

THE CASE FOR AN INCLUSIVE MULTI-USER PATH POLICY THROUGHOUT ENGLAND AND WALES

The Government is asked to enact legislation to ensure that Councils commit to an inclusive access policy on all cycle paths and Greenways in order to:

- ◆ Ensure equal provision of safe routes for all vulnerable non-motorised users.
- ◆ Integrate transport policy with neighbouring authorities.
- ◆ Conform to Natural England guidelines regarding the construction and use of Greenways.
- ◆ Sustain growth in tourism and other economic benefits by providing facilities that are free and open to all
- ◆ Create links that complement, complete and improve the fragmented rights of way network in line with Government Policy
- ◆ Support Government initiatives on Public Health and Obesity increasing access to a wide range of green exercise activities for all sectors of society
- ◆ Apply 'Best Value' using public money to create inclusive routes for the use of all

EXECUTIVE SUMMARY

The current exclusion of horse riders from some cycle tracks and Greenways puts them at unacceptable and unnecessary risk on dangerous roads. All Councils should be required to implement an inclusive access policy on routes funded with public money to create multi-user, non-motorised safe paths for all users.

Need

Horse riding is one of the fastest growing leisure activities in the country, currently contributing more than 4.1 billion per annum to the economy. Riders are one of the most vulnerable groups of road users and are injured or killed *every day* on roads in the UK. Councils have a duty of care not to discriminate against horse riders by excluding them from cycle tracks and putting them at unnecessary risk on roads.

Precedent

Bridleways of all widths, gradients, sightlines and surface, both rural and urban, have been legally shared by all non-motorised users (NMUs) since 1968 without problem. Bridleways are used nationally as part of the 'Safe Routes to School' network.

Best Value

Councils who subscribe to the principle of 'best value' and are committed to equal and fair access to off-road routes should not discriminate against a minority user group when there is no basis at all for doing so. Tax payers' money is wasted on single user routes.

Risk

Multi-user paths present no statistically significant risk to users. This is confirmed by all research in the public domain, including two Government sponsored research studies 'User Interaction on Multi-user Paths' 2000 and 'How People Interact on Multi-User Paths' 2002 and the Devon C.Council comprehensive research. It has been demonstrated that it is personal behaviours which cause conflict and these can be managed sufficiently by a Code of Conduct visible to all.

Equal Opportunities and Human Rights legislation

Government has a duty of care to horse riders as to any other user group. Cycle tracks are created with the financial support of Councils through public funds. There is no justification for continuing to discriminate against this minority user group, who represent only 1%-2% of cycle path users, by excluding them from safe and equal access to cycle paths.

WE ALL NEED:

A LINKING NETWORK OF SHARED PATHS

All Councils have some paths catering for vulnerable non-motorised users. These are definitive Bridleways and since 1968 cyclists have legally shared all these routes with both walkers and horse riders. Bridleways form part of the Sustrans National Cycleway Network and are used as part of the Safe Routes to Schools initiative.

Bridleways include every combination of width, steepness, alignment and surface. No risk assessment has been carried out on these routes and they are shared by all without problem. This is underlined by recent research with NFU Mutual (see Appendix I).

However, it is widely recognised that the existing bridleway and quiet lanes network in the country is seriously fragmented, difficult and often dangerous to access. Increasing volumes of traffic on rural and urban roads are compromising the safety of riders, cyclists and walkers. Accidents are common-place but not always reported. The advent of the quiet electric car will increase the danger.

Councils have limited budgets to improve matters despite the obvious benefits in promoting healthy leisure and access to the countryside for all users.

Old railway lines, green lanes, and tracks all offer corridors of opportunity to address the deficiency in the basic network. Local Authorities should aim to encourage and provide for the use of these by all vulnerable users - both local and tourists.

The conversion of old railway lines into public access routes (cycle paths) has underlined the need for cross-county policy integration. For example, where Somerset County Council, which has a policy of multi-use access on all cycle paths, adjoins neighbouring Councils such as North Somerset who have no such policy, this has resulted in cutting riders off from connecting bridleways and byways.

A significant minority of horse riders are partially disabled and the provision of a network of safe off road routes away from increasingly dangerous urban and rural roads is essential for all such users.

EQUAL PROVISION

As bridleways form part of the National Cycleway Network and the Safe Routes to School Network, it must follow that it is equally safe for horse riders and walkers to share cycle ways, thus giving equal access to all.

Cycle ways are constructed and maintained both by Councils and by other organisations using public money in the form of Partnership funding or in practical support i.e. project management. No section of society which contributes to those funds should be excluded for no valid reason from routes which afford safe access.

