

The law and management of public access rights vary widely between the four countries of the United Kingdom. Practical elements of the following advice apply in all of them but the law in Scotland and Northern Ireland may differ from in England and Wales.

Riders and drivers of horses are referred to generically as equestrians.

More advice is available on www.bhs.org.uk/accessadvice.

IMPORTANT This guidance is general and does not aim to cover every variation in circumstances. Where it is being relied upon, The Society strongly recommends seeking its advice specific to the site.

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It may become necessary or advisable to divert a public bridleway or byway from its original line for a variety of reasons. The Society accepts that its broad recommendations here may not be appropriate in all circumstances and strongly advises consulting it prior to an order being made to establish what may be acceptable for a specific site. Simple amendments which may not have occurred to non-equestrians can make the difference between an objection to the process or not.

BHS policy

Where it is proposed to divert a bridleway or byway, the policy of the Society is that:

1. The reasons for proposing a diversion should be cogent and, if for reasons such as safety or security, based on evidence.
2. The proposed new route should be at least as safe, commodious and convenient for equestrians as the original.
3. The proposed route should be carefully chosen in respect of resilience and need for maintenance but must avoid surfaces detrimental to use with horses such as tarmac or concrete. Diversion from a resilient natural surface to an asphalt surface is unlikely to be accepted.
4. Where a right of way has historical value and is a landscape or heritage feature, which is resilient to use, there is more likely to be opposition to moving it.
5. The **width and enclosure** of the new route should be stated in the order and should be at least four metres, excepting pinch points and bridges or fords.
6. The gradient, crossfall, drainage and surface of a route are as important as its width. None of these factors should disadvantage equestrians more than the current route (see **Gradient and crossfall**) and should seek to be an improvement. A change of surface for cycling may be considered undesirable by non-wheeled users.
7. The Society opposes attempts to divert public rights of way along roads as this is an extinguishment and loss of a segregated way for all non-motorised users. A diversion to a private road, e.g. farm access road, will be considered on individual merit dependent on the level of motorised use and quality of the current route (see **Vehicular tracks**), but is rarely ideal as level of private use can change and become incompatible with the public use of the bridleway, along with undesirable changes to the surface.
8. The Society is not, in principle, against the diversion of a right of way on to the headland of a field if the new route is consistent with the preceding points, detail below.
9. The Society is not, in principle, against diversions that are longer than the original way and will consider cases on their merits.

10. The Society supports use of the Rights of Way Review Committee's Practice Guidance Note 1¹ which recommends that councils always consult user bodies before making orders to change public rights of way. Discussion between interested parties should focus on the best way of ensuring that the right of the public to the use and enjoyment of the way will be maintained.

Width and enclosure

The rule-of-thumb for the width of a right of way is for users to pass one another with ease.

- Two pedestrians passing comfortably, without sacrifice of 'personal space', need at least 1.5 metres of space at shoulder height.
- Two riders are likely to need at least 3 metres to pass because the body of the horse plus riders' legs are a greater width than at ground level, plus riders will choose to pass unfamiliar horses with a greater separation than two pedestrians may.
- Two horsedrawn vehicles are likely to need more than four metres.

Therefore, for the comfort and safety of all users passing other horses, pedestrians, children, dogs or cyclists the width available over a sound surface all year round should be more than three metres for a bridleway and four metres for a byway where the route will not be fenced.

At least four metres for a bridleway and five metres for a byway is strongly recommended where there is no guarantee that a diverted route will not be fenced in future.

Exceptions to the 'at least 4m' principle may be considered where the level of use is such that users are unlikely to meet others.

Where a way is enclosed by fences, walls, hedges, rising banks or revetments the risk of being snagged or scraped by the structure or vegetation can prevent comfortable use of the full width of the path or track. Similarly, users will avoid going to the edge of ditches or drops. Where a way is enclosed, an additional half metre should be allowed adjacent to the boundary (i.e. at least four metres wide for a track with a physical boundary on both sides).

