

Reporting Bridleway Issues



This document provides some clarification of facts and standards generally required of rights of way relevant to horse riders, which may aid your decision as to whether reporting an issue is justified. There is a standard for **new** gates BS5709 which goes into more detail - if in doubt contact us or BHS Access for advice (contact details for BHS Access Team at bottom).

DEFINITION OF A HIGHWAY

“A right for all Her Majesty’s subjects, at all seasons of the year, freely, at their will, to pass and repass without let or hindrance”

BRIDLEWAY USERS

Horse riders, leading a horse, walkers with dogs or with a pushchair/pram or wheelchair, and cyclists (since 1968) can use bridleways. Cyclists are required to give way to pedestrians and horse riders on a bridleway. No motor propelled vehicle of any kind, other than landowner’s vehicle, are allowed. A restricted byway is also open to bridleway users and horse drawn or non-motorised vehicles. Byways open to all including motorised vehicles.

TRACK WIDTHS

| Type of Track | Minimum Width | Ploughing Allowed Y/N |
|---------------------------------------|---------------|---|
| Bridleway Crossing Field | 2 meters | Yes - but should be reinstated within 14 days |
| Bridleway Field Edge | 3 meters | NO |
| Byway/Restricted Byway crossing Field | 3 meters | NO |
| Byway/Restricted Byway Field Edge | 3 meters | NO |

NB: It is important to note there is no default track width - if it’s an ancient path, just because it’s narrower, doesn’t mean it’s not a right of way.

GATES AND GAPS

Gates are only permitted for containing livestock and any NEW gates can only be erected after consultation with Highways - there is a British Standard 5709 for new gates.

| Track type | Gates | Gaps |
|--------------------------------|------------------------------|------|
| Bridleway | 5 feet – between posts -1.5m | 1.5m |
| Restricted Byway | 10 feet – between posts- 3m | 1.8m |
| Byway | 10 feet between posts – 3m | 3m |
| Section 145 Highways Act 1980. | | |

- You should ideally not have to dismount to open a gate (difficult for riders with mobility issues).
- There should be sufficient manoeuvring space around the gate to allow ease of use.
- If the gate is weighted it should not close from 90 degrees in less than 8 seconds (latest standard for **new** gates BS5709)

COMMONLY REPORTED PROBLEMS

| Rights of Way Issue | Section of Highways Act 1980 or other relevant Act |
|---|---|
| Gate out of Repair or not correct width | S146/145 |
| Barbed wire adjacent to right of way | S164 |
| Electric fence across right of way | S162 |
| Muck or filth allowed to run across right of way | S161 |
| Misleading or intimidating signs | S132 HA |
| Crops obstructing track or overhanging vegetation e.g., trees | S137/137A and S154 |
| Occupier of land unwilling to give details of ownership | S297 |
| Structures erected in highway | S143 and 130A |
| Disturbance, damage, ploughing or excavation of track surface | S131/131A and 134 |
| Removal of signs to potentially mislead or discourage use | S57 National Parks and Access to Countryside Act 1949 |
| Unlawful motor vehicles on footpaths, bridleways and restricted byways | S34 Road Traffic Act 1988 |
| Livestock - Beef bulls over 10 months of age unless accompanied by cows or heifers or a Dairy Bull over 10 months old is not allowed on a right of way | S59 Wildlife and Countryside Act 1981 |

NB: It is important to note that Highways doesn't have the necessary budget or resources to deal with everything and as such will prioritise. If an issue is detrimental to your enjoyment and/or a real safety issue, and you're not satisfied with the response, we may be able to offer more support and advice.

OBSTRUCTIONS OR ENCROACHMENTS

The law permits rights of way users to remove enough of the obstruction for them to reasonably pass (ensuring the safety of livestock) and to go round the obstruction on land in the same ownership (Highways Act S137/143/149) - **PLEASE REPORT ON STREETDOCTOR AFTERWARDS SO ISSUE IS LOGGED.**

Encroachments alongside bridleway within appropriate width can include ditches, fences, hedges, rubble, hay/straw bales etc. For more detailed advice see BHS guide on **'Blocked or Difficult to use or Bridleways'** available via the **BHS AVICE LEAFTLET link on the top of this webpage.**

LEGAL RESPONSIBILITIES

Highway Authority

- Protecting and asserting the public's right to pass
- Maintaining the surface and cutting surface vegetation so it is not an obstruction
- Erecting a signpost where a right of way leaves a metalled road
- Waymarking the route for those not familiar with the local area
- Erecting and maintaining bridges over ancient watercourses
- Putting up safety barriers if relevant

Landowner

- Keeping rights of way clear and free from obstruction
- Cutting overhanging vegetation
- Repairing or replacing gates and styles
- Reinstating paths within 14 days after cultivation
- Installing a means of crossing any new watercourses
- Keep dangerous or aggressive animals segregated from public

The Public

- Comply with the country code
- Keep to the right of way
- Act responsibly

FURTHER INFORMATION

The British Horse Society has a range of free leaflets to download providing Advice – you can click on the link at the top of this website page.

If you still require further advice and support please contact the BHS Access Department – access@bhs.org.uk or tel: 02476 840515

The information included above refers to information provided by the British Horse Society and the Relevant Acts listed.