hitting a rock, or going up a bank. There was very little margin for error, as there was only a gap of 6ft to get through, and the trap was approximately

4ft6ins wide. The slope was steep, and once things started to go wrong it would be very difficult to stop and sort it out. A bridlepath is designed for ridden horses, and as such is often narrow, with narrow wicket gates. The maintenance on the track would be done with ridden horses in mind, so rocks on the side would not be moved, and low branches at the side would not be cut down. Having obtained a copy of where you can and cannot ride and drive, from the British Horse Society Access Group, it states on pages 4 and 5 that motor vehicles driven by the public are not allowed on bridlepaths, nor are horse drawn carriages. The risk assessments state that highway codes apply, and that the country code applies, so if they adhered to their risk assessment they should not have been on the bridlepath. This particular bridlepath appears to be unsuitable to drive down, especially for novice or amateur drivers.

(xvii) The trap was a heavy homemade trap, with pneumatic tyres. Pneumatic tyres are often used on exercise vehicles, and can give a less jarring ride, but can also make the trap bounce more over uneven, bumpy or rutted ground. They are also much heavier than the lightweight wheels on Magic's normal trap. Mr Poulton's trap may have been suitable as a training vehicle on level ground, and for easy pleasure drives, but the extra strain put on it by the slope and the camber of the turn into the wood, plus the speed of the descent and the weight of the passengers proved too much for the home made construction. The trap was not fit for the purpose of driving down this track. The companies that make marathon vehicles for cross country driving put a lot of work in to ensure the safety of all concerned, due to the speed the carriages are driven at, the nature of the ground and the obstacles. These vehicles are mainly four wheeled vehicles, making them much more stable and safe, and they usually have a braking system. They are designed to be safe, light and super strong. This trap was not made to these specifications, and so was not a suitable cross country vehicle. It was adequate for the Fun Day marathon, but the nature of the bridlepath made this part of the event into a cross country event, needing a well built vehicle and an experienced driver to be certain of negotiation the route successfully.

(xviii) When drivers compete in the cross country section of a driving event, they all wear helmets, and if the drivers on the Fun Day were going to go down steep slopes, with twists and turns, with obstacles i.e. rocks and trees, in the way, they should have been made to wear safety helmets. However, I do not believe they should have been sent down this path as it was too hazardous for all but the most experienced driver. Also, it was a bridlepath and according to the Country Code it is forbidden to drive horses and traps on bridlepaths.

(xix) The trap was heavier than the one Magic normally pulled, and Mr Poulton was apparently heavier than Ceri, who appears to have been the normal groom. The extra weight of the trap, plus the heavier groom, will have contributed to the accident, pushing the trap downhill into Magic, so that the breeching kicked in, giving him much more weight to control than he was used to. According to Jonathan Green, on page 50 of his statement to the police, Mr Poulton had said that Magic's own trap had **shafts** that were too long for the pony, and he couldn't get the breeching straps to fit, and they wouldn't come into action, so it would be better to use his trap, so the breeching would work. If this is the case Magic had NEVER felt the breeching before, in his two years of driving. Often, when driving horses first feel the breeching strap come into play they become unsettled and shoot forward. It can take some time before they accept the breeching, and use it correctly as a brake. This was the first

time on the drive that the breeching would have been tight, with the entire weight of the heavier trap and passengers pushing it on a steep downhill slope. It is possibly the first time in Magic's driving career that he had felt this, and it unnerved and unbalanced him. Magic is only **13.2hh** and it would have been a considerable weight for a pony of his size to control. Once he was unbalanced on the slope he would have been pushed down the slope by the trap, and would have found it very difficult to stop until the ground levelled out.

(xx) Mr Poulton, as a qualified and experienced driver, should have recognised that Magic might never have felt breeching before, and planned for this slope, especially as he had walked the route the week before, and knew the slope was steep and tricky. He should have, at the very least, made Angharad do some sharp downwards transitions from trot to walk whilst working in on the rugby field, so that Magic felt the breeching before going off up the hill. He could also have got out of the trap at the turn to the bridlepath, and led Magic down the path, to give him confidence, lighten the load, and aid control. This is one of the jobs of the person acting as groom, and is why the BDS state that an ACTIVE groom must be carried at all times.

(xxi) A note from Sally Tansy appears to say that the trap tipped over, causing the occupants to fall out. It is extremely unlikely that the trap tipped over, as it would have been found on its side, with considerable damage to it. Once a driving trap has tipped over it does not right itself.

(xxii) A horse has four paces - walk, trot, canter and gallop. All these paces are used by experienced competitors in the cross country phase of a driving three day event. The phrase "at any pace" to me means you could walk, trot, canter or gallop down the track. If you want riders or drivers to walk somewhere you would use the word walk, and not say go at any pace. In a dressage test, either ridden or driven, if the required pace is walk it states walk on the dressage sheet. Using the phrase "at any pace" would lead drivers to think that they could hurry down to the cones area, at whatever pace they wanted. It would be extremely dangerous to tackle the bridlepath at any pace other than walk, and so they should have been told at the briefing to walk down it.