Action is needed to remove vulnerable road users onto safe multi-user paths and priority given to routes that provide best value, i.e. those that satisfy the requirements of the greatest number of users.

DISCRIMINATION

Most Councils do not have an access policy for cycle paths. Councillors are rarely involved in decisions to exclude equestrians from cycle paths. In practice it is usually Council Transport Department officers, many of whom are cyclists, who implement a policy of exclusion of equestrians from cycle paths.

Since 1968 all cyclists and walkers have been considered intelligent enough to decide for themselves if a bridleway is 'suitable' for their use, irrespective of width, sightlines, surface, gradient etc. Yet it would appear that if someone decides to sit on a horse rather than a bike they can be suddenly considered not intelligent enough to make such a decision for themselves regarding a cycle path.

The Department for Transport (DfT) states that horse riders should be able to access all cycle paths 'wherever suitable'. This phrase is being exploited by many Councils as a reason to exclude horse riders.

Various claims are made to support equestrian exclusion. Below are just some of them:

“The cycle path is too narrow for multi-use”.

No route over 2 metres wide is too narrow for multi-use. This was confirmed by two definitive Government sponsored Research projects by the University of Surrey 'User Interaction on Multi-user paths' 2000 & 'How People Interact on Multi-User Paths' 2002. The minimum statutory width of a bridleway (multi-user) is 2m although many are narrower. Horse riders take up the same space as wheelchair users on cycle paths. Wheelchair users are not refused access to such paths because the path is 'too narrow'.

Bridleways are often only the width of a horse and have blind bends, and yet have catered for all non-motorised users safely since 1968.

“The cycle path is too heavily used for multi-use”

At least 97% of users of any cycle path are walkers and cyclists, (Sustrans research) none of whom are excluded because too many of them use it.

Over 85% of horse riders are women and children. At times when cycle paths are most heavily used – i.e. rush hour & school travel times – most women and children are also travelling to school and work rather than horse riding.

“The cycle path is next to a railway line”

Narrow bridleways (multi-user) run alongside and over many mainline railway lines.

“The cycle path goes through a tunnel”

All tunnels, mines and viaducts from pre-Roman to mid Victorian times were constructed and used with the help of horses. Horses also cross motorway bridges without problem.

“There are no suitable links for horse riders from the cycle path”

Anyone can ride up and down a cycle path on their bike, or walk it on foot just for the pleasure and relaxation of being away from dangerous traffic. There is no justifiable reason for preventing equestrians from enjoying the same benefits.

“Horses damage the path surface”.

At least 97% of any cycle path users are walkers and cyclists. Only 1 % - 2% of users on any cycle path are horse riders. It is the sheer number of walkers and cyclists which cause wear to surfaces. Horse riders, like wheelchair users, make negligible impact.

“The Cycle Tracks Act 1984 excludes horse riders from cycle paths”.

Under the Act horse riders are not automatically excluded from cycle tracks unless the route was previously a definitive footpath. This conversion by formal order creates a ‘cycle track’ which can be used by pedestrians and pedal cycles. However horse riders can use such a path if they have permission from the landowner or there is a dedication of the way as a bridleway, either expressly or implied. If a cycle track was not previously a definitive footpath then the Cycle Tracks Act 1984 does not apply.

- The fact is that there are no legitimate reasons for excluding one minority vulnerable user group from any cycle path. Councils should be challenged to provide specific examples of serious problems on multi-use cycle paths caused by horse riders if they claim such use is unsafe.
- It is prejudice, rather than fact, that is the only cause of excluding horse riders from cycle paths.

SUSTAINED GROWTH IN TOURISM AND OTHER ECONOMIC AND HEALTH BENEFITS

Horse riding is one of the fastest growing leisure activities in the Country, injecting more than £4.1 billion into the rural economy and encouraging recreation and healthy lifestyles.

User surveys estimate in excess of 6,000 horse riders within the Mendip area alone. Each horse is known to generate an average spend of £3,000 - £4,000 per annum. This is equal to £17.5m PA – most of this money is poured directly into the local rural economy. Such surveys across the country demonstrate the increasing value of the horse riding sector to the economy.

Horse tourism, Long Distance riding and Endurance are the fastest growing sectors of the Equestrian Industry. Local Authorities who cater for the demand for long distant routes will ensure that the local economic environment will benefit.

A strategic approach to a multi user path network offers opportunities to landowners and other local businesses to diversify into equestrianism and horse tourism in line with Government policy on recreation.

ADDRESSING THE CONCERNS OF THE PUBLIC

Although fears of risk on inclusive multi-user paths are not based upon fact, it is important to address the real concerns and perceptions of the public.

