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**BRITISH HORSE SOCIETY PROTOCOL FOR PROMOTING OFF-ROAD RIDING AND CARRIAGE DRIVING ROUTES IN SCOTLAND**

**BHS’ recommendation and in-house policy is that as a matter of courtesy, land owners and managers should usually be consulted before promoting off-road riding and carriage driving routes. This guidance note explains the rationale behind this protocol, exactly what falls within the definition of ‘promoting’ a route, suggests how to consult appropriate individuals, and identifies some exceptions where consultation is not considered necessary.**

**Introduction**

The Land Reform (Scotland) Act 2003 confirms a right of non-motorised recreational access to most land and inland water in Scotland, provided this right is exercised responsibly. This means that in principle horse-riders should be able to use suitable paths and tracks without having to ask or being expected to ask for permission. However simply identifying a route on a map is no guarantee that you will actually be able to get through with a horse on the ground – sadly locked gates, stiles, kissing gates, cattle grids and other such obstructions remain all too common, even on routes otherwise entirely suitable for equestrian access. Hence why leaflets, maps and route guides confirming which routes are accessible on horseback are arguably more important in Scotland than elsewhere in the UK. Responsible route promotion can help people reduce their impact whilst participating in their chosen activity. Agreeing specific routes to promote also helps land owners and managers as they then know which routes are most likely to be used, and manage accordingly. Promotion of specific routes does not negate or affect broader access rights to other land.

**Is consultation essential before promoting a route?**

Promotion of routes is not referenced within the Land Reform (Scotland) Act. The Scottish Outdoor Access Code which accompanies the Act recommends in paragraph 3.63 (p49)

*“If you are writing a guidebook, leaflet or other promotional material about access in an area, try to talk to the relevant land managers to see if any local issues relating to privacy, safety or conservation need to be referred to in the publication.”*

In accordance with this guidance, whilst consultation is not necessarily compulsory in legal terms, BHS believes (as do most other organisations who share an interest in outdoor recreation in Scotland) that as a matter of courtesy, land owners and/or managers should be consulted before promoting routes. Consultation is nothing more than we would expect in relation to our own land.

**What exactly does “route promotion” mean?**

BHS’ route promotion protocol embraces inclusion of specific route descriptions or maps in written, media or web-based articles, leaflets, route guides, books or other material. Recommending a route to a friend, whether verbally, electronically, in writing, or by accompanying them on a ride or carriage drive along a route, does not fall under the definition of route promotion and does not require consultation. Consultation or negotiation of routes for a specific event or competition relates to a specific event, and does not substitute for consultation with land owners and managers regarding promotion of the same route(s) for other use.

**First steps**

Before considering route promotion, BHS recommends that you carefully consider:

* is the route accessible with a horse and capable of sustaining the promoted type of use?
* who will route promotion be targeted at?
* what is required to enable route users to easily follow the route on the ground?
* how is route promotion likely to affect level or seasonality of use?
* risk of environmental damage
* the potential implications for land owners, managers and wildlife which may result from increased use
* how will equestrian use of a route affect enjoyment of the route by others such as walkers or cyclists?

**Are there any routes for which consultation is unnecessary?**

Consultation is generally considered unnecessary where it is reasonable to assume that land owners and managers have previously been consulted and/or agreed to route promotion such as:

* Paths or tracks where previous consultation as part of route development has included confirmation of future route promotion e.g. all routes within the South of Scotland Countryside Trails network.
* Paths, tracks or routes which are already promoted for any type of informal access, including those currently promoted only for walking or cycling. This includes, for example, horse-accessible sections of long distance routes such as the West Highland Way or Cameron McNeish’s Scotland End to End route.
* Core paths, for which it is implicit that extensive consultation has already been undertaken by the access authority in preparation of core path plans.

There is less of an expectation for consultation before promoting paths or tracks which are well-established horse riding/carriage driving routes, particularly those which are established rights of way or accepted as falling within access rights. Occasionally there may be justification for promoting sections of route without land owner or manager agreement provided there is clear legal right of access and promotion falls within the SOAC guidance quoted above. Where there is good reason to think that landowners or managers may unreasonably refuse to agree to promotion of such routes, please consult BHS to discuss appropriate action.

Access rights generally apply to all beaches. No consultation is usually required before promoting equestrian use of beaches, but consultation may be required regarding promotion of access to the beach where this is across privately owned land. Particular care is required regarding parking arrangements when promoting beach access.

**Who and how to consult**

BHS does not wish to prescribe the form of consultation: what matters is to consult land owners and managers relevant to the route(s) to be promoted. The most appropriate form of consultation will vary depending on whether you have had previous contact with the land owner/manager, whether they live locally, and a range of other factors. A friendly phone call or visit is usually all that is required for local farmers, whereas factors or private companies responsible for managing land may request brief written details of the route(s) to be promoted. Usually you would be expected to consult one key contact in respect of each section of route, but always check whether there is anyone else you need to contact e.g. for tenanted land it is worth confirming whether you also need to approach the landowner. The local access authority or organisations such as National Farmers Union of Scotland, Scottish Land and Estates may be able help identify appropriate contacts if required.

When approaching land owners/managers, or their agents, to confirm agreement to proposed signage, waymarking, gate replacement or other physical improvements, it makes sense to include mention of future intention to promote the route. It is good practice to summarise the details in writing.

**What to include in promotional material**

* Ideally a plan or map clearly identifying the route (be careful not to infringe Ordnance Survey or other copyright restrictions).
* Route description.
* Recommended season of use, and any restrictions in this respect.
* Specific safety issues e.g. potentially dangerous road crossings.
* Other features or aspects of the route which riders (or carriage drivers) might need to take into account before deciding whether to use the route. Remember that all access takers are responsible for their own actions, and that everyone has their own individual perception of risk. Information provided as part of route promotion should aim to help riders and carriage drivers assess the most significant risks in advance of using a route and decide for themselves whether they consider a route suitable for their level of experience, or their horse.
* Information on parking, services and amenities.
* Guidance on riding responsibly (see http://www.bhsscotland.org.uk/responsible-riding.html).

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