(xxiii) Reading the paperwork from the incident, it appears that Cimla Ride and Drive Club never actually received permission to use the venue for the event. The risk assessments were not sufficiently detailed, and no controls were suggested for any identified risks. There appears to have been no way of separating the public, or bike riders, from the trap drivers and horse riders. There was no way of calling for an ambulance, or the air ambulance, nowhere to land the air ambulance safely, and no official first aid on site, apart from another competitor. There were other incidents, involving two other ponies in traps, who bolted due to being frightened by cyclists, culminating in one of the traps hitting the bridge, and one ending up by the river. Health and Safety appears to have been sadly lacking, as these were serious incidents involving three of the eleven drivers in the event. There also appear to be queries about relevant insurance, and there appears to have been a lack of marshals available to help run the event.

(xxiv) I have read the various statements from people who have driven down the track:-

(a) Richard Wagstaff says he would happily go down the track with an experienced driver. Angharad was not an experienced driver. Richard Wagstaff does not appear to have driven a trap, and is basing his comments on the fact that he has walked and cycled down the track.

(b) Michelle Peters is a very experienced driver, with an impressive CV. She states she has driven down the track on a number of occasions, and has not had any problems. She states that she has driven a Polish Wagonette with a pair of Friesians down the track. Having looked up the dimensions of a Polish Wagonette a large one is 150cms wide, or 5ft wide, and a medium one is 4ft4inches wide. The track is five foot wide at its narrowest part, with quite a dip in the middle of the track, so driving a large Wagonette down it would be very challenging. There would be absolutely no clearance between the large Wagonette and the rails in the narrowest section, and only four inches either side with a medium Wagonette. This highlights how skilled Michelle Peters is if she had no difficulties in negotiating this track with a pair of big horses and a carriage. Angharad was a novice, and would not have anywhere near the skill or experience of Michelle Peters. Michelle also says in her statement (para 16) that the route would not cause any concern to anyone local with prior knowledge of it. Angharad was not local, and had never been on the route before, and so had no prior knowledge of it.

(c) John Williams says (para 10) that if there were any areas where you needed to walk, for instance, the organisers would say so. However, on this occasion they said to go down at any pace. They should have specified that competitors were to walk down it.

(d) Stanley Bates says he has driven a pair of Welsh Cobs to a four wheeled carriage with two or three passengers, down the track, and has driven his pair at driving events at the same venue in the past. This part of the track was not always used, but was being used on this occasion due to the landslide. It is quite possible that Stanley Bates has driven down a different track whilst competing at the venue before. I find it difficult to believe that a pair of cobs, a four wheeled carriage, and passengers, would fit comfortably down the track, with no problems. However, he has had forty years driving experience, and again must be a talented driver. Angharad was not experienced.

(e) Dylan Jones says in his statement (para 11) that he has always been happy with the routes chosen for events, using the plural, so the routes have obviously changed over the years, so it is quite possible that this track had not been used before, or had not been used regularly, but was used this time due to the landslide.

(f) Stuart Brown says in his statement (para 14) that the route changed slightly every year, so as not to be repetitive. It would be difficult to change the uphill track, as that appears to be the only option, and equally it would be difficult to change the flat area for the cones, so the only way to vary the route each year would be to choose a different route from the main track to the cones/picnic area. It stands to reason that if they change the route every year this path has not been used regularly.

(g) John Rolling, who is another experienced driver, says he has used the route with no problems.

(h) Nia Thompson is a young driver, who says she had driven down the track in the past with no problems, but that it is a bit bumpy and quite steep at the top.

(i) Jeffrey Jones says that he drove down the track on the day in question, and had no problem. He also says that he asked his groom to dismount from the trap at the top of the track, and walk down in front of the horse, as he always does. He does this to make the load lighter for his horse, as the weight of his trap and himself is enough for the downhill slope, without adding the groom.

(j) Avis Purnell states that she drove down the track with no problem, but that it was quite steep at the top. She also says that her horse had been properly trained for the job being asked of him.

(k) Janet Purnell states that she has driven a pair of welsh cobs to a four wheeled carriage, down the track. She also states that the track was free of stones. This is at odds with the risk assessment. The track I viewed had many stones, and rocky parts, as is shown by the pictures taken of the track.

(l) Gwenda Kesans also states that the track was free from protruding rocks, trees and ruts. When I viewed the track it was very stony, and rutted, with several protruding tree roots. This is backed up by the photographs taken of the track, and by the risk assessment.

(m) Ruth Jenkins says she was grooming for a novice driver on the day, and they had no problems, but did go very carefully onto the track, as the driver was a novice.