Many horse riders and cyclists are injured or killed by vehicles on the roads every single day.* Sadly, the frequency of such accidents mean that they rarely make headline news.

Conversely, accidents between horses, cyclists and walkers are extremely rare and therefore can seem more shocking and newsworthy if they do occur. It is the rare headline news stories which fuel the imagination and therefore fears of the public.

It is hoped that the following information will give Government and Councils answers to any concerns either they or their constituents have in relation to the case for an inclusive access policy for all vulnerable non-motorised users on multi-user paths and cycle tracks.

* Recent BHS figures show a reported accident rate of nearly 29 accidents between horse riders and vehicles *per day*, 10,658 per year, throughout the country. Many result in death or serious injury.

Appendix I

ASSESSMENT OF RISK

There is a wealth of information already available on inclusive multi-user paths including:

- Government sponsored research (see 'User Interaction on Non-motorised Shared Routes' – University of Surrey 2000 & 2002 on www.greenways.gov.uk/: Publications/Reports
- Risk assessments from individual county councils. Devon CC extensive report (97 pages) can be accessed online on www.devon.gov.uk/devon-mu-report_final_draft

Many authorities such as Somerset, Devon, Durham etc., therefore accept that available evidence is consistent and 'managing out' possible risk to all users on each route.

Results of all the research and experience are consistent and show that:

- Public perception of risk of accident or conflict on multi-user paths is rarely based upon facts.
- Risk of accident or conflict on multi-user paths is minimal and statistically insignificant.
- The main (although minimal) cause of conflict/accident is cyclists speeding too fast and close to walkers.

Such issues can be addressed by:

- Choice of surface – e.g. avoiding tarmac which encourages speeding cyclists
- Education – A Code of Use alerting the public to other user's needs

Risk on (Multi-User) Bridleways

The following information was provided by Mr. Michael Bradley, Manager of the Technical Claims Department at NFU Mutual Insurers. NFU Mutual are the leading insurer of agricultural liability, including horses:

Michael Bradley of the Technical Claims Dept at NFU Mutual called me back in answer to the query about statistics for incidents involving horses. He is head of the department that deals with PI claims, and said he and his team had experience going back to 1968. They had racked their brains but could not think of any claims they had dealt with involving third parties injured by horses on bridleways.

If they not only don't keep statistics but cannot even recall a claim that is the strongest evidence that whatever risk there is must be extremely small.

Neil Howlett, Partner

HARRIS & HARRIS Solicitors
11 Stony Street Frome Somerset BA11 1BU
Tel: 01373 463366 Fax: 01373 468468
Website: <http://www.harris-harris.co.uk>
E-mail: neil.howlett@fromeharris-harris.co.uk

USERS WITH RESTRICTED MOBILITY

The following excerpts are taken from a report compiled by the South West Riders Association detailing evidence on use of trails in the following local authority areas: Cornwall CC; Derbyshire CC; Pennine Way; Bristol & Bath Trail; Brampton Valley Way, Northampton.

'Our research has conclusively shown that there is no evidence to support a view that those with limited mobility (mainly wheelchair users) are intimidated by horses when using multi-user tracks.

We give below a quote from Mrs. Clist, herself a wheelchair user:

"Some people have fears on mixing horses, bikes, wheelchairs and ramblers, I as a wheelchair user have no fears on meeting the above should there seem to be a problem with a worried horse I would just stop and allow the rider to sort out their troubles and I would like to think that all users would give time and patience, and if required help i.e. the use of a phone. This would apply to perhaps a bike with a fault, a wheelchair with a problem or maybe a lame pony, and all this far better sorted on the disused track than on any of the fast moving hilly and winding road.

A Mr. R. Chaplin states in his letter:

"I am disabled and have mobility problems myself so understand the different concerns. Let me tell you about a length of railway line that we have here in this part of Yorkshire, it runs from Robin Hood Bay to Ravenscal, along our coast which as you can imagine is a hive of activity during the tourist season, actually in one of the old stations there is a cycle hire shop, some of these are equipped with children's trailers so adults can tow small children backwards and forwards along this railway, also it is a dedicated bridleway by Scarborough Borough Council'.

Mrs. C. Eggleton, a disabled person writes:

"Up until about 3 years ago I had kept a horse for approximately 30 years and have seen the roads become more unsuitable for horses ridden or driven. Any way of getting slower moving traffic, horses, cyclists, motorised wheelchairs into a safer environment must benefit all road users.

It would be nice for the less able bodied to have access to any track, giving the opportunity to be in the open countryside. Speaking from experience as a disabled person any improvements that can be made to make the countryside more accessible has to be a bonus.

