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**RESPONSIBLE COMMERCIAL EQUESTRIAN ACCESS**

**Basic principles**

* Section 1 of the Land Reform (Scotland) Act 2003 establishes rights of access over most land and inland water for non-motorised users including horse-riders, walkers and cyclists, provided they exercise their rights responsibly.
* The Scottish Outdoor Access Code (SOAC) provides detailed guidance on rights and responsibilities of access users and land managers.
* Commercial operators enjoy the same access rights as individuals, provided they exercise these rights responsibly.

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| **Key Principle** | As an access user | As a land manager |
| Take responsibility for your own actions | Take account of natural hazards. Remember that the outdoors cannot be made risk-free and act with care at all times for your own safety and that of others. | Act reasonably, lawfully and with care at all times for people’s safety. |
| Respect the interests and safety of other people – act with courtesy, consideration and awareness | Respect the privacy, safety and livelihoods of those living or working in the area where you walk/cycle/ride.Respect the needs of other people enjoying the outdoors. | Do not cause unreasonable interference with rights of anyone exercising or seeking to exercise their access rights.  |
| Care for the environment | Look after the places you visit and enjoy, leave the land as you find it. | Help maintain natural and cultural features which make the outdoors attractive. |

Paragraph 3.62 of the SOAC provides specific advice to those running a business, which includes riding schools, trekking and trail riding centres, livery yards, trainers and proprietors of other equestrian businesses.

If you instruct, guide or lead people in recreational or educational activities, either commercially or for profit, take extra care to minimise any adverse effects that you might have on the interests of other businesses, such as a farm or an estate, and on the environment. Doing a full risk assessment of your activities will provide a good starting point and you can show extra care by:

* Planning your activities in ways that minimise possible impacts on land management and the interests of others should you wish to use a particular place regularly or if your visit might cause any particular concerns about safety or the environment.
* Talking to the land managers who are responsible for places that you use regularly or intensively.
* Obtaining the permission of the relevant land manager(s) if you wish to use a facility or service provided for another business by the land manager (such as an equestrian facility).
* If you are running a business that utilises access rights consider assisting with care of the resource used by your business.

**Where do access rights apply?**

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| Examples of where you can ride/drive | Examples of where you can’t ride/drive |
| Most paths and tracks (provided you are not causing damage) | Anywhere you will cause damage |
| Through enclosed fields where crops have not been sown e.g. permanent grass | Farmyards, curtilage of buildings, policies around large houses, private gardens etc. (other than ROW or established customary access) |
| Hills, mountains and moorland | School grounds, sports fields |
| Woodland and forestry | Land on which crops have been sown, including grass grown for hay or silage at risk of damage |
| Margins of fields where crops or growing or have been sown | Property for which entry fee charged |

Further details of how and where access rights apply to different types of land are summarised in the SOAC. More detailed guidance specific to equestrian access produced jointly by BHS and Scottish Land and Estates is available from

http://www.bhsscotland.org.uk/responsible-riding.html.

In principle carriage drivers enjoy the same access rights as horse-riders, although in practice the range of routes accessible to horse-drawn carriages is often more limited.

**Is permission required?**

Permission is not generally required for any paths, tracks or areas where access rights exist under the Land Reform Act, or on established equestrian rights of way. Permission is required for use of any land other than your own for repetitive schooling, or to use a facility or service provided for another business such as cross country jumps or gallops. As vehicular access is not included within access rights, permission may also be required for parking.

Even where permission is not a legal requirement, in line with the SOAC, BHS urges all equestrian businesses to liaise with relevant owners and managers of any land you use regularly for riding or carriage driving, or where you propose taking groups of riders or carriage drivers.

**Key issues from an equestrian perspective**

The key issues from an equestrian access perspective are risk of physical damage, and impact on others, including land owners/managers, walkers, cyclists and other horse-riders. The potential for damage increases significantly where specific routes or areas are used regularly or repeatedly. The risk of physical damage as well as risk of interference with both land management operations and the rights of others wishing to exercise their access rights increases with the number of riders. Proprietors of equestrian businesses therefore have even greater responsibility than individual riders and carriage drivers to ensure that both they and their clients ride and drive responsibly.

**Responsible riding and driving**

BHS’ guidance on responsible riding can be downloaded from <http://www.bhsscotland.org.uk/responsible-riding.html>.

