

Advice for Developers and Planners in England and Wales

The
British
Horse
Society

The law and management of public access rights vary widely between the four countries of the United Kingdom. This advice note is written for England and Wales and although elements of the advice may be applicable in Scotland and Northern Ireland this cannot be assumed.

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The case for more bridleways and byways

Riders are legally permitted to use only 22% of traffic-free public rights of way; carriage-drivers only 5%. That figure is based on the length of public rights of way recorded, so in reality this small proportion of bridleways, byways and unsurfaced roads is greatly reduced by those which are unavailable because of lack of maintenance or obstruction or impossible to reach because they are isolated by roads with motor traffic.

Increasing pressure for development of houses and industry is making even fewer of those bridleways and byways available. Ancient 'green lane' bridleways, byways and unsurfaced roads are being tarmaced as access roads or cycle tracks and engulfed by new development spreading into the countryside. Traffic increases with new development or change of use so roads become even less safe for riders and carriage-drivers (equestrians) to use to access any traffic-free routes there may be. Riders are also increasingly excluded from verges by creation of foot-cycleways – segregated provision for other vulnerable non-motorised users but equestrians are excluded and forced into the carriageway. Historically verges have provided a refuge and could, if mown, provide a segregated route.

Economic Value

The horse industry is a major contributor of £4.7 billion to the economy from 847,000 horses in Britain, ¹ so £5,500 per horse distributed through a wide range of businesses, particularly in rural areas, mostly small to medium enterprises. Areas with good networks of traffic-free routes will attract more horse owners and therefore boost the local economy.

¹ BETA National Equestrian Survey 2019

Health Benefits

Riding, driving and looking after horses have a considerable health benefit to equestrians, particularly as a high proportion are mature women who would not otherwise have outdoor activity. Most riders and carriage-drivers wish to take their horses out on bridleways and byways, away from motor traffic, for the physical and mental health benefits to animal and human, in exactly the same way as most walkers (with and without dogs) and cyclists. Many are unable to do so because the traffic on tarmac roads is too dangerous for such vulnerable road users, and there are generally so few traffic-free routes available to equestrians.

Opportunities

New development plans can do a great deal to increase opportunities for equestrian access by creating new restricted byways or bridleways or improving existing ones when equestrian access is considered at an early part of the planning process. This includes schemes for new roads or widening existing ones where bridleways and byways can be given light-controlled crossings ('Pegasus' crossings), bridges or underpasses to maintain them as through routes.

New housing or industrial estates can accommodate equestrian routes in 'green corridors' across them which also benefit residents and workers by providing somewhere for exercise and greenspace. Greenspace usually adds value to a site and can incorporate sustainable urban drainage schemes, carbon sinks and 'green lungs' as well as providing traffic-free routes.

Where a development engulfs a bridleway which does not have a sealed surface then the bridleway should be preserved as an equestrian route. Any plan to increase cycling provision should take place separately or ensure that the bridleway is given sufficient width, extra if needed to separate cyclists from equestrians or to provide different surfaces if this is deemed necessary. This ensures that riders are able to continue to use the bridleway in safety without the danger of a sealed surface and cyclists do not have to slow down and give way to horses, which is the legal requirement on a bridleway.

Changing a bridleway or byway into road should be avoided. Although legally the right to ride or drive a horse is included in a carriageway, sharing with motor traffic is not desirable because of the loss of amenity value and safety for users of the bridleway or byway. It is usually possible for a traffic-free route to be preserved, even if the access road has to be moved. In some cases it may be possible to move the bridleway or byway.

It can be argued that the public right takes precedence over the private right—the requirement for owners and occupiers to keep clear, to avoid damaging the surface, to reinstate after cultivation etc. are enshrined in highway law—therefore priority should be given to the public user by segregated width for non-motorised users even at the expense of less width for motor vehicles; choice of surface and motorists giving way. However, attention must be given to ensure that motorists do not assume

their priority and non-motorised user routes must be protected from being blocked by parked vehicles.

On a site where available width is too narrow and the planning authority considers it appropriate to relinquish the traffic-free route, then a segregated foot-cycle-horseway should be provided to the width of the bridleway so that horses and cyclists are accommodated with pedestrians separate from motor traffic.

Where horses are not provided for off the carriageway then the road should have a Traffic Regulation Order against parking which is enforced. Negotiating parked vehicles makes the road much more hazardous.

Horse dung is harmless, unlike dog faeces, but on shared use routes with hard surfaces, it is best to ask equestrians to keep to one side so that any dung may be easily avoided by other users.

Change of Use

A primary consideration for any change of use should be whether the use is consistent with the existence of an equestrian right of way and will it effectively deny the public the use of the right of way because of increased risk to them.

Change of use of land, which is adjacent to or crossed by a highway used by equestrians, can be a problem if the new use generates sudden noises or movements, groups of people, noises from equipment or machinery (horses' hearing is more sensitive than that of humans) or unusual sights. Common examples include activities such as golf, archery, shooting, paintballing, sphere-rolling, live role play; and structures like solar panels or wind turbines.

Granting of zoo licences for exotic animals adjacent to or across equestrian rights of way should be very carefully considered by the planning authority. Such animals are rarely appropriate in proximity to domestic horses. There may be mitigation by habituation of horses to the zoo animals but in practice, equestrians are more likely to be denied the use of the right of way by their own assessment of risk from proximity to the exotic animals.

Planning Permission

An application for Planning Permission should include an Environmental Impact Assessment which includes the impact on public rights of way directly or indirectly through the change of use (such as increased use or increased traffic). Any opportunity to enhance the provision of routes usable by equestrians should be considered.

Planning permission should include, as appropriate:

- Conditions relating to the submission of details, site access, improvements, maintenance, drainage, safeguarding, landscaping and restoration.

- Obligations relating to off-site access and rights of way improvements and landscaping, long-term management or restoration, financial support for creation, maintenance, landscaping or restoration.

Planning permission cannot and does not cover any authorisation required for changes to an existing public right of way, including its alignment, surface, width, boundaries (e.g. fencing a previously open way) or structures across it. All such proposals must be dealt with by the public rights of way officer, generally of the county council or unitary authority and will require due legal process separate from the planning permission

Benefits to public rights of way can be funded under Section 106 or Community Infrastructure Levy obligations.

Where new bridleways or restricted byways are provided through planning conditions, action is required to add them to the highway authority's Definitive Map and Statement of Public Rights of Way to ensure that the right of way is correctly recorded and its maintenance liability determined.

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