Possibly a local Riding for the Disabled group could benefit from using a track such as this. Remembering not all disabled people are in the 'does he/she take sugar' bracket. A weekly riding session for some disabled people is the highlight of their week and benefits them not only physically but mentally'.

It is clear from research that the majority of users treat others with courtesy and common sense. Countryside Agency research (User Interaction on multi-user paths 2002) is confirmed by Devon CC research 2004 which states that: "actual (disabled) users disagree with the statement that 'horse-riding and wheelchair use on the same tracks is incompatible' " P.11 2.3. and "any research which is not based upon the opinions of actual users making reference to a specific occasion when using a multi-user route is likely to be unreliable". P.12 2.2.

A significant number of horse riders are themselves partially disabled and their only means of accessing the countryside is on horseback.

GREENWAYS AND SCHOOL ROUTES

Natural England 'Greenways' description:

“To promote more sustainable and healthy transport through the creation of networks of attractive routes on which walkers, horse riders and cyclists can travel for business or pleasure in safety. Most will connect open spaces and other facilities in and round towns”.

Information about Greenways, including their role in providing an integrated approach to transport policy can be accessed on www.greenways.gov.uk . Links with the Government's Quiet Roads initiative are also explained.

Greenways are a concept introduced by the Countryside Agency (now Natural England) in order to create safe, off-road links for all non-motorised users. They are considered essential corridors for horse riders through urban areas where riders have been cut off from accessing the countryside due to increased urban development. Councils with a mixture of urban and rural areas are ideally suited to initiate such projects.

However, many Greenways still cater for only walkers and cyclists. Horse riders are often excluded by Councils.

Greenways, like bridleways, are often used as a means of providing safe routes for children to walk to school in urban areas.

Suggestions have been made that horse riders should be excluded from Greenways and similar paths used as school routes on the grounds that they are used by schoolchildren. However, the following points are relevant:

- a) All research shows that most risk (although extremely minimal) is posed to pedestrians by speeding cyclists.
- b) The majority of cyclists and horse riders are responsible people who treat other users with concern and respect
- c) The majority of horse riders avoid routes at busy times of day, choosing to ride when there is least other use.
- d) Schoolchildren only use the route to access school for approx. 2 hours out of 24hrs.
- e) Cyclists are not banned from Greenways because of use by schoolchildren
- f) Evidence shows that horse riders pose less risk to schoolchildren than speeding cyclists. Therefore suggestions that horse riders should be banned from the Greenways, or any other cycle track because they pose an unacceptable risk to schoolchildren should be discredited. (see a) and e) above).
- g) Council Safe Routes to School funding is being utilised by Sustrans, for example, to create links from cycle tracks to bridleways. This is a clear demonstration that Councils themselves recognise the fact that shared use is safe.

SIGNPOSTING

It is a common experience for horse riders to find themselves shouted at even when shared access is agreed, where there are no signs clearly showing that the route is open to all non-motorised users. Lack of enough correct signage encourages verbal abuse.

For this reason signs clearly showing that the route is open to walkers, cyclists and horseriders should be erected on all shared paths.



Council Policy and Funding

A detailed Council Policy of inclusion is the only way to ensure that equal access becomes a reality.

There are two aims:

- 1. To ensure that Council officers apply Council Policy and discrimination against horse riders does not occur in practice**

Currently council officers often pursue a policy of excluding horse riders from cycle tracks through lack of knowledge of safety issues.

- 2. To ensure that funding partners who build cycle tracks and Greenways etc., comply with Council Policy when using partnership (public) funding.**

A Council Policy of Inclusion should state clearly that public money used as Partnership Funding or to provide partnership support for the building or maintenance of cycle tracks and other multi-user paths will be contingent upon a non-discriminatory access and negotiation policy being adopted by those funding partners.

It is incumbent upon all Councils to ensure value for money by making publicly funded access available to the widest number of users. Public funding for safe, off-road routes should be conditional upon access for all vulnerable non-motorised road users and should not enable discrimination against horse riders.

For example, Somerset County Council Policy ensures that not only the Council, but all partnership bodies comply with the Council's inclusive policy.

The County Council have agreed to implement an Inclusive Access Policy for Horse riders on all cycle tracks in the County. This covers not only new cycle tracks but also any current routes where: a) the land is Council owned or b) the land is privately owned but the owners/Partners have received Partnership support from the Council in any form, i.e. financial or practical support such as project management etc.

No partnership or Aggregate Tax funding will be available to any organisation that does not negotiate multi-user access to paths with private landowners for a whole route.

