# Advice on





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 legal requirements in Scotland and Northern Ireland differ from those in England and Wales.

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 right of way from its original line

- 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.
- 4. Where a right of way has historical value and is a landscape or heritage feature, careful consideration should be applied to the need to divert, especially if it is resilient to use.
- 5. The Width and enclosure of the new route should be stated in the order and should generally 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.
- 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).
- 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





because it tends to give the vehicular user the impression that they have priority, however, clear signs and strong indicators of shared equal use can help manage expectations. The Society will generally oppose hard surfacing of bridleways and byways which are currently sustainable without a sealed surface. Discouraging antisocial use of a bridleway or byway should be considered in all diversions and developments. The Society promotes sharing and consideration between all users of public rights of way.

#### **Vehicular tracks**

The Society generally 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 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.

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.

### -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 likely 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. Even gates that are easy to use and well maintained are an inconvenience to an equestrian.

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 also 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 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. This may include undertaking to ensure gates are tied open when not needed for livestock control.

# **Obstructions**

The Society is generally supportive of highway authorities upholding a policy that, prior to to considering any diversion, all public rights of way on the holding should be in good order. Where there is a history of poor compliance with the law 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 such as poorly maintained gates or hedges.