

# Advice for Developers and Planners in England and Wales

The  
British  
Horse  
Society

**The law and management of public access rights varies 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

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 traffic-free routes, assuming there are any bridleways or byways.

The horse industry is a major contributor to the economy as the cost of keeping a horse is between £3,000 and £5,000 distributed through a wide range of businesses, particularly in rural areas, mostly small to medium enterprises; and there are approximately 944,000 horses in Britain<sup>1</sup>. Areas with good networks of traffic-free routes can support more horses and therefore boost the local economy.

Riding, driving and looking after horses is a considerable health benefit to equestrians, a high proportion of whom 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). 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 them.

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<sup>1</sup> BETA National Equestrian Survey 2015

New development plans can do a great deal to increase opportunities for equestrian access by creating new 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 riders and provide appropriate different surfaces. 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 walk 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.

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 horse-riders to keep to one side so that any dung may be easily avoided by other users.

## Change of Use

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 (remembering that horses' hearing is more sensitive than humans') or unusual sights. Common examples include most sports such as golf, archery and shooting; games such as paintballing, sphere-rolling, live role play; solar panels or wind turbines. Solar panels may seem quiet and still but the noise from transformers can be very disturbing if the housing is inadequately insulated for sound.

## 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.

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