

Farmer fined after cow attack left man fearing for his life

A retired chartered surveyor said he feared for his life after being attacked by cows while walking his dog on a public footpath in Devon.

The farmer responsible has been prosecuted by the Health and Safety Executive (HSE) as a result.

Patrick Atherton and his 13-year-old Border Collie 'Lad' had been dropped off at Birdcage Farm, in Ottery Saint Mary, by his wife on 12 June 2022. The 70-year-old, who moved to the South West from West Kirkby on The Wirral more than 30 years ago, was a regular user of the footpath and said it was 'ironic' that Lad had been on his lead that fateful day.



Patrick Atherton and his dog were attacked by cows as they walked on a public footpath in Devon

"I've been a trainer of Border Collies for many years.

"It was ironic that for the first time I had kept Lad on his lead as I had noticed two young calves in the field and thought if he was walking by my side they wouldn't really notice.

"Unfortunately, one black cow did and it charged at us, knocking me down by the hedge that bordered the path.

"I tried to stand up and let Lad off his lead but they kept on knocking me over.

"There was about seven cows involved, but it was the very aggressive black cow that was trying to kill my dog.

“I thought we were going to die.”

The traumatic ordeal only came to an end after Mr Atherton said he heard a call – who he presumed to be from the farmer – and the cattle moved away from the pair and ran back to the farm.

“I had been powerless to do anything,” he added.

“We were both surrounded by cattle.

“I could hear Lad shrieking in pain as he was repeatedly kicked and stamped on.

“He was never the same dog after what happened and he sadly passed away in September this year.

“I just want to make other people aware of the risks when out enjoying popular footpaths such as this one.”



The retired chartered surveyor said he feared for his life during the incident

Mr Atherton escaped with cuts and bruises following the attack, while Lad was badly injured had to take veterinary medication for the remainder of his life.

The HSE investigation found that cattle with young calves , which are known to be protective and unpredictable, were being kept in a field with a public right of way across it. They can pose a risk to walkers, especially to those with dogs.

Where possible farmers should:

- avoid putting cattle, especially cows with calves, in fields with public access.

- do all that they can to keep animals and people separated, including erecting fencing (permanent or temporary) e.g. electric fencing.
- Assess the temperament of any cattle before putting them into a field with public access.
- Consider culling any animal that shows signs of aggression.
- Any animal that has shown any sign of aggression must not be kept in a field with public access.
- Clearly sign post all public access routes across the farm. Display signage at all entrances to the field stating what is in the field (cows with calves / bulls).

John Hallett of Birdcage Farm, Ottery St Mary, Devon pleaded guilty to breaching Section 3(2) of the Health & Safety at Work etc Act 1974 and was fined £2,000 and ordered to pay costs of £4,500 at Exeter Magistrates' Court.

HSE inspector Simon Jones said: "It is fortunate that the injuries sustained by Mr Atherton weren't life threatening, however given the nature of the attack the end result could have been far worse.

"Public knowledge – and concern – is increasing about how dangerous cattle can be. On this occasion Mr Atherton took the right precautions and HSE has taken action against the farmer in question.

"Cattle are extremely protective of their calves and even calm cattle can become aggressive if they think the calves may, in any way, be threatened, even by members of the public walking past.

"Farmers should not place cattle with calves in fields where members of the public have a legal right to walk.

"Had John Hallett followed this simple rule, then this incident could have been prevented."

Notes to Editors:

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. Advice for farmers, landowners and other livestock keepers on dealing with [the risks posed by cows with calves](#) is available.