

This is the second of the new Horse Around E-Bulletins.

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*Horse Around E-Bulletin 2*

*May 2017*

### ***Straight from the Horse's Mouth***

Hello Members and Riders,

Recently we have had some much needed rain and I have been able to get to my computer. Welcome to our second new style E-Bulletin. We hope you liked the last one. It certainly makes life easier for us, and we plan to communicate with you just that bit more often when items are fresh or need action.

We had our AGM back in April and we were pleased with the turnout. We were delighted to have some new members join us and we also welcomed back some old faces. Your committee was re-elected - Amanda Nicholson, Christine Hichens, Debbie Smith, Beverly Jenkin, Tracy Harris and then Catherine Woodford as Treasurer, Adrian Bigg continues as Chairman and Margaret Bigg as Secretary. Debbie has her horsey Facebook site and Beverly is helping with input. You can also look for news there or contribute to items.

We were very pleased to welcome Linda Holloway, Cornwall Council Enforcement Officer, to our AGM who updated us on the work she is doing. You can read about this later.

The not so 'magic' date of 2026 is getting closer, and you will be hearing a lot more about this in the future, therefore we have covered what was discussed at the AGM and our plans to endeavour to get our unrecorded routes ultimately on to the map and protected for posterity.

I wish you good and safe riding this Summer

Margaret

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### ***Horse Hikes***

As promised Horse Hikes will be organised when possible. We now have two Horse Hikes programmed:

### **Penwith Landscape Project**

We reported on the background to the PLP Project last year. This Cornwall Wildlife Trust project has been working out of the current PAROW premises. Part of the project is Access and importantly the establishment of the

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### Sunday 7 July - Chapel Carn Brea

Please contact Beverly Jenkin for  
 details  
 email bev871@hotmail.co.uk  
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Local interest groups are involved and Adrian is on the Project Board, The current phase of the project finishes at the end of July. We then await confirmation of the major funding for the proper work of the project to start which will continue over the next few years.

The project components are under the headings:

- People and Communities
- Access and Archaeology
- Economy Farming and Wildlife
- Communication and Interpretation

### **Project 2026 Cornwall**

We explained the significance of the 2026 deadline for Definitive Map Modification Order Applications in the last bulletin.

The Countryside and Rights of Way Act 2000 contains legislation which extinguishes all historic Rights of Way that are not recorded on the definitive map by 2026.

Will the routes you ride still be open after 2026? Unless they are all legally recorded as bridleways many may be lost at that date.

It is important to understand that come 2026, all pre-1949 riding routes that are currently not on the definitive map may be lost; UNLESS we make a legal claim by producing historical documentary evidence and submitting a Definitive Map Modification Order Application (DMMO), before 2026, on any unrecorded historic path we ride.

This date was specifically asked for by the landowner organisations (CLA, NFU etc) to ensure that all rights of way are correctly recorded by the 2026 date.

Cornwall Council now accept the value of historic evidence such as Tithe Maps, old Inland Revenue Maps and similar, in proving rights of way exist. It is now timely to start looking at archive documentation to prove that many of the tracks and paths we ride were originally old roads but never properly recorded.

Project 2026 Cornwall, has now been launched, is a joint project between the British Horse Society, the Ramblers and Cornwall Council. The Project is lead by the

Under the Access Heading it is proposed to have a full time Penwith Landscape Access Officer.

If all goes according to plan the project should receive the go ahead with full funding by January 2018.

#### **PAROW**

PAROW has been just ticking over in the hope of more grant funding and being able to participate in the PLP project. However after our hopes were raised for possibility of new Local Action Group (LAG) funding, and a positive response to a submitted expression of interest, the unexpected election has put all progress on hold. At this moment we are no longer so optimistic. PAROW has been an essential part of work that Cornwall Council cannot do, such as clearing tracks we ride that are not on the definitive map. PAROW is likely to have to vacate its current premises at Bejowans at the end of July.

#### **DMMO APPLICATION BACKLOG**

Cornwall Council in common with many other authorities has a substantial back log of DMMO applications to process. Typically it is taking in excess of 10 years to get a route recorded via the DMMO process. The applicant can

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historic paths for future generations by recording the historic evidence that proves paths are Rights of Way.

Adrian started this web project in Cornwall but it is now being launched in other counties countrywide. Please see

<http://www.bhsaccess.org.uk/dobbin/Project2026.php>

Please click on [Cornwall](#). The map password is 2026. The project is open to everyone and anyone may add potential routes to the map and or add research information about a particular path. Volunteers have already added 400 paths to the map in addition to 900 we already had identified. Full help and information is given on the site.

has significantly changed its view on the excuses made by authorities for not processing applications. The latest appeal by the Ramblers in West Cornwall has resulted in the SoS instructing Cornwall Council to determine the application inside 6 months. This of course puts all other applications further down the queue. We therefore encourage all applicants to appeal.

Please see the SoS decision. It gives important factors on the grounds for a successful appeal.

[View decision.pdf](#)

### ***Old Road from Collorian to Tregellast, Ludgvan***

This old road is only recorded as a Footpath and some years ago a barrier was erected (we believe by the Parish Council) to stop horses using it, despite it having been used by horses for years. We have now been able to check the path on the Tithe Maps and it is recorded as a Road. It therefore certainly has unrecorded higher rights for riders and possibly carriages to use it. We have taken advice from Cornwall Council on the legality of the barrier and we understand that it cannot be authorised under "normal" procedures. We therefore consider it to be an illegal obstruction and have submitted a Section 130a Order (under the Highways Act) asking for the obstruction to be removed. We will also be submitting a Definitive Map Modification Order to have the route recorded as a Bridleway or Restricted Byway.