¹ Produced by the Rights of Way Review Committee, a non-statutory group of all interests concerned with public rights of way bhsaccess.org.uk/uploads/RWRCpgn1.pdf

Where the proposed diversion route will be shared with private use of motor vehicles, the available width must be no less than 5m to ensure that there is adequate space for a horse to pass or be passed by a car or van. If the way is to be shared with larger vehicles, a greater width or frequent passing places will be required for the proposal to be considered.

A width greater than four metres is desirable where a route is likely to be used by cyclists at speed so that they can be segregated from pedestrians and riders.

This recommendation applies to diversions only. Where a new bridleway or restricted byway is created where there is no existing equestrian right of way, a lesser width may be accepted if users can give way or use passing places.

Gradient and crossfall

The fact that some old bridleways and byways are steep does not mean that a diversion onto a steep route is acceptable if it is steeper than the current route. However, much depends on the nature of the surface and the terrain, whether the route crosses the contours diagonally or is perpendicular and other merits of the proposal which will be specific to the case.

A cross gradient or crossfall on any way may become ridged, eroded or slumped and can be slippery depending on the nature of the vegetation and surface, as well as being generally very uncomfortable for any user, including horses. There should be no more than 10% crossfall (300mm over 3m, 1:10) for a diversion of a route used by horses (however, mobility device users may require no more than 2.5%).

Unless there is bedrock, it should be possible to reduce crossfall by digging into the slope to create a ledge using the cut-and-fill technique, but this will need reinforcement of the ground to prevent slumping and loss of width of the way over time.

Development and asphalt

Change of use may have an effect beyond the boundary of the development. Action may be required to ensure that the full width of the diverted way will be protected; that vehicles will not be parked, that it will not be 'gardened' or affected by domestic encumbrances such as washing lines or log piles, or used for storage of materials or equipment.

Bridleways and byways should be retained, on a diverted line if appropriate, through developments to create a pleasant greenspace route free from motor traffic for all non-motorised users.

Motor-free routes have many benefits to society and the environment in facilitating non-motorised travel, exercise and well-being and should be an opportunity to improve local well-being. Horse riders should be included as, while few will commute with a horse, many equestrians undertake utility journeys and, because many 'active travel' journeys on foot or cycle will be for exercise or recreation, so equestrians should not be excluded on the grounds that their utility journeys are less common.²

Bridleways and byways commonly end up being surfaced with asphalt as part of the development. This is unacceptable where the current surface is unsealed. Any kind of asphalt (tarmac) is far from ideal for horses because it is often slippery. Asphalt is subject to puddling and ice, and dung may wash away more slowly than on a porous surface. Bound rubbercrumb-grit surfacing is comparable in cost, gives a much more forgiving surface for pedestrians and horses but is equivalent to tarmac for any wheeled user; it can appear like tarmac but is porous so not subject to puddling or ice or heat, and flexes with tree root growth so likely to be longer lived.³

Asphalt immediately changes the nature of the route and may generate problems for any user from use of mechanical or electrically propelled vehicles at threatening speeds. Expectations also change with demand for barriers, drainage, leaf or ice clearance, often to the disadvantage of legitimate users, creating many issues for both the authority and users, particularly equestrians who are usually the most disadvantaged.

The argument is often employed that horses use roads, therefore yet more asphalt is acceptable. This ignores the fact that road surfaces were 'improved' with tarmac for the benefit of use with vehicles and many were bridleways rather than carriageways until so 'improved', with the resulting lack of alternatives to roads for equestrians. Horses slip or suffer injury on road surfaces, or are constrained to a cautious walk, so many equestrians are likely to much prefer unsurfaced routes so long as the surface is well-drained and free from mud, sharp aggregate or other hazards.