Many other councils such as Durham and Devon County Council have now introduced an Inclusive Access policy on cycle tracks. This is particularly important where paths cross from one County into another.

CONCLUSION

The Government is asked to ensure that all Councils in England and Wales are legally required to apply a policy of Inclusive Access to all cycle paths and Greenways within their authority. This policy should apply to all such routes created or maintained by Councils and/or with partnership funding and public funding should be conditional upon funding partners ensuring equal access for all vulnerable non-motorised users.

By implementing an inclusive policy for multi-user paths, Councils can create a strategic network using railway lines, bridleways tracks and quiet lanes, providing facilities that are free and open to all, and in line with Government transport policy and with Natural England's concept of Greenways.

The loss of the rights of way network during the foot & mouth crisis amply illustrated the value such a network can provide to local communities through tourism. An inclusive policy would offer opportunities to farmers and other local businesses to diversify into the growing equestrian market and horse tourism.

Countrywide, many hundreds of miles of bridleways, cycle ways, Greenways and byways are shared by all non-motorised users on a daily basis proving that an inclusive policy is of benefit to all and represents best value for any Council.

All research and evidence is clear that horse riders pose no more risk to other users than any other user group. A comprehensive 'Code of Use' for all users has been shown to enable safe use of inclusive multi-user routes.

There is no evidence on which Councils can base a case for excluding horse riders from cycle tracks, Greenways and for towpaths now used as cycle paths – which after all were built specifically for horse use.

It is hoped that Government legislation will result in an inclusive and non-discriminatory policy for all non-motorised users on cycle tracks and Greenways in accordance with national guidelines, Best Practice and Best Value principles and usage.

Appendix II

MULTI USER PATHS

A TRAILS TRUST GUIDE TO THE DEVELOPMENT OF PATHS SHARED BY ALL NON-MOTORISED USERS

Width: A good guideline for a **minimum** multi user path width is 2 metres. There are no statutory width requirements for bridle paths (all multi-user) other than for the re-instatement of ploughed out routes, the minimum width of which is 2 metres. However, most Councils create new bridleways of 3 metres or more where possible and Sustrans multi-user routes are usually between a minimum 2.1/2 and 3 metres width. Wider routes depend upon available circumstances.

Surface: A stone to dust surface is suitable for all users although asphalt is harder wearing and requires less maintenance. Black asphalt can be considered unsightly in a rural setting but there are softer, grey asphalts available. Soft grass surfaces suit horse riders. However, it is preferable for all users to be on an asphalted safe off road route than an asphalted road with motorised vehicles.

Path Name: The titles 'cycle track' and 'bridleway' should be avoided for shared use paths. They can give a message that the route belongs mainly to one user group (therefore exclusive, not inclusive). In the case of 'cycle track' the word 'track' is often synonymous with racetrack which can encourage speeding.

A common generic name such as 'Greenway' for all shared use paths irrespective of their definitive status, would better serve all users. Cycle tracks termed 'Greenways' should have a hard surface suitable for all cyclists, and bridleways (also multi-user) termed 'Greenways' should have a soft surface suitable for all horse riders.

A specific OS map Greenway marker would therefore ensure clarity as to whether a route was multi-user or not. This information is not currently available, causes confusion and inhibits tourism.

Separated Paths: Where space allows optional hard and soft surfaces can be provided. Families, equestrians and mountain bikers often prefer a grass surface, and many cyclists prefer a hard surface. However, there should be no separate paths for individual user groups for the following reasons:

- Creating separate paths for equestrians serves to perpetuate the myth that horses are unable to share paths safely with others.
- Cyclists who wish to ride fast along a route may benefit from a 'fast lane' but this could cause injury to other users unless completely separated. Separate paths can be a safety hazard in themselves as individual user groups do not look out for other types of users on 'their' section. Small children may be at risk of straying into separated pathways.
- There is no gain in terms of risk by spending public money on separate paths for a single group which could be better spent providing more safe routes for all. Equestrians represent only 1% - 2% of cycle path users (Sustrans) and their impact is minimal.
- Grassed verges can benefit all users. However they may need maintenance since long grass can be dangerous for horses and other users because of hidden rubbish such as cans, glass bottles etc. Councils may not have the resources to regularly mow long sections of cycle path verges.

Code of Conduct: It has been demonstrated and documented through research that a simple Code of Conduct is all that is necessary to ensure users are able to share multi-user paths without unacceptable risk. All users can be asked to 'take care of the needs of others' and where a route is narrow, other users should 'Give Way' to walkers who are generally slower and feel more vulnerable than faster moving users.

