

WHAT IS A BRIDLEWAY?

A bridleway is a path or track along which there exists a right to ride a horse. Bridleways are recorded on a "Definitive Map", BUT not all bridleways are correctly recorded on the Definitive Map.

Many of the recorded (definitive) bridleways either do not lead anywhere or lead onto an undesignated path/track or designated footpath.

Many of the paths and tracks, freely ridden for decades, are not recorded as definitive bridleways.

The Definitive Map

A definitive map is a map prepared by a surveying authority which is a legal record of the public's rights of way in one of four categories (footpath, bridleway, restricted byway, byway open to all traffic). If a way is shown on the definitive map then that is legal, or conclusive evidence that the public has those specified rights along the way.

HOWEVER the reverse is not true. So the showing of a way as a footpath does not prove that there are not additional unrecorded rights for horse riders to use the way. NOR is the fact that a way is omitted from the definitive map proof that the public has no rights over it.

What is the situation with regard to the many tracks and paths we ride that are not recorded as definitive bridleways?

The law gives no direct protection to your right to ride on a particular path or track (or road) unless it is recorded on the Definitive Map.

However if any route has been freely ridden for a period of 20 years, bridleway rights may have been established on the route, although unrecorded (on the definitive map). However to get this right recognised and recorded involves what can be a long tedious legal process called a 'Definitive Map Modification Order' which requires obtaining significant evidence to prove those rights exist. In practice because of the delay in these orders being processed this procedure is often only used as a last resort when severe problems arise on a route that has been in regular use.

The existence of a right of way can also sometimes be proven from historical documentary evidence. However in Cornwall such evidence is sparse.

Many of the routes we ride have no recorded rights for either riders or walkers but are freely used by all. Some of the routes we ride are only designated as footpaths although they are often wide lanes! Undoubtedly on many of these definitive footpaths there are unrecorded higher rights (as described above). The continued use of such paths by horses is not prohibited by law (unless by specific local byelaw). However such use must not endanger walkers.

In all cases the use of an unrecorded right of way is potentially "civil trespass" against the landowner.

How did this confusing situation arise?

It arose when the parish councils were asked to designate footpaths and bridleways on the map around 1960. They were given insufficient guidance or rules to follow. Adjacent parishes did not consult each other where paths crossed parish boundaries. Hence the situations where paths/bridleways just stop for no apparent reason.

Another common situation is when the assumption was obviously made that where a bridleway (or footpath) ends at a track that the track was in fact a road and already a right of way. However on the 'definitive map' that the council holds the status of the track is not defined – hence a serious problem.

Many paths and tracks were just 'forgotten' and never put on the definitive map.

What can be done?

The Countryside and Rights Of Way Act 2000 (CROW) gave until 2026 for the historical unrecorded routes to be recorded but significantly does not suggest or give any new efficient methods of doing so. The issue is currently being re-examined by the government and some new proposals are out for consultation but are unlikely to give a magic solution in view of the enormous number of unrecorded or wrongly recorded bridleways (and footpaths).

Mapping Unrecorded Ridden Routes

In Cornwall we have mapped a large proportion of these unrecorded ridden routes and these may be viewed on www.bhsaccesscornwall.org.uk

Bridleway Maintenance

The Highways Authority (Cornwall Council) does have a duty to maintain definitive bridleways and ensure they are not obstructed. However its budget is limited and it has implemented a Local Maintenance Partnership scheme where the local Parish Councils take over trimming of their footpaths and bridleways. Contacting your parish council is always a good option as well as reporting directly to Cornwall Council.