² See BHS Advice on Active Travel www.bhs.org.uk/accessadvice

³ See BHS Advice on Bound rubbercrumb-grit www.bhs.org.uk/accessadvice

Cycle routes

Promotion of cycling is turning many bridleways and byways into cycle roads, often with severe detriment to riders and carriage-drivers.

The Society will oppose hard surfacing of bridleways and byways which are currently sustainable without a sealed surface. Asphalt makes bridleways and byways unpleasant for horses and enables cycling at speed which can be unpleasant, threatening and dangerous for pedestrians, children and users with limited agility, hearing or vision as well as equestrians because it tends to give the vehicular user the impression that they have priority.

Clear signs and strong indicators of shared equal use can help manage expectations. The Society promotes sharing and consideration between all users of public rights of way.

Vehicular tracks

The Society discourages diversion onto a vehicular track which is an access to a business or home, because security may become an issue in future and insurers could require locked gates which are not compatible with the public right of way. Traffic may increase if use of the property changes, whether increasing the number of residents, or the business, and could conflict with public use.

Where there is a wish to divert onto a hard surface track with vehicular access, particularly if vehicles may be travelling above ten miles an hour or with more vehicle movements than one an hour, then it may be sensible to provide a two metre wide verge throughout for the users of the public bridleway or byway as refuge from vehicles, or frequent passing places in which motorists can wait. It may be necessary to inform motorists that they should give way to users of the bridleway or byway on foot, horse or cycle.

Attention must be given to the surface to ensure it is non-slip for horses and free of loose stones. Consideration must be given to maintenance and to avoid the surface being tarmaced in future.

Width can become an issue with a bridleway or byway shared with private motor vehicular access if the route is fenced for any reason, usually leaving inadequate safe passing space. Any diversion to a route used with motor vehicles should be a minimum of five metres wide to allow for a safe width even if the route is corridor-fenced in future.

Cross-field to headland

A farmer may wish to divert a cross-field bridleway to the headland to remove the need to reinstate and clear a crop from it, or to divert a byway to facilitate use of the land. For users, cross-field bridleways have the inconvenience of being cultivated and possibly becoming difficult to use for short periods, especially on heavy clay soil, but headland bridleways (and byways) can become seriously overgrown from the surface or encroached upon by a spreading hedge, especially if the latter is on a long cutting cycle or of a suckering species such as blackthorn.

Headland ways are commonly encroached upon by cultivation or become badly rutted when used by machinery for turning or access. The Society will consider these factors and management proposals when consulted on a diversion to a headland. Width and maintenance commitments will be crucial to acceptance.

Maintenance

The proposed route must be resilient enough for the anticipated use. The ground must be sound enough in all seasons to withstand poaching. Overhanging trees, adjacent hedges and surface vegetation may present a maintenance problem if access is difficult or funding not available. If a route might be enclosed in future, the available width must be sufficient for access and maintenance.

Gates

The Society is likely to oppose diversion to a route that increases the number of gates to be negotiated.

Any gates on a diverted route should meet the British Standard 5709, with adequate manoeuvring space and must be easily operable from horseback by all riders. The Society produces advice on gates and installation and will expect its recommendations to be met.

The number of gates will be important as, no matter how well sited and maintained a gate may be, it still presents an inconvenience and a hazard to any user, far more so to an equestrian or cyclist than to a pedestrian. The impact of multiple gates is cumulative so the number of gates within a length of path will therefore be a factor for considering a diversion, and the Society will encourage applicants to consider means of reducing the number of gates by alternative routes or by creating the new bridleway or byway as a fenced corridor to remove

gates. A fenced corridor must be at least 4m usable width between the boundaries.

Obstructions

The Society support the view that, prior to considering any diversion, the existing bridleway or byway must be available for use unless impractical, for example, where a river bank carrying the right of way has collapsed. Where there is a history of poor compliance with the law on a holding for keeping bridleways and byways clear and usable, the Society is likely to be more exacting in its requirements for a diversion to reduce the risk to users from poorly maintained gates or hedges or damaged surfaces.

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