### ***Riders Barred from old lane between Bowling Green Farm and Bosleake in Carn Brea, Redruth,***

As we reported in the last bulletin there is an unrecorded old lane that runs between the unclassified county roads from Bowling Green Farm and Bosleake that has been blocked by local farmer.



The route has been used regularly for decades by many riders each day. It is extensively used by Wheal Buller Riding School and has been for the last 30 years.

Wheal Buller have now submitted a DMMO Application for the route. We are also hoping that CC can get the route reopened to riders in advance of that DMMO being processed.

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*The above picture shows the obstruction. Interestingly half the staggered barrier has now fallen down.*

### **Castle-an-Dinas Bridleway Diversion**

The quarry company (CORMAC) diverted the bridleway without doing a legal diversion. We complained and insisted it should be built to a proper width standard, surface and legally diverted. We are still awaiting Confirmation of a second submission of the the Diversion Order.

### **The Ramblers REACT Project**

This ongoing project, run in conjunction with CC Officers, is to open up PRoW that are blocked. The Ramblers would like more help from riders especially where bridleways are being cleared. WPBA members were called upon on 2 recent projects, Paul bridleway 28 where Tracey made a big impression with the Ramblers with her big scythe, and the rather fantastic bridleway 52 at Trezelah that makes for a valuable connection and a lovely ride. We had an excellent turnout of horse riders to help with a day's clearance at the latter. .

### **Presentation at the AGM by Linda Holloway**

At the AGM we welcomed once again, Linda Holloway Senior Enforcement Officer from Cornwall Council, who talked about the work she is currently doing. She explained her team and way of working.

Cornwall is split into two – the west and the east. There are 2 CORMAC officers Donna covers the west

### **St Hilary 81 Gwallon**

The legalities of the route of this bridleway that was opened several years ago has still not been sorted out by Cornwall Council. They need to process a Diversion Order which the landowners have agreed to. However the stumbling block has been a mine shaft that is believed to exist near the path. Cornwall Council say it must be made safe to enable the route to become official. The farce is that riders have been using it and there is no obvious evidence of any mine shaft. Cornwall Council have surveyed it but we don't know the results but they are supposed to be making it safe. We have chased them again for report on progress.

### **Paul Bridleway 28 from Sheffield (Quarry Lane) to Kerris**

Has any one tried using this bridleway since it was opened under the Rambler REACT project?

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### **Bridleways Campaign**

During the winter months, (Sept to March) Linda has been running a bridleways campaign – taking a selection of bridleways and inspecting them.

She has found many of the bridleways in the county are unusable. Currently, there are 30 bridleways in the east and 30 in the west all blocked, but no one has complained. Riders do need to identify the routes blocked and report them to Cornwall Council. The budget will be cut further if we don't complain.

A particular set of bridleways in Four Lanes, Redruth are blocked. Some have stiles - as in Breage where they have a legal limitation which she has to enforce. It usually means that they are the wrong status and should have been footpaths! However, there are some footpaths in Breage that really should be bridleways. Obviously, there has been a mix up somewhere in the distant past - marked with the wrong status. Therefore horse riders loose out twice.

Donna has successfully cleared 21 paths FPS and BWs in the west. Bridleway Madron 51 Trezelah was eventually opened early this year via enforcement action after the landowner was not happy with the path being opened by volunteers.

### **Clearance during the bird nesting season**

Routes can be cleared during this period. CC will now do an assessment for nests before cutting. It is now recognized that Health and Safety issues for horse riders comes first. Cutting for bridleways should be 3.5 meters high and 3 meters wide for a field edge path.

Electric fences are becoming an increasing problem. Cornwall Council do not accept electric fencing alongside a bridleway or across it. No electric fencing either side of a metal gate. There should be enough room to turn and maneuver (4 meters required) a horse around a gate.

Processes for sorting out problems are long as written warnings have to go out and a procedure for legal enforcement followed. Linda currently has 90 cases live and 400 other cases to work on! That is a typical level of her workload. If you have any unfortunate confrontations or harassment on a bridleway it is best to phone the Police and ask for an incident number and also inform Cornwall Council, Countryside Enforcement Officer.

Nuisance Dogs - On a public highway a dog must be under close control. The Kennel Club says you are not in close control if the dog is running along side its owner who is on horseback. Riding with dogs is not recommended. Dogs walked through sheep must be on the lead.

Linda has been working on a new initiative with the NFU, CLA and landowners as a result of a spate of fatalities from cattle attacks. She has been the main instigator of a pilot cattle project for safety guidance and recommendations. The cattle project is being taken up by the farm safety partnership. Landowners and farmers are being fined for incidents where it is known there has been previous occasions that cattle or horses have proved to be a danger to the public on cross field paths.

- Horses have taken up as many incidents as cattle. It is therefore important that if you have a horse in a field with a PRoW that you must do a risk assessment. It only needs to be a simple statement kept in case of a problem. Eg. *My horse will not bother with the public unless approached or upset by a dog on the loose. I have signs which say please keep your dog on a lead or not to feed the horses.* – That kind of thing shows you have taken reasonable and responsible precautions.
- However, if you know your animal to be aggressive with people you will be prosecuted.

Her main message of the evening was Horse Riders are still not complaining enough to get the attention that bridleways deserve. She said funding will be further reduced or redirected elsewhere if Councilors think we are all happy with our bridleways.

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