(xxv) Having looked up the Rules for Horse Driving Trials 2016, published by British Carriage driving, the Rules for Combined Marathon/Derby give widths for cones, and also for Marathon Type Obstacles. (Annex 17) Their width for cones is 4ft 11 inches, for pony singles. Cones are done on level ground, and knock down, so that if the driver makes an error there is not a nasty accident. The width given for Marathon Type Obstacles (fixed obstacles) is 3m to 3.5m, so it will be seen that this track was well below the minimum width for obstacles used in driving trials. The rules also state (Article 965) that the athletes may use any pace at the obstacles. The competitors tend to go through these obstacles at canter, if not gallop, and certainly not at walk through all but the most tricky of obstacles, so the phrase "at any pace" in this context means any of walk, trot, canter or gallop.

9. Statement of compliance

I understand my duty as an expert witness is to the court. I have complied with that duty. This report includes all matters relevant to the issues on which my expert evidence is given. I have given details in this report of any matters which may affect the validity of this report. I have addressed this report to the court.

10. 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 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.

Signed:

A handwritten signature in dark ink, consisting of a stylized initial followed by a horizontal line.

Dated: 6th Sept 2016

Glossary of Technical Terms

Coaching style - holding the reins in the left hand, with the whip in the right hand, and using the right hand to support the left hand when necessary. This is the correct way to drive a pleasure vehicle, a commercial vehicle, or a show vehicle. The right hand and whip are then used to signal direction, when driving in company.

Blinkers - these are used on the majority of driving horses, so they can only look forwards, and therefore do not see the wheels of the trap "chasing " them. They also don't see the drivers whip, or drivers coming up behind them.

Breeching strap - a strap attached to the harness and the trap, going behind the pony's bottom, which helps to stop the trap when stopping quickly, or going downhill. The pony needs to be accustomed to this strap carefully, and this is usually done when training the pony to drive. If for any reason the pony has not driven for a while, or has not used breeching for a while, the pony could need reminding about this strap. The first time a pony feels the breeching, which a trap pushing against it, the pony can panic, and shoot forward.

Bolting - a pony that bolts runs away from something, running completely blind, in a panic. A bolting pony will run through hedges, fences, and over people, and is very dangerous.

Shafts - these are the two poles that stick out from the front of the trap, and the pony fits between the shafts. The length of the shafts will determine how close or far away from the front of the trap the pony is, how the breeching fits, and how the tap balances.

13.2hh is the height of the pony measured to the top of its shoulder. A hand is four inches, so Magic was four foot six inches to the top of his shoulders.

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CURRICULUM VITAE

Date of birth: 19.2.54
Nationality: British
Status: widowed with one child

EDUCATION

Wolverhampton Girl's High School: 8 "O" levels
Secretarial College, Sleima, Malta: Shorthand and typing
University of Warwick: Certificate of Education (F.E.)

BRITISH HORSE SOCIETY

BHSAI passed 1972
Stage IV passed 1973
BHSI passed 1975
FBHS (Show jumping specialist) passed 1990

GENERAL

British Driving Licence
HGV3 up to 10 tons
Motor Cycle Licence
Equine Specific First Aid
Child Protection Course
British Horse Society Chief Examiner
Side Saddle Association A instructor, Examiner
Passed TDLB Units D32,33,34 1998
Preliminary Driving Examination in Carriage Driving (BDS)
British Driving Society Road Driving Assessment
Panel judge for Side Saddle Association
Panel judge for British Appaloosa Society
Senior Assessor for National Stallion Association
Passed Welfare of Animals Transport Order (WATO) Certificate March 2008
Passed level 2 Risk Assessment course January 2009
Elite Trainer for Ponies Association U.K.
Featured on BBC Midlands Today teaching Kay Alexander to ride side saddle.
1995 fronted a programme on riding side saddle for BBC 2, for the Tracks series, showing me teaching their presenter to ride side saddle, and demonstrating how to ride side saddle.
March 2011 delivered very successful presentation on jumping side saddle to delegates at Essen Equitana

I hold the qualification Fellow of the British Horse society which is the highest qualification awarded by the British Horse Society. I have successfully competed to a high level in many disciplines. I competed to International Level three day eventing, and show jumped to Grade A level, both at home and abroad. I have competed to Medium level in dressage, and have ridden and produced top show horses, winning at both the Royal International Horse Show, and the Horse of the Year Show. I have won the top national side saddle title of Side Saddle Rider of the Year on four occasions. I have hunted, helped produce point to point horses, played low level polo, competed successfully in carriage driving classes, and bred successful show horses.

I have worked in the equine industry virtually all my life. I ran a big British Horse Society Approved Stage IV riding school and competition yard teaching all levels of clients, buying, selling, breaking and training horses for all levels and disciplines. I also worked at Hartpury College for many years, teaching and training all levels of students including the elite riders academy. I also taught the horse behaviour and welfare module, and the young horse training module for many years. I examine for the British Horse Society, and freelance teach all over the country. I am currently successfully producing a top class Fell stallion from home, for mountain and moorland flat and working hunter pony classes. In 2015 he qualified for both the Royal International Horse Show and the Horse of the Year Show ridden by my daughter.

I am a trained Equestrian Expert Witness, and a trained single joint expert, having successfully completed a course run by Bond Solon. I have written reports and attended court to give evidence for both Claimants and Defendants, on many occasions, over the last thirty years.