This expands on the principles of the SOAC as they apply to riders and drivers. The main points which all riders and drivers need to bear in mind are:

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| **Key principle** | **Responsible action** |
| Respect the interests and safety of other access takers (including other riders) | * Be considerate and aware of other peoples’ potential fear of horses.
* Greet people you meet cheerily and politely.
* Reduce pace to walk when approaching or passing other access users (including other riders).
* Ride in single file on narrow paths, and when passing other access users.
* Give walkers and cyclists a wide berth, particularly the young and vulnerable.
* Where possible, ride alongside surfaced cycle or footpaths.
* Clear dung off surfaced cycle or footpaths.
* Step aside to allow others to pass on narrow paths.
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| Avoid causing unnecessary interference with land management activities and think about the cumulative impact you or others may be having | * Where possible avoid land management operations such as ploughing, timber harvesting, spraying.
* Ride slowly through or past livestock, maintaining a safe distance, using an alternative route where possible. Avoid getting between cows and calves.
* Leave gates as you find them.
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| Respect the environment | * Where possible follow established paths and tracks.
* Don’t use narrow, unsurfaced paths or waterlogged ground in wet weather when the surface is more prone to damage.
* Limit number of riders per group, and how often specific routes are used, particularly in wet weather.
* Avoid riding on any fields in wet weather.
* Ride in single file on field margins to avoid crop damage.
* Don’t damage hedgerows, dykes or fallen trees by jumping.
* Take particular care riding around historic and archaeological sites, and sites of special scientific interest.
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| Respect privacy  | If riding past peoples’ houses, avoid peering through the window. How would you feel? |

**Your responsibilities as an equestrian proprietor**

As equestrian businesses are far more likely to impact on the interests of others, proprietors are under greater onus to ensure they fully honour their responsibilities.

* Make sure your staff and/or livery clients are aware of and respect access rights and responsibilities.
* Ensure that all your clients and staff respect privacy of nearby property.
* Keep ride sizes small and limit the number of times a route is used in any one day, or over any period, to take account of ground conditions at the time. Seven is the recommended maximum per group (one escort and six riders, as stipulated in BHS’ Hacking and Trekking Code of Conduct), but in wet weather or on soft ground, even seven riders may cause more damage than a surface can sustainably support. On narrow paths, particularly those heavily used by other walkers, riders and cyclists, groups should be kept far smaller than this to avoid interfering with others’ enjoyment.
* Ensure clients act with consideration and respect when meeting others enjoying the countryside.
* Honour your duty of care and responsibility to others by ensuring that your clients are capable of controlling the horse they are riding or driving before they head out of an enclosed arena.
* In promoting your business, avoid promising riders or carriage drivers specific routes which are vulnerable during wet weather. Identify alternatives for such eventualities.
* Remember that rights of access probably apply to your land too, including fields with grazing horses.

It is worth bearing in mind that persistent failure to behave responsibly in line with the SOAC could result in an interdict against you as a proprietor, or your individual clients, which will not enhance reputation.

**Access risk assessment**

The BHS Hacking and Trekking Code of Conduct provides valuable guidance in relation to risk assessments. Reviewing the existing and potential impacts of riding or carriage driving which happens in connection with your business is equally vital. You need to take into account:

* **Surface:** are hooves churning up the surface or making a mudbath of paths, tracks or areas you use for riding or driving?
* **Other users:** how does your use of routes affect others who want to enjoy the routes (walkers, cyclists and horse riders of all ages and abilities)?
* **Land management activities:** how might use of routes or areas impact on livestock grazing, crop management or timber harvesting?
* **Sporting and other recreational interests:** is there any potential conflict with shooting, stalking or fishing?

**Develop an access strategy for your business**

* Identify which routes are most prone to damage e.g. unsurfaced paths/tracks, wet areas, and routes or areas which you may need to avoid during lambing, or when shooting or stalking is taking place.
* Plan local rides/drives to avoid areas or routes which will not sustainably support equestrian access, or where there may be conflicts with other users, land management or with privacy of local residents.
* Tell your staff and livery clients which are the best local routes to use at different times of year.
* Stop using routes where you are causing damage or if problems arise. Make sure you inform staff or livery clients of any routes which they should temporarily avoid, when and why.
* Identify alternative routes for use during wet or severe weather, or during stalking or shooting of specific areas.
* Take responsibility and appropriate action in respect of any problems which may arise as a result of your business.

**Liaison with land owners/managers**

Developing and maintaining good relationships with those whose land people ride or drive over in connection with your business is common sense, but above and beyond this, remember that your responsibilities as a proprietor include ensuring you minimise adverse effects of your business on others. This includes liaising with land owners and managers to determine if/when shooting, stalking or other sporting activities are taking place to avoid any potential conflict, and identifying routes or areas sensitive to access at different times of year.

**Contributing to path maintenance and improvement**

Many equestrian businesses rely on other peoples’ land as their basic resource for riding or carriage driving, and there is no doubt that regular use of the same paths, tracks or areas by equestrian businesses, including livery clients, can have major physical impacts. Voluntary contribution to help maintain and improve the routes on which your business relies is a sound investment, not least in promoting goodwill.

Talk with your local access authority and/or local landowners/managers about how you might get involved e.g. funding or helping with physical work to replace gates, sort out drainage problems, improve surfacing or clear overhanging branches or other obstructions. Livery yard proprietors might usefully encourage their clients